

19/12/79

# THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume V, 1935

(2nd September to 16th September, 1935)

SECOND SESSION

OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1935

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1936

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THE  
**LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

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**Volume VI, 1935**

*(17th September to 26th September, 1935)*

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**SECOND SESSION**

**OF THE**

**FIFTH LEGISLATIVE ASSEMBLY,  
1935**



NEW DELHI  
GOVERNMENT OF INDIA PRESS  
1936

# Legislative Assembly.

*President :*

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., K.T.

*Deputy President :*

MR. AKHIL CHANDRA DATTA, M.L.A.

*Panel of Chairmen :*

PANDIT GOVIND BALLABH PANT, M.L.A.

MR. ABDUL MATIN CHAUDHURY, M.L.A.

MR. G. MORGAN, C.I.E., M.L.A.

MR. M. S. ANEY, M.L.A.

*Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

*Assistant of the Secretary :*

RAI BAHADUR D. DUTT.

*Marshal :*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

*Committee on Petitions :*

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman.*

PANDIT GOVIND BALLABH PANT, M.L.A.

SYED GHULAM BHIK NAIRANG, M.L.A.

DR. F. X. DESOUZA, M.L.A.

MR. LALCHAND NAVALRAI, M.L.A.



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# Legislative Assembly.

## *President :*

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.

## *Deputy President :*

MR. AKHIL CHANDRA DATTA, M.L.A.

## *Panel of Chairmen :*

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## *Assistant of the Secretary :*

RAI BAHADUR D. DUTT.

## *Marshal :*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

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

---

VOLUME V—1935.

---

LEGISLATIVE ASSEMBLY.

*Monday, 2nd September, 1935.*

The Assembly met in the Assembly Chamber in Simla, at Eleven of the Clock, being the First Day of the Second Session of the Fifth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act. Mr. President (The Honourable Sir Abdur Rahim, K.C.S.I., Kt.), was in the Chair.

MEMBERS SWORN.

The Honourable Sir Muhammad Zafrullah Khan, Kt. (Member for Commerce and Railways) ;

The Honourable Mr. David George Mitchell, C.S.I., C.I.E. (Member for Industries and Labour) ;

Mr. Thomas Chapman-Mortimer, M.L.A. (Bengal : European) ;

Pandit Krishna Kant Malaviya, M.L.A. (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) ;

Mr. Muhammad Yamin Khan, C.I.E., M.L.A. (Agra Division : Muhammadan Rural) ;

Mr. Frank Burton Leach, M.L.A. (Burma : European) ;

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

Mr. J. H. Blackwell, M.L.A. (Nominated Non-Official) ;

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

Mr. Alan Hubert Lloyd, C.S.I., C.I.E., M.L.A. (Government of India : Nominated Official) ;

Mr. Arthur Sheldon Hands, C.I.E., M.L.A. (Government of India : Nominated Official) ;

Diwan Bahadur Rasipur Varada Krishna Ayyar, M.L.A. (Madras : Nominated Official) ;

Mr. Duncan MacLachlan, M.L.A. (Bombay : Nominated Official) ;

Mr. Madhusudan Damodar Bhat, M.L.A. (Bombay : Nominated Official) ;

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## CORRIGENDA.

In the Legislative Assembly Debates, Simla Session, 1935,—

(1) Vol. V, No. 1, dated the 2nd September, 1935, page 50, in the second line of Mr. P. R. Rau's answer to unstarred question No. 15, for "8'-0" Bogie" read "68'-0" Bogie".

(2) Vol. V, No. 2, dated the 3rd September, 1935,—

(i) page 250, last line, and page 251, line 1, for "useful to this country, can be tabooed by the Board of Censors" read "useful to this country, from an educational point of view, be tabooed by the Board of Censors".

(ii) page 267, line 18, for "country" read "cause".

(3) Vol. V, No. 3, dated the 4th September, 1935, page 297, in the supplementary questions, for "Mr. A. H. Ghuznavi" read "Sir Abdul Halim Ghuznavi".

(4) Vol. V, No. 4, dated the 5th September, 1935,—

(i) page 452, line 12, for "statement" read "statesman".

(ii) page 475, line 7, for "taings" read "things".

(5) Vol. V, No. 6, dated the 9th September, 1935, page 673, line 22 from the bottom, for "tittle" read "tittle".

(6) Vol. V, No. 10, dated the 13th September, 1935,—

(i) page 969, in the subject-heading to starred question No. 347, for "Ceylone" read "Ceylon".

(ii) page 977, line 10, for "pats" read "parts".

(7) Vol. VI, No. 3, dated the 19th September, 1935,—

(i) page 1313, in the subject-heading to the Resolution, for "Eathquake" read "Earthquake".

(ii) page 1346, line 16 from the bottom, for "I beg to leave" read "I beg leave".

(iii) page 1364, last line, for "have" read "gave".

(8) Vol. VI, No. 4, dated the 20th September, 1935, page 1552, line 11, for "Indian" read "India".

(9) Vol. VI, No. 6, dated the 24th September, 1935,—

(i) page 1699, in the subject-heading to starred question No. 635, for "against" read "against".

(ii) page 1712, in the subject-heading to starred question No. 650, for "Supervisor of Labour" read "Supervisor of Railway Labour".

(iii) page 1740, line 22, for "pround" read "proud".

(iv) page 1746, line 17 from the bottom, for "movemet" read "movement".

(v) page 1747, line 5 from the bottom, for "hear" read "bear".

(10) Vol. VI, No. 7, dated the 25th September, 1935, page 1782, line 15 from the bottom, for "rules" read "rates".

(11) Vol. VI, No. 8, dated the 26th September, 1935,—

(i) page 1905, insert the following head-line below the head-line "SHORT NOTICE QUESTION AND ANSWER":—  
"DISTRESS OF QUETTA MERCHANTS".

(ii) page 1924, line 17, for "vulcano" read "volcano".

(iii) page 1965, line 24, for "fuad" read "fraud".

Mr. Percival Joseph Griffiths, M.L.A. (Bengal : Nominated Official) ;  
 Mr. Leonard Owen, M.L.A. (United Provinces : Nominated Official) ;  
 Mr. Dionys John Norris Lee, M.L.A. (Central Provinces : Nominated Official) ;  
 Mr. Sankar Pandurang Desai, M.L.A. (Assam : Nominated Official) ;  
 and  
 Mr. Tom Lister, C.I.E., M.L.A. (Burma : Nominated Official).

**DEATHS OF SIR BASIL BLACKETT, SIR DEVA PRASAD SARVADHIKARY, LALA FAKIR CHAND AND HAJI ABDULLA HAJI QASIM.**

**The Honourable Sir Nripendra Sircar** (Leader of the House) : Sir, before you take up the day's work, may I have your permission to mention the deaths of some of the past and present Members of this Assembly.

The first name which I have to mention is that of Sir Basil Blackett. Long accounts of his life and of his activities have recently appeared in the press, particularly in every newspaper, English and vernacular, and I have no desire to take the House over the long history over again. I would like to remind the House very shortly that he was the Finance Member and a Member of this Assembly from 1923 to 1928, he was the Leader of this House from August 1927 to March 1928, he was the Secretary of the Indian Finance and Currency Commission in 1913-1914, and he was on a special mission to the United States Government in 1914. He was also a Member of the Anglo-French Financial Mission to the United States of America which raised the Anglo-French loan of 500,000,000 dollars in 1915. He was also the representative of the British Treasury in the United States of America from 1917 to 1919. His activities did not cease on his retirement and, as we all know from the biographies which have been published, he was holding a very responsible post at the time when the tragic occurrence took place as the result of a motor accident.

Sir, the second name I have to mention is that of Sir Deva Prasad Sarvadhikary, who was a Member of the First Legislative Assembly, representing the Calcutta Non-Muhammadan constituency from 1921 to 1923. He was an elected Member of the Council of State from 1923 to 1925. Before this he had been a Member of the Indian Legislative Council and a Member of the Bengal Legislative Council. He was also a member of the Lytton Committee for Indian students in England ; and he was also a member of the Government of India Deputation (Paddison Commission) to South Africa. As we all know he took a prominent part and a great interest in all matters connected with education in Bengal and, generally speaking, the education of Indians. He was also a Substitute Delegate to the Assembly of the League of Nations in 1930 ; and he was for several years the President of the Incorporated Society of Law, Calcutta.

Sir I have yet to mention another name, that of Lala Fakir Chand, who was a Member of this House and whom I had the honour of knowing personally, having met him often outside the House ; and I think I am voicing the opinion of everybody here when I say that he always showed himself to be very frank in discussing the points he wanted to make against us, and he tried always to hear what we had to say against his views. Now, Sir, it is indeed sad that he is the fifth Member—and I think I am right in saying that he is the fifth Member of this House

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who has died untimely. Sir, I request you that the families of all these gentlemen may be informed through you of our sense of sorrow and loss at their untimely deaths.

**Mr. Bhulabhai J. Desai** (Leader of the Opposition) : Sir, it is a melancholy thing, on the eve of the opening of the present Session, that the Leader of the House should have had to mention and convey to the House the regretful news of the deaths of some of our immediate colleagues as well as of some of those who were the predecessors in this Assembly.

With reference to Sir Basil Blackett, a tragic accident brought to an end one of the most eminent careers in the history of men who have occupied such positions as he did. Sir, I had not the honour of having a personal acquaintance with Sir Basil Blackett, but, nonetheless, during the course of many controversies over financial matters that interested this country, I was able to perceive the clarity of mind and steadfast—as far as in him lay—maintenance of the point of view of India's credit and strength. Sir, he established some conventions, which I hope and trust will not die with him, notwithstanding his official retirement from here and his physical death from the world now ; and I have not the smallest doubt that those conventions will continue to be obeyed and honoured in the spirit in which they were framed. Sir, I associate myself with the loss of that great man.

The next person we have to mourn is Sir Deva Prasad Sarvadhikary, who died full of years and also full of honours and whom I had the occasion to know, mainly on account of the profession to which he belonged. I knew him as an educationist, but undoubtedly more so as the President of the Incorporated Law Society of the Calcutta High Court. He was one of those who led a deputation with a desire that the different High Courts of India should cultivate a genuine, cordial, brotherly relationship of lawyers of all branches, and, among those who formed the deputation from his province to ours, we had great pleasure in having had the benefits of all his experience in the purpose of framing some of our rules on the Original Side of the High Court, but more so, on the broader aspects of the expeditious disposal of cases.

As regards Lala Fakir Chand, he was a gentleman of whom I cannot speak in terms adequate to this occasion because I deem it a personal loss. He was physically and mentally what he looked—a genuine stalwart in the maintenance of the traditions of the nationally-minded Members of this House. He always stood square and solid, and it is almost difficult to believe that he is not present here today. His reliability and loyalty were qualities which might be envied in any part of the House, and I am quite certain, they would receive unstinted recognition from any man to whichever side he belonged, as a man he distinguished himself by the part he played primarily in his profession of law, and, later on, in the public life which he represented here.

I join, Sir, with my Honourable friend, Sir Nripendra Sircar, in the tribute that he has paid to the departed who were associated with this Assembly in carrying on the great work of the legislation of this country.

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : Sir, on behalf of my friends of the Independent Party, I desire to associate ourselves with the motion of condolence which has been moved by the Honourable the Leader of the House.



[Sir Abdul Halim Ghuznavi.]

loss of a dear personal friend, a great financier and a sincere well-wisher of India.

Sir Basil Blackett, as the Finance Member of the Viceroy's Executive Council, was certainly the centre of a great deal of controversy, as every person, having strong opinions, is bound to have, but, notwithstanding the same, his personal popularity with the Members of this House as well as the Indian business world outside grew from more to more as they recognised his sincerity of purpose and the value of his achievements. He displayed considerable independence of judgment in matters of public finance, and his claim to rank as Swarajist in matters financial was well-founded because of his determination to make India financial as well-founded because of his determination to make India financial. The separation of railway finance from the general budget was one of his best achievements. The education of the standing committees of the House in their powers was also another achievement of great importance. His sympathy with the political aspirations of India was well-known and was expressed more than once on the floor of this House. This sympathy he carried to his new spheres of activity in the United Kingdom. In his death the other day under tragic circumstances, India, determined to win self-rule, has lost one of her distinguished supporters and those of us who had the privilege of knowing him intimately a personal friend of great charm.

Sir, our deep sympathy goes to the desolate widow, Lady Blackett. No words of ours, no human sympathy can console her in her affliction, but, when she will know that this House mourns her husband's loss where he had been at one time such a popular and prominent figure, it will undoubtedly lighten the burden of her intense grief.

Sir, in the death of Sir Deva Prasad Sarvadhikary, I have lost another personal and dear old friend. We have known each other for very many years. His father was one of the distinguished doctors in Bengal who was our family physician. His zeal for temperance movement was well-known. Bengal has lost in his death one of her noble sons who had throughout worked and dedicated his life for the benefit and uplift of the province.

In the death of Lala Fakir Chand, we have lost one of our sitting colleagues. When I first made his acquaintance in this House, I felt what charming manners he had.

I have not had the honour of knowing Haji Abdulla Haji Qasim, but from what I heard from the Deputy Leader of the Independent Party, I have no hesitation to associate myself with all that he has said about the late Mr. Haji Abdulla Haji Qasim.

With these words, I associate myself with what has fallen from the Honourable the Leader of the House and with other Honourable Members who have just spoken.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, Lala Fakir Chand was my personal friend. During the short interval he was a Member of this Assembly, he showed himself to be very obliging and social. In a short time, he made friends with me, and I am sorry to see that I do not see him in the House today. Lala Fakir Chand made himself popular during the brief stay in the House. I pay tribute to his

memory, not only because he was my personal friend in the House, but also because he belonged to the same profession to which I have the honour to belong. In the House he showed himself to be very proficient in subjects relating to law. I express my full sympathy with his bereaved family.

As regards the other three Members, I express the same feelings of sympathy with their families. I did not know personally Sir Basil Blackett, but from the records he left behind of his work in the Assembly, I can say he was a very hard worked Member and was a very able man. We are, therefore, sorry to lose him. As regards the other two Members, I associate with what has fallen from the lips of other Honourable Members, and I would request the Chair to convey our sympathies to the bereaved families.

**The Honourable Sir Nripendra Sircar** : I have just to say one word, and, that is, I wish to associate myself entirely with what has fallen from my Honourable friend, Mr. Abdul Matin Chaudhury, as regards the late Haji Abdulla Haji Qasim.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : My Honourable friend, Sardar Sant Singh, has already spoken on behalf of the Congress-Nationalist Party, and, therefore, I should not be justified in speaking again for that Party, but, at the same time, I feel that I would be failing in my duty if I did not say a word or two about Sir Deva Prasad Sarvadhikary, coming as I do from Bengal. Sir, I had the pleasure and honour of working with him as a colleague in the Bengal Legislative Council in the pre-reform days. Whenever he took part in the debates of the House, the whole House listened to him with great attention and respect. He was a great leader of men, and, although I did not belong to the same school with him in politics, I had the highest respect for his character, for his courage of conviction and for his honesty of purpose. His death will certainly be a great loss to Bengal, and, for the matter of that, to India.

**Mr. President** (The Honourable Sir Abdur Rahim) : It will be my mournful duty to convey the sense of loss of this House which has been expressed by the Leader of the House, the Leader of the Opposition and the other Honourable Members, to the bereaved members of the families of the deceased gentlemen, Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, Lala Fakir Chand and Haji Abdulla Haji Qasim. It has also been brought to my notice that another gentleman died recently who was a Member of this House, Mr. Sesha Ayyangar of Madras. At almost every Session, this House has to mourn the loss of some Member or other, and, on this occasion, we mourn the loss of no less than five gentlemen who were Members of this House at one time or another, including one sitting Member.

I do not desire to add anything to what has already been said regarding Haji Abdulla Haji Qasim by the Honourable Members who knew him.

As regards Sir Basil Blackett, his distinguished career as an exponent of finance is well-known, and his unfortunate death at an age when he was still capable of rendering great services to his nation is mourned by every one who knew him or was acquainted with the work that he did.

Sir Deva Prasad Sarvadhikary I knew very well. He belonged to a distinguished family which produced men who rendered considerable

inviting tenders or some other method? If the latter, will Government please state what that method is?

**Mr. P. R. Rau :** (a) Yes.

(b) and (c). The Agent, East Indian Railway, states that as negotiations were in progress for the introduction of a co-ordinated rail and road service between Dehra Dun and Mussoorie, it was considered advisable, pending completion of the negotiations, to issue monthly permits instead of yearly ones. A second permit was given to one Company through a misunderstanding and was withdrawn ten days later.

(d) A representation was received by the Administration from one Company.

(e) and (f). There is no question of creating a monopoly. All that the East Indian Railway Administration did was to arrange with one company for direct booking between Mussoorie and all railway stations. This was done with the approval of the Local Government and was intended to promote the convenience of passengers who wished to avail themselves of it. The Railway Administration's enquiries showed that there were no other concerns of sufficient standing with whom they could consider entering into negotiations. There is nothing in the proposed arrangement which precludes passengers, who do not wish to book through, from availing themselves of the services provided by other Transport Companies who will be given similar facilities for parking their vehicles in the station area.

(g) No.

(h) Does not arise.

(i) As I have already explained, the Railway have not granted a monopoly nor are they in a position to do so.

#### RESTRICTIONS ON THE IMPORT OF INDIAN GOODS INTO ITALY.

4. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether they have been carrying on negotiations with the Government of Italy with respect to the restrictions on the import of Indian goods into their country?

(b) Are Government carrying on these negotiations directly or through Great Britain?

(c) Are Government aware of the Anglo-Italian Pact, in which the Government of Italy have conceded that 80 per cent. of the British goods will be allowed into Italy?

(d) At what stage are the negotiations between the Indian Government and the Italian Government?

(e) What are the results of the negotiations?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (b), (d) and (e). When the Government of India learnt of the new import régime imposed in February last by the Government of Italy against imports of all origins into Italy, they made immediate representations through His Majesty's Government asking that the restrictions thereby imposed should be relaxed so far as Indian goods were concerned, pending the completion of the negotiations for a trade agreement which were then under contemplation. It has not been possible to secure an assurance of the nature asked for from the Italian Government, but the Honourable Member will see from the Monthly Accounts of Sea-borne Trade of

India that India's export trade to Italy has not been seriously affected. The Government of India continue, however, to watch the situation and will lose no opportunity of making further representations when such can usefully be made.

(c) Yes, Sir.

**Prof. N. G. Ranga :** Through which officer of the Government of India have they made these representations to the Government of Italy?

**The Honourable Sir Muhammad Zafrullah Khan :** The Commerce Department.

**Mr. S. Satyamurti :** Are negotiations going on between this Government and the Government of Italy, direct?

**The Honourable Sir Muhammad Zafrullah Khan :** I should like to know what the significance of "direct" is.

**Mr. S. Satyamurti :** Direct means direct, and not through Downing Street.

**The Honourable Sir Muhammad Zafrullah Khan :** Not through Downing Street.

**Mr. S. Satyamurti :** May I know at what stage negotiations are standing now at this moment so far as the Honourable Member's knowledge goes?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already explained in my reply that the negotiations are not proceeding, because the assurances asked for were not forthcoming from the Italian Government.

**Mr. S. Satyamurti :** Has the matter been dropped since the negotiations have failed and have the Government of India accepted the defeat?

**The Honourable Sir Muhammad Zafrullah Khan :** The matter has not been dropped, but the negotiations are not for the moment proceeding.

**Mr. S. Satyamurti :** At what stage, therefore, are the negotiations standing? In a state of suspended animation?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already explained the situation.

**Mr. T. S. Avinashilingam Chettiar :** Reference has been made to a pending trade agreement with Italy: may I know what is that trade agreement?

**The Honourable Sir Muhammad Zafrullah Khan :** I have made no reference to a pending trade agreement with Italy.

**Mr. T. S. Avinashilingam Chettiar :** In the reply, there is a reference to a pending trade agreement.

(No answer was given.)

#### IMPORTS FROM INDIA BANNED BY ROUMANIA.

5. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether they are aware that Roumania has banned all imports from India?

(b) What is the cause of this ban?

(c) Have Government been negotiating with the Government of Roumania?

(d) What are the results of the negotiations ?

(e) In case Roumania does not agree to remove the ban on Indian goods, are Government prepared to put a similar ban on imports of Roumanian goods into India ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Restrictions were recently imposed by the Roumanian Government on the import of Indian goods into Roumania under the impression that the balance of trade between the two countries was in favour of India.

(c) and (d). On representations being made to the Roumanian Government that the balance of trade was not in India's favour that Government have since permitted the issue of import licences for goods coming from India.

(e) Does not arise.

**Mr. S. Satyamurti :** On what basis are these licences for imports issued ?

**The Honourable Sir Muhammad Zafrullah Khan :** Under these import licences, India is getting unrestricted exports into Roumania. The question, therefore, does not arise.

**Mr. S. Satyamurti :** What is the meaning of this statement that licences are being issued ?

**The Honourable Sir Muhammad Zafrullah Khan :** Roumania has introduced a system by which imports into Roumania from other countries must be made under import licences. Import licences had been refused in the case of India except to a very small extent : but, on representations being made, Indian exports into Roumania have been permitted on the original basis.

#### COUNTRIES WITH BANNED OR RESTRICTED IMPORTS FROM INDIA.

6. \***Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state which countries have either banned or restricted imports from India ?

(b) What are the causes for such bans and restrictions ?

(c) Have Government been negotiating with any of these countries for the removal of these bans and restrictions ?

(d) What are the results of these negotiations ?

(e) In case these countries do not agree to remove these bans and restrictions on Indian goods, are Government prepared to restrict the imports of goods from those countries into India ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Several foreign countries have introduced restrictive measures against imports of various kinds from other countries. These measures are not directed specifically against India but apply generally to all countries. The more important countries from the point of view of India's export trade which have imposed such restrictions are Germany, Italy, Turkey and Iran.

(b) The restrictions have, generally speaking, been imposed by those countries for the purpose of safeguarding their industrial and monetary interests.

(c) Representations have been made in respect of India's trade relations with Italy, Turkey and Iran.

(d) As regards Italy, I would invite the Honourable Member's attention to the reply given by me today to his starred question No. 4. Negotiations with regard to Turkey and Iran are still in progress.

(e) The question is engaging the attention of the Government of India and such action as may be found necessary and desirable will be taken to safeguard India's export trade with the countries in question.

**Mr. Sami Vencatachalam Chetty :** Is it a fact that the guiding principle of these restrictions is that India is not taking the exported articles from those countries ?

**The Honourable Sir Muhammad Zafrullah Khan :** India is buying exported articles from those countries.

**Mr. Sami Vencatachalam Chetty :** In regard to the restrictions imposed by several foreign countries, is it or is it not a fact that the guiding principle of these restrictions is that India is not buying their manufactured goods ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already replied to that question : India is buying from them.

**Mr. S. Satyamurti :** Have Government examined the question whether these bans and restrictions are due, wholly or partially, to the Ottawa preferences ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government are of the view that that implication is not justified.

**Mr. S. Satyamurti :** What are the reasons of the Government, and what is the expert advice on which Government have come to that conclusion ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government have taken no expert advice, but have examined the course of trade between those countries and India and have come to the conclusion that the present state of affairs is due to the difficulties of those countries themselves with regard to their trade and monetary position and is not due to the Ottawa Agreement.

**Mr. S. Satyamurti :** What is the reason as to why Government have come to the conclusion that, in spite of the Imperial Preference given to British and British Empire goods, as against these countries' goods, still that preference has not been, in part at least, responsible for these bans and restrictions ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is a matter of opinion, but the examination of this question by the Government of India leads them to the conclusion that it is not due to the operation of Imperial Preferences.

**Dr. N. B. Khare :** Is it not a fact that these bans were imposed only after the imposition of the Ottawa Agreement ?

**The Honourable Sir Muhammad Zafrullah Khan :** That involves a comparison of dates which Honourable Members can very well make for themselves.

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**The Honourable Sir Muhammad Zafrullah Khan :** That involves a comparison of dates which Honourable Members can very well make for themselves.

**Seth Govind Das :** Do Government not think it proper to have this matter examined with the help of expert advisers ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government always consider these questions with such advice as may be necessary with reference to each question as it arises.

**Prof. N. G. Ranga :** What is the percentage loss of export trade after all these restrictions were imposed ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid I could not say offhand.

**Mr. S. Satyamurti :** With reference to clause (c), may I know if the Government propose to take the ameliorative action which this question asks ?

**The Honourable Sir Muhammad Zafrullah Khan :** As I have already said, Government have the position under examination. With regard to some countries, action has already been taken : with regard to some, negotiations are going on ; and, with regard to others, such action as will be justified will be taken when the time comes.

**Prof. N. G. Ranga :** With regard to these representations, have Government made them only through correspondence or have they sent any of their special representatives to carry on these negotiations with other countries ?

**The Honourable Sir Muhammad Zafrullah Khan :** No special representatives have been sent to carry on these negotiations.

**Prof. N. G. Ranga :** Is it not a fact that every other country sends representatives in similar circumstances to other countries ? And, if so, does it stand to reason that the Government of India should do the same ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not aware of that.

**Dr. T. S. S. Rajan :** May I know where the negotiations with Germany stand at present ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have not said that we are carrying on any negotiations with Germany.

**Pandit Lakshmi Kanta Maitra :** May I know whether these bans were imposed after the Ottawa Agreement ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already replied to that.

**Pandit Lakshmi Kanta Maitra :** What are those countries which have imposed these bans and restrictions with which the Government of India are not carrying on any negotiations at all ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is perfectly clear from the replies that I have given.

**Mr. T. S. Avinashilingam Chettiar :** Why have no negotiations been opened with Germany, when negotiations are carried on with other countries ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government consider that the stage has not yet arrived when it would be useful to open these negotiations with Germany.

**Mr. T. S. Avinashilingam Chettiar :** When do you think it will come ?

**The Honourable Sir Muhammad Zafrullah Khan :** I could not answer that question.

**Pandit Lakshmi Kanta Maitra :** I simply wanted to know whether these bans were imposed as a matter of sequence after the conclusion of the Ottawa Agreement.

**The Honourable Sir Muhammad Zafrullah Khan :** I have answered that question already.

**Mr. Mohan Lal Saksena :** Have these countries imposed bans on other countries besides India ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes.

#### TRANSFERS OF BRITISH OFFICERS IN THE REMOUNT DEPARTMENT.

7. \***Qazi Muhammad Ahmad Kazmi :** (a) Is it a fact that in the Remount Department there are some British officers who have been posted to one station continuously for four years and more ?

(b) Will Government be pleased to state the names of those officers, and the reason why the officers have not been transferred after the period of four years ? Is not the posting of those officers at one place for such a long time against paragraph 36 of the Regulations for the Army in India ?

(c) Will Government be pleased to state whether it is a fact that under that Regulation, all military troops and officers are bound to be transferred from one station to another after the period of four years, and if so, why the Remount Department does not comply with the Regulation ?

(d) Do Government propose to take action under that Regulation and transfer those officers who have been posted to one station for more than four years ?

(e) Is it a fact that there are several superior employees, such as head clerks, godown-overseers, and A. F. Os. who have not been transferred from one place to another for more than twelve years ?

**Mr. G. R. F. Tottenham :** (a) Yes, there are three.

(b) to (e). The rule quoted by the Honourable Member applies to staff officers only. There are no definite rules to governing the postings of departmental personnel, but the Honourable Member can rest assured that the military authorities are fully aware of the dangers as well as the advantages of keeping their servants for considerable periods in one place.

#### RESTRICTION OF IMPORTS INTO INDIA.

8. \***Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether they are aware :

(i) that the figures for exports and imports of India for the year 1933 are 135 crores and 132 crores, respectively, and that the

figures for exports and imports for the year 1934 are 149 crores and 115 crores, respectively, and that the balances of trade in our favour are only three crores and 34 crores respectively for the years 1933 and 1934 ;

(ii) that about 40 crores of rupees are being spent by the Government of India every year in England ; and

(iii) that, besides these, there is an invisible drain from this country by way of moneys sent by European officers and trade concerns ?

(b) Have Government made any attempts to stop this drain ? If so, what ?

(c) Are Government aware that countries similarly situated, are seeking to set right their balance of trade by restricting imports from other countries ?

(d) Are Government prepared to consider the advisability of restricting imports into this country ? If not, why not ?

**The Honourable Sir James Grigg :** (a) (i). Yes.

(ii) About 35 crores.

(iii) A certain amount of money is remitted by European officers and trade concerns but no reliable figures are available.

(b) It is true that at present the balance of trade in merchandise is not sufficient to meet items (ii) and (iii) above, and that a portion is met by sales of gold. I have explained fully to the House my views about the export of gold in my speech introducing the Budget for 1935-36 and in my reply to the general discussion on the Budget.

(c) and (d). I am aware that some countries have tried to set right their balance of trade by restricting imports, but there is ample evidence to show that by doing so they have increased their own difficulties as well as the difficulties of other countries. I would invite the attention of the Honourable Member in this connection to the Review of World Trade, 1934, published by the League of Nations, a copy of which is in the Library of the Legislature.

**Mr. M. Ananthasayanam Ayyangar :** Since the last Budget speech, 12 Noon. has the Honourable Member reviewed the position and found whether further export of gold is for the best interests of India ?

**The Honourable Sir James Grigg :** I am constantly reviewing the position.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member going to be of the same opinion until the last piece of gold is exported from India ?

**The Honourable Sir James Grigg :** I never said anything of the sort.

**Mr. T. S. Avinashilingam Chettiar :** What steps do Government propose to take to stop the further export of gold from India ?

**The Honourable Sir James Grigg :** I have already answered that question.

**Mr. S. Satyamurti :** May I know whether the Honourable the Finance Member is considering the question of the reduction or abolition of sterling loans, by raising loans here, so as to partially at least reduce the drain of wealth from this country ?

**The Honourable Sir James Grigg :** I think it is safe to say that whenever it is advantageous to do so, other things being equal, I should always prefer to raise money here rather than in London.

**Mr. S. Satyamurti :** To pay off the sterling loans ?

**The Honourable Sir James Grigg :** That can only be done on maturity and it is considered in connection with each individual maturity.

**MONEY SENT OUT OF INDIA AND MONEYS SPENT IN ENGLAND BY THE GOVERNMENT OF INDIA.**

9. **\*Mr. T. S. Avinashilingam Chettiar :** Will Government state :

(a) the amounts of money sent out of this country by European officers receiving salaries in this country during the years 1928-29 and 1934-35 ;

(b) the amounts of profits sent by British and other foreign companies trading in India, outside the country during the years 1928-29 and 1934-35 ; and

(c) the total amount of moneys spent by Government (including the Army expenditure, etc.) in England and other foreign countries during the years 1928-29 and 1934-35 ?

**The Honourable Sir James Grigg :** (a) and (b). No reliable figures are available.

(c) The figures for expenditure in England for 1928-29 are given in the Finance and Revenue Accounts for that year, copies of which are in the Library of the House. Final figures for 1934-35 are not yet available. The revised estimate for that year is given in the budget papers circulated to the Honourable Members. The figures of expenditure in foreign countries are not separately shown.

**Mr. T. S. Avinashilingam Chettiar :** Can the Honourable Member give us approximate figures ?

**The Honourable Sir James Grigg :** The Honourable Member had better refer to the documents I have mentioned.

**Mr. B. Das :** With reference to part (b) of the question, if the Honourable Member does not know what amount of money foreign companies are sending out, how does he assess his income-tax on them ?

**The Honourable Sir James Grigg :** I think he should address that question to the representative of the Income-tax Department.

**Mr. A. H. Lloyd :** I think the answer to that question is, we do not assess in India on the amount of income which persons export, but on the total amount of their earnings.

**Mr. B. Das :** So no party escapes you.

INCREASE IN THE IMPORT DUTIES ON PADDY AND FOOD STUFFS IMPORTED FROM INDIA INTO CEYLON.

10. \*Mr. T. S. Avinashilingam Chettiar : (a) Are Government aware :

(i) that the Ceylon Government have recently increased the import duties on paddy and food stuffs, such as eggs, vegetables and ghee, imported from India into Ceylon ; and

(ii) whether copra from Ceylon is being given a preferential treatment in India ?

(b) Have Government opened up any negotiations with a view to getting preference for the import of Indian goods into Ceylon ?

(c) What is the result of the negotiations ?

(d) Is it a fact that the Ceylon Government have refused to give preference to Indian articles, and if so, are Government prepared to consider the advisability of withdrawing the preference that is being given to copra from Ceylon ?

The Honourable Sir Muhammad Zafrullah Khan : (a) (i). The Ceylon Government have recently, increased the import duties on certain food stuffs such as eggs, vegetables and ghee. There has been no increase in the duty on paddy.

(ii) Yes.

(b) The Government of India have been in communication with the Government of Ceylon on the subject of the grant of preferences to Indian goods on import into Ceylon.

(c) and (d). The negotiations have not yet been concluded.

Prof. N. G. Ranga : With reference to the answer given to part (ii) of the question, are Government aware that there is a considerable amount of distress prevailing in Malabar and other parts of India as a result of the dumping of Ceylonese copra into this country ?

The Honourable Sir Muhammad Zafrullah Khan : Without admitting all the implications contained in the question, I can state that representations have been received to that effect.

Prof. N. G. Ranga : Are the Government of India aware of the fact that the preferential treatment given to Ceylonese copra is also one of the contributory factors for the distress of copra growers in this country ?

The Honourable Sir Muhammad Zafrullah Khan : That may be true.

Prof. N. G. Ranga : In view of that position, are the Government of India prepared to review the position in regard to the preferential treatment given to Ceylonese copra ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, the Government of India are in communication with the Government of Ceylon.

Prof. N. G. Ranga : How long have the Government of India been in communication with the Ceylonese Government over this question ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say that off hand.

Prof. N. G. Ranga : Is it not a fact that, during the last Budget Session, we were told again and again that the Government of India were in communication with the Government of Ceylon, and yet how is it that nothing has been done so far ?

The Honourable Sir Muhammad Zafrullah Khan : That is a conclusion to be drawn by the Honourable Member.

Dr. T. S. S. Rajan : Are Government aware that dried fish from Malabar is liable to an import duty in Ceylon ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I could not answer that without notice.

COMMISSION OF ENQUIRY TO SETTLE THE BURMA-YUNNAN FRONTIER.

11. \*Mr. T. S. Avinashilingam Chettiar : (a) Will Government state whether it is true that notes have been exchanged between the Chinese and the British Governments to appoint a Commission of Enquiry to settle the Burma-Yunnan frontier ?

(b) Who will be the members of the Commission of Enquiry ?

(c) Will the Burman and the Indian Governments and the Legislatures be consulted before a final conclusion is come to ?

Mr. J. G. Acheson : (a) and (b). Yes. I invite the Honourable Member's attention to the Press Communiqué published by the Government of India on the 12th July, 1935.

(c) Both the Government of India and the Government of Burma have been consulted at all stages by His Majesty's Government. The Government of India are associated with the latter in an Agreement already reached with the Chinese Government by an Exchange of Notes, the texts of which have been published by the Government of India in their Press Communiqué, dated the 18th April, 1935, for the appointment of a Joint Boundary Commission with a Neutral Chairman, and will be consulted in regard to any points which may be left outstanding by the Commission and forming the subject of further negotiations with the Chinese Government.

Mr. S. Satyamurti : What is the answer to part (c) of the question — will the Burman and Indian Legislatures be consulted, before final conclusions are reached ?

Mr. J. G. Acheson : I regret I have nothing to add to what I have already said.

Mr. S. Satyamurti : There is no answer to that.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member said that he was not prepared to give any further information.

Mr. J. G. Acheson : I think I have already sufficiently answered this question.

Mr. S. Satyamurti : The Honourable Member has not answered my question.



## NEGOTIATIONS WITH THE PRINCES IN REGARD TO THE COMING FEDERATION.

12. \***Mr. T. S. Avinashilingam Chettiar** : (a) Will Government state whether Government are carrying on any negotiations with the Princes in regard to the coming Federation ?

(b) If so, what are the results of these negotiations ?

**The Honourable Sir Nripendra Sircar** : (a) Not at present.

(b) Does not arise.

**Mr. S. Satyamurti** : Have the Government of India no information about the visit of Mr. Monckton who is carrying on negotiations on behalf of Hyderabad and various other Indian States ?

**The Honourable Sir Nripendra Sircar** : I am not prepared to answer that question. If the question is, are we carrying on negotiations, the answer is, no, we are not carrying on any negotiations.

**Mr. S. Satyamurti** : I am asking whether the Government of India are aware that negotiations are being carried on, through Mr. Monckton ?

**The Honourable Sir Nripendra Sircar** : We are not carrying on negotiations through anybody, whether through Mr. Monckton or Mr. Foxton.

**Mr. S. Satyamurti** : Have the Government of India any knowledge of the meeting of the Indian Princes in Bombay, to present Sample Instruments of Accession to His Majesty's Government and ask for their opinion, and then decide whether or not to join the Federation ?

**The Honourable Sir Nripendra Sircar** : I submit, Sir, that is not a supplementary question. The question is whether we are carrying on any negotiations, and the reply is "No".

**Dr. N. B. Khare** : Have you finished negotiations ?

**The Honourable Sir Nripendra Sircar** : You cannot finish a thing which is not begun.

**Mr. Lalchand Navalrai** : Can the Honourable Member tell me if the Government of India have no knowledge of the fact that the Secretary of State has been carrying on these negotiations ?

**The Honourable Sir Nripendra Sircar** : If my Honourable friend is really curious about it, I would ask him to put down a question.

**Mr. Lalchand Navalrai** : I think I should make myself clear.

**The Honourable Sir Nripendra Sircar** : If the Honourable Member will put down a question, I shall try to answer it. I have not come prepared to answer it now.

**Mr. Sri Prakasa** : Does the Honourable the Law Member say that Government never began any negotiations with the Indian Princes on this point ? Did the Honourable Member say that you cannot finish a thing that never began ? I ask whether negotiations really never began ?

**The Honourable Sir Nripendra Sircar** : If my Honourable friend will look at the form of the question, he will see it is stated here "whether Government are carrying on any negotiations with the Princes", and the reply is, as I have said, there are no negotiations going on at present.

**Mr. Sri Prakasa** : I am referring to the Honourable Member's reply to the supplementary question that was asked.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has said that no negotiations are being carried on.

## INDIAN ARMY CADETS AND REFRAMING OF THE LIST OF MARTIAL CLASSES.

13. \***Mr. Lalchand Navalrai** : (a) Has the attention of Government been drawn to the views of the *London Times* correspondent, republished in the *Sind Observer* of Karachi, dated the 17th April, 1935, under the heading 'Praise for Indian Army Cadets' ?

(b) Do Government propose to revise the policy of considering only some Indian castes to be fighting people ? If so, do Government propose to reframe the list of martial classes in India ? If not, why not ?

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

(b) There is no list of 'martial' classes.

**Mr. Lalchand Navalrai** : What is a fact, Sir, whether, in practice, people are taken from non-martial classes or from all classes ?

**Mr. G. R. F. Tottenham** : I have often answered that question in this House. We recruit for the army those people whom we consider are likely to make the best soldiers.

**Pandit Lakshmi Kanta Maitra** : Did the Honourable Member say that there is no scope in the army for non-martial classes ?

**Mr. G. R. F. Tottenham** : I did not say that.

**Pandit Lakshmi Kanta Maitra** : May I know if a revision of the martial classes is made from time to time, and is there any revision list ?

**Mr. G. R. F. Tottenham** : Every now and then we stop recruiting from classes from whom we have recruited in the past. We do not revise the list of martial classes, because there is no such list.

**Pandit Lakshmi Kanta Maitra** : Are the lists of particular martial classes revised or not, and at what intervals are they revised ?

**Mr. G. R. F. Tottenham** : I say there is no such list. According to our experience of the results we get, we may from time to time alter the classes we recruit from, but there is no fixed interval at which that is done, nor are there any rules on the subject.

**Pandit Lakshmi Kanta Maitra** : May I know when the revision was last made ?

**Mr. G. R. F. Tottenham** : There is no such revision.

**Mr. Sri Prakasa** : Is there any discrimination about castes by birth, either for or against ?

**Mr. G. R. F. Tottenham** : No.

**Captain Sardar Sher Muhammad Khan** : Is there any list maintained in the Army Headquarters of martial classes ?

**Mr. G. R. F. Tottenham** : There is no list of martial classes. I have said that about four times.



## MODIFICATION IN THE CARDWELL SYSTEM.

14. \***Mr. Lalchand Navalrai** : (a) Are Government aware that officers in India are now emphatic in saying that the Cardwell system has become a dangerous anachronism in its present form and that they ask for its modification ?

(b) Do Government propose to take any step in this direction ? If so, what ? If not, why not ?

**Mr. G. R. F. Tottenham** : (a) and (b). No.

**Mr. Lalchand Navalrai** : May I know if, when the selection takes place for the Dehra Dun Academy, discrimination is being made between martial classes and non-martial classes ?

**Mr. G. R. F. Tottenham** : That has nothing whatever to do with the present question.

**Mr. Lalchand Navalrai** : The first part of the question says that officers in India are now emphatic in saying that the Cardwell system has become a dangerous anachronism, and my query is whether this affects the recruitment to the Dehra Dun Academy or not.

**Mr. G. R. F. Tottenham** : The Cardwell system has nothing whatever to do with the Indian Military Academy.

## AMENDMENT OF SECTION 61 OF THE INDIAN INCOME-TAX ACT.

15. \***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state what steps they have taken towards amending section 61 of the Income-tax Act XI of 1922 by restricting the scope of the section regarding representation by persons on behalf of the assessee ?

(b) Do Government remember that year before last when the Income-tax Act was being amended, the amendment of this section was under contemplation but Sir George Schuster, the then Finance Member, kept it in abeyance for further consideration ?

(c) Are Government aware that the wide scope of the section is doing a great disservice to the assessee and the public ?

(d) What materials and opinions have Government collected since the last amendment of the Income-tax Act with respect to the amendment of this section ? Will Government be pleased to place them on the table ?

(e) When do Government propose to amend this section ?

**Mr. A. H. Lloyd** : (a), (b) and (d). A clause proposing the amendment of section 61 of the Indian Income-tax Act, 1922, was included in the Bill which passed into law as the Indian Income-tax (Second Amendment) Act, 1930. The clause was deleted by the Select Committee with the recommendation that the various suggestions made in that Committee should be further considered by Government and that definite proposal should be formulated thereon and circulated for opinion before legislation was undertaken. The Government of India accepted this recommendation and circulated revised proposals to Local Governments in April, 1930. A mass of widely divergent opinions was received, and the Government of India after considering these opinions decided to leave the subject in

abeyance. The correspondence on this circular reference amounts to 100 printed foolscap pages and it would be inconvenient to place it on the table of the House ; but I will, if desired, have a copy of the correspondence placed in the Library.

(c) This is a matter upon which opinion is divided.

(e) I am unable to make any statement in answer to this part of the question.

**Mr. Lalchand Navalrai** : I am thankful to the Honourable Member for offering to keep a copy of the correspondence in the Library, but I should like to know from him, if the question is still in abeyance, when it is going to be decided.

**Mr. A. H. Lloyd** : The question will be decided when it is called out of abeyance.

**Mr. Lalchand Navalrai** : When will it be called out of abeyance ?

**Mr. A. H. Lloyd** : I am not able to say.

**Mr. Lalchand Navalrai** : Will it be in the near future or after ten years ?

**Mr. A. H. Lloyd** : I am unable to say.

## ASSESSMENT OF INCOMES OF SMALL INCOME-TAX PAYERS IN SIND.

16. \***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state in how many cases in Sind the Income-tax officers in their respective district served notices under sub-clause (2) of section 22 of the Income-tax Act of 1922, in respect of the small income-tax payers under Rs. 2,000 during the years 1933-34 and 1934-35 ?

(b) In how many cases did the same Income-tax officers dispose of the cases of the small income-tax payers in each district in Sind by making summary assessment of incomes, during the aforesaid years ?

(c) In how many cases in the respective beats of the said Income-tax officers did the assessee apply for cancellation or revision of their assessments consequent on summary procedure, and in how many cases were they cancelled or revised to any extent ?

(d) In how many cases did the assessee of such income-tax file a return of their income under sub-section (2) of section 22 of the Income-tax Act, and in how many cases were such returns accepted wholly or partially ?

(e) How much time was usually given to the assessee of the aforesaid small income-tax for payment of their income-tax after notices of demand were served on them ?

(f) Will Government be pleased to state if there happened any cases during the aforesaid two years in Sind in each district where the escaped assessment of previous years was reassessed and collected ? If so, in how many cases ?

**Mr. A. H. Lloyd** : (a), (b), and the first parts of (c) and (d) statement giving the required information is laid on the table. 58-1001

(c) and (d), second part. The information asked for is not on record and could be compiled only at an expenditure of time and labour that would not be justified by the value of the results.

(e) One month.

(f) As regards the first part the answer is in the affirmative. As regards the second part, the answer is the same as that to the second parts of (c) and (d).

Statement.

| CIRCLE.                      | No. of notices issued under section 22 (2). |          | No. of cases disposed of by making summary assessments. |          | No. of cases in which assesses applied for cancellation or revision. |          | No. of cases in which such assesses filed returns of income under section 22 (2). |          |
|------------------------------|---------------------------------------------|----------|---------------------------------------------------------|----------|----------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------|----------|
| 1                            | 2                                           |          | 3                                                       |          | 4                                                                    |          | 5                                                                                 |          |
|                              | 1933-34.                                    | 1934-35. | 1933-34.                                                | 1934-35. | 1933-34.                                                             | 1934-35. | 1933-34.                                                                          | 1934-35. |
| Karachi A Division ..        | 500                                         | 642      | 51                                                      | 43       | 27                                                                   | 29       | 13                                                                                | 8        |
| Karachi B Division ..        | 312                                         | 368      | ..                                                      | ..       | ..                                                                   | ..       | ..                                                                                | ..       |
| Temporary Income-tax Officer | 766                                         | 1,555    | 1,825                                                   | 1,554    | 1,177                                                                | 1,032    | 1,108                                                                             | 913      |
| Hyderabad .. ..              | 752                                         | 1,069    | 615                                                     | 212      | 241                                                                  | 10       | 241                                                                               | 10       |
| Sukkur .. ..                 | 484                                         | 806      | 351                                                     | 143      | 159                                                                  | 93       | 148                                                                               | 83       |
| Shikarpur .. ..              | 838                                         | 682      | 664                                                     | 409      | 408                                                                  | 293      | 345                                                                               | 263      |
| Larkana .. ..                | 1,106                                       | 1,364    | 366                                                     | 13       | 265                                                                  | 5        | 249                                                                               | 5        |
| Thar Parkar .. ..            | 1,000                                       | 787      | 78                                                      | 181      | 33                                                                   | 34       | 33                                                                                | 34       |
| Total .. ..                  | 5,758                                       | 7,273    | 3,950                                                   | 2,555    | 2,310                                                                | 1,501    | 2,137                                                                             | 1,316    |

Mr. Lalchand Navalrai : May I know then that there were no cases where the escaped assessment of previous years was re-assessed and collected, as stated in part (f) of the question ?

Mr. A. H. Lloyd : I said that the answer to the first part of that question was in the affirmative.

#### INCOME DERIVED FROM SMALL INCOME-TAX AND EXPENDITURE INCURRED IN ITS COLLECTION IN SIND.

17. \*Mr. Lalchand Navalrai : Will Government be pleased to state how much income was derived in Sind from the small income-tax under Rs. 2,000, during the years 1933-34 and 1934-35 and how much was the expenditure incurred by Government in recovering the same ?

Mr. A. H. Lloyd : A statement is laid on the table.

Statement.

|               | Revenue.<br>Rs. | Expenditure.<br>Rs. |
|---------------|-----------------|---------------------|
| 1933-34 .. .. | 1,98,107        | 33,571              |
| 1934-35 .. .. | 1,70,474        | 33,380              |

#### PRODUCTION OF BOOKS AND REGISTERS BY INCOME-TAX ASSESSEES IN SIND AND FIXATION OF MINIMUM AND MAXIMUM TIME LIMIT FOR THE PAYMENT OF INCOME-TAX.

18. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state if it is a fact that in Sind the Income-tax officers invariably issue orders under section 23, clause 2, requiring the assessee to produce their books to support their returns ? If so, why is that practice followed in every case ? If not, will Government be pleased to state in how many cases in each district of Sind the respective Income-tax officers did not call for and examine books of accounts during the year 1934-35 ?

(b) Is it a fact that often times the Income-tax Department requires the production of books and registers, which are not maintained by the assessee, and the Income-tax officers make that failure an excuse to make final assessment under section 23, clause 4, of the Income-tax Act ? If so, do Government propose to issue directions in order to checkmate such a procedure ?

(c) Are there any orders of the Central Board of Revenue, fixing a reasonable time for payment of income-tax after a demand notice is served ? If not, do Government propose to fix the minimum and the maximum time limit for making such payments ? Is it a fact that there is no uniform system in all Income-tax offices ?

Mr. A. H. Lloyd : (a) The answer to the first part is in the negative. As regards the last part, a statement giving the required information is laid on the table.

(b) The answer to the first part is in the negative. The second part does not arise.

(c) The reply to the first part is in the affirmative. The second part, therefore, does not arise. With regard to the third part, the orders of the Central Board of Revenue to which I have referred are applicable to all income-tax offices.

Statement.

| District.                               | Total number of returns filed. | No. of cases in which accounts were not called for. |
|-----------------------------------------|--------------------------------|-----------------------------------------------------|
| 1. Karachi .. ..                        | 7,663                          | 2,732                                               |
| 2. Hyderabad .. ..                      | 2,747                          | 298                                                 |
| 3. Sukkur .. ..                         | 1,338                          | 290                                                 |
| 4. Shikarpur .. ..                      | 2,524                          | 384                                                 |
| 5. Larkana .. ..                        | 1,431                          | 146                                                 |
| 6. Dadu .. ..                           | 857                            | 115                                                 |
| 7. Nawabsha .. ..                       | 740                            | 139                                                 |
| 8. Karachi and Thar Parkar Districts .. | 1,527                          | 40                                                  |
| Total .. ..                             | 18,827                         | 4,144                                               |

**Mr. Lalchand Navalrai :** With regard to clause (a) of the question, if I heard the Honourable Member aright, he said that the answer was in the negative, that is to say, that books were not invariably sent for. May I tell him that when returns are given, the books are being sent for invariably ?

**Mr. A. H. Lloyd :** I did not say that they were never sent for. I said they were not invariably sent for.

**Mr. Lalchand Navalrai :** What I want to know is this. Is it a fact or not that even when returns are given by respectable people and are verified, their books are sent for, and it is only in very rare cases that they are not sent for ?

**Mr. A. H. Lloyd :** When the Honourable Member sees the statement which I will lay on the table, I think, he will see that the expression "very rare cases" is incorrect. It is, however, true that in many cases when a return has been submitted, the accounts are sent for.

**Mr. Lalchand Navalrai :** If the Honourable Member has got figures for Sind, he will be in a position to know that what I am saying is correct.

**Mr. A. H. Lloyd :** May I again suggest that the Honourable Member should see the statement that I am laying on the table which gives the figures ?

#### TRANSFER OF CASES FROM ONE INCOME-TAX OFFICER TO ANOTHER IN THE BOMBAY PRESIDENCY.

19. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if there have arisen any cases in the Bombay Presidency where assessee having been dissatisfied on account of prejudice or bias of the Income-tax officers, applied for transfer of their cases from one Income-tax officer to another ? If so, how many such cases occurred in the Bombay Presidency during the last three years, and how were they disposed of ?

(b) Is there any practice or orders, allowing transfer of cases on the aforesaid grounds ? If so, what are they ? If not, do Government propose to make such orders ?

**Mr. A. H. Lloyd :** (a) Yes, but it is not possible to state the exact number of such cases as no record is kept. I understand, however, that there were about half a dozen cases during the last three years and the request for transfer was not granted in any of them as it was found on enquiry not to be justifiable.

(b) Yes, under section 5 (4) of the Indian Income-tax Act, 1922, a Commissioner of Income-tax is authorised to appoint Income-tax Officers to perform their functions in respect of such persons as he may direct.

**Mr. Lalchand Navalrai :** Has the Honourable Member sent for those cases and satisfied himself ?

**Mr. A. H. Lloyd :** No, Sir.

#### PERFORMANCE OF MARRIAGES BY THE PEOPLE OF SIND IN THE KHAIRPUR STATE TO EVADE PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

20. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the Sarda Act (Restraint of Marriage Act) is being broken by

Indian British subjects by performing illegal marriages in the Indian States ?

(b) Are Government aware that Sind people go to perform such marriages in 'Khairpur State' and come back to Sind to live with impunity ?

(c) If the answer to part (b) is in the affirmative, what steps do Government propose to take in this direction to stop such breaches of the Sarda Act being committed by people hopping over the British boundaries into the Indian States in India and into the neighbouring foreign States ?

**The Honourable Sir Henry Craik :** (a) Government are aware that residents of British India have performed marriages, which if performed in British India would have been punishable under the Act in Indian States and elsewhere outside British India.

(b) Yes.

(c) The Honourable Member has already given notice of his intention to move for leave to introduce a Bill on the subject, and Government will have an opportunity of stating their attitude in the matter when the Bill comes up for consideration.

**Mr. Lalchand Navalrai :** If the Honourable Member means that this attitude is to go on until that Bill is passed by the House, does he know at it is causing injury to the public ? Why should not Indian States co-operate with us just as we are co-operating with them, and see that such marriages are not allowed to be performed ?

**The Honourable Sir Henry Craik :** In a large number of States, there is an Act on the lines of, or similar to, the Sarda Act, and, as regards the other States, I do not see that Government have any ground for interfering in a matter of purely internal administration.

**Mr. Lalchand Navalrai :** Will Government advise the Khairpur State not to make money out of this business by taking hundred rupees a marriage and allowing marriages to be performed there ?

**The Honourable Sir Henry Craik :** I am very doubtful whether that is a question that ought to be asked under Rule 33, proviso (2).

**Mr. N. M. Joshi :** May I ask whether Government propose themselves to take any action to remove this evil ?

**The Honourable Sir Henry Craik :** Legislative action ?

**Mr. N. M. Joshi :** Yes.

**The Honourable Sir Henry Craik :** No, Sir.

**Mr. N. M. Joshi :** May I ask whether Government will publish a report regarding the extent of this evil ?

**The Honourable Sir Henry Craik :** I will consider that.

**Mr. B. Das :** Will Government prohibit such Indian States as do not observe the provisions of the Sarda Act, from joining the Federation ?

**The Honourable Sir Henry Craik :** That does not arise.

**Dr. T. S. S. Rajan :** Are Government aware that many Government servants are liable under the Act, and they escape it by going and performing marriages in the Indian States near by ?

**The Honourable Sir Henry Craik :** I am not aware of that, Sir.

**Dr. G. V. Deshmukh :** May I know whether the Government of India mean to take this Act seriously ?

**The Honourable Sir Henry Craik :** They take all Acts seriously.

**Prof. N. G. Ranga :** Will Government make representations to the Indian States where these illegal marriages are being performed and see that they are prevented ?

**The Honourable Sir Henry Craik :** I have already answered that.

**Dr. T. S. S. Rajan :** Will Government take any notice of the action of their servants who violate the law by migrating into the States near by, if such action was brought to the notice of the Government of India ?

**The Honourable Sir Henry Craik :** I think the Honourable Member is aware that under the Act criminal prosecutions can be launched only on complaint by an interested person.

**Dr. T. S. S. Rajan :** Will they take any departmental action ?

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.

#### KHEWRA SALT MINE SETTLEMENT.

21. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state when the Khewra Salt Mine settlement was started ?

(b) What was the establishment all told at the beginning, and what is it now, and what is its cost ?

(c) How much was the initial capital expense and how much has been spent since then on the buildings, mining and machinery ?

(d) What is its recurring expense every year ?

(e) What has been its produce of salt every year ? How much salt was sold and at what rate ?

(f) Is it a profitable concern ? If not, why is it continued to be run ?

**Mr. A. H. Lloyd :** (a) The administration of the Khewra salt mine was taken over by the British Government in 1849.

(b) Government have no information as to what was the establishment in the beginning. A statement (A) showing the establishment and its cost in 1934-35 is placed on the table.

(c) No information is available in regard to the initial capital expenditure, but the accounts of the Northern India Salt Revenue Department were commercialised on the 1st April, 1924, and capital expenditure on buildings, works, plant and machinery, roads, bridges and land at Khewra incurred up to that date amounted to Rs. 10,85,419-12-6. Expenditure incurred subsequently up to 31st March, 1935, is Rs. 17,37,248-3-9.

(d) Separate figures for Khewra are available only from 1927-28. A statement (B) giving the recurring expenditure of the working of the mine and depôt at Khewra is laid on the table. This excludes capital charges, interest and depreciation paid on the assets, pensionary charges, etc.

(e) The information is given in statement (C) which is placed on the table.

(f) The answer to the first part is in the affirmative ; the second part does not arise.

#### A

Statement showing the establishment of the Northern India Salt Revenue Department at Khewra during 1934-35 and its cost.

| Designation.                                  | Number. | Annual cost. |    |    |
|-----------------------------------------------|---------|--------------|----|----|
|                                               |         | Rs.          | A. | P. |
| General Manager .. .. .                       | 1       | 15,600       | 0  | 0  |
| Assistant Commissioner .. .. .                | 2       | 22,275       | 8  | 0  |
| Superintendents .. .. .                       | 2       | 9,420        | 9  | 0  |
| Superintending Engineer .. .. .               | 1       | 11,898       | 6  | 0  |
| Assistant Surgeon .. .. .                     | 1       | 3,068        | 12 | 0  |
| Deputy Superintendent .. .. .                 | 1       | 18,511       | 12 | 0  |
| Inspectors .. .. .                            | 9       |              |    |    |
| Mine Overseers .. .. .                        | 2       |              |    |    |
| Survey Coolies .. .. .                        | 2       |              |    |    |
| Tracers .. .. .                               | 1       |              |    |    |
| Kotegasht .. .. .                             | 1       | 40,211       | 5  | 0  |
| Electric Overseer .. .. .                     | 1       |              |    |    |
| Clerks .. .. .                                | 38      |              |    |    |
| Construction Overseer .. .. .                 | 1       | 1,980        | 0  | 0  |
| Operators .. .. .                             | 3       | 889          | 0  | 0  |
| Power House Superintendent .. .. .            | 1       | 2,232        | 9  | 0  |
| Inferior establishment .. .. .                | 90      | 19,898       | 7  | 0  |
| Storekeeper and Assistant Storekeeper .. .. . | 2       | 1,942        | 12 | 0  |
| Foremen .. .. .                               | 1       | 2,035        | 0  | 0  |
| Compounder .. .. .                            | 3       | 1,156        | 7  | 0  |
| Dresser .. .. .                               |         |              |    |    |
| Midwife .. .. .                               |         |              |    |    |
| Total .. .. .                                 | ..      | 1,51,120     | 7  | 0  |

*Preventive Staff.*

| Designation.                   | Number. | Annual cost. |
|--------------------------------|---------|--------------|
| Superintendent .. .. .         | 1       | 860 0 0      |
| Deputy Superintendent .. .. .  | 1       | 9,356 15 0   |
| Inspectors .. .. .             | 3       |              |
| Kotegasht .. .. .              | 7       |              |
| Inferior establishment .. .. . | 206     | 45,627 14 0  |
| Total .. .. .                  | ..      | 56,844 13 0  |
| GRAND TOTAL .. .. .            | ..      | 2,06,965 4 0 |

## B.

*Statement showing recurring expenditure at Khewra from 1927-28.*

| Year.           | Expenditure. |
|-----------------|--------------|
|                 | Rs.          |
| 1927-28 .. .. . | 11,04,612    |
| 1928-29 .. .. . | 10,11,373    |
| 1929-30 .. .. . | 9,63,796     |
| 1930-31 .. .. . | 9,55,979     |
| 1931-32 .. .. . | 9,11,370     |
| 1932-33 .. .. . | 8,77,289     |
| 1933-34 .. .. . | 8,98,525     |
| 1934-35 .. .. . | 7,34,436     |

## C.

*Statement showing the salt produced and sold at the Khewra Mine every year during the period from 1850-51 to 1934-35.*

| Year.           | Quantity of salt produced. | Quantity of salt sold. | Selling price per maund. | Remarks.                                                                                                                                                                                                                                                                                      |
|-----------------|----------------------------|------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1               | 2                          | 3                      | 4                        | 5                                                                                                                                                                                                                                                                                             |
|                 | Maunds.                    | Maunds.                | Rs. A. P.                |                                                                                                                                                                                                                                                                                               |
| 1850-51 .. .. . | ..                         | 4,64,624               | ..                       | There is no separate information regarding the production of salt during these years, but in paragraph 86 on page 177 of the Annual Administration Report of this Department for 1866-70 it is mentioned that production in 20 years previous to 1870 was a little over 154½ lakhs of maunds. |
| 1851-52 .. .. . | ..                         | 3,98,415               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1852-53 .. .. . | ..                         | 5,81,991               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1853-54 .. .. . | ..                         | 6,46,590               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1854-55 .. .. . | ..                         | 7,51,236               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1855-56 .. .. . | ..                         | 7,21,189               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1856-57 .. .. . | ..                         | 6,55,499               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1857-58 .. .. . | ..                         | 6,62,592               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1858-59 .. .. . | ..                         | 7,21,181               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1859-60 .. .. . | ..                         | 7,57,016               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1860-61 .. .. . | ..                         | 9,16,106               | ..                       | The information regarding the selling prices of these years is not available.                                                                                                                                                                                                                 |
| 1861-62 .. .. . | ..                         | 7,50,491               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1862-63 .. .. . | ..                         | 7,35,136               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1863-64 .. .. . | ..                         | 8,29,123               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1864-65 .. .. . | ..                         | 8,85,330               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1865-66 .. .. . | ..                         | 8,92,333               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1866-67 .. .. . | ..                         | 9,72,417               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1867-67 .. .. . | ..                         | 9,46,863               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1868-69 .. .. . | ..                         | 9,63,480               | ..                       |                                                                                                                                                                                                                                                                                               |
| 1869-70 .. .. . | ..                         | 11,35,969              | ..                       |                                                                                                                                                                                                                                                                                               |
| 1870-71 .. .. . | ..                         | ..                     | ..                       | * No definite information for these years is available.                                                                                                                                                                                                                                       |
| 1871-72 .. .. . | ..                         | ..                     | ..                       |                                                                                                                                                                                                                                                                                               |
| 1872-73 .. .. . | 10,85,140                  | 10,08,140              | ..                       | Information regarding selling price during this year not available.                                                                                                                                                                                                                           |
| 1873-74 .. .. . | 12,43,500                  | 11,41,885              | 0 1 0                    |                                                                                                                                                                                                                                                                                               |
| 1874-75 .. .. . | 10,40,755                  | 11,36,391              | 0 1 0                    |                                                                                                                                                                                                                                                                                               |

| Year.         | Quantity of salt produced. | Quantity of salt sold. | Selling price per maund. | Remarks. |
|---------------|----------------------------|------------------------|--------------------------|----------|
| 1             | 2                          | 3                      | 4                        | 5        |
|               | Maunds.                    | Maunds.                | Rs. A. P.                |          |
| 1875-76 .. .. | 10,97,668                  | 10,93,452              | 0 1 0                    |          |
| 1876-77 .. .. | 12,03,052                  | 11,43,923              | 0 1 0                    |          |
| 1877-78 .. .. | 11,17,817                  | 11,86,831              | 0 1 0                    |          |
| 1878-79 .. .. | 14,04,087                  | 13,04,392              | 0 1 0                    |          |
| 1879-80 .. .. | 13,67,420                  | 13,28,212              | 0 1 0                    |          |
| 1880-81 .. .. | 12,05,065                  | 12,73,767              | 0 1 0                    |          |
| 1881-82 .. .. | 17,78,267                  | 12,00,917              | 0 1 0                    |          |
| 1882-83 .. .. | 19,72,355                  | 13,98,283              | 0 0 9                    |          |
| 1883-84 .. .. | 14,44,512                  | 13,32,064              | 0 0 9                    |          |
| 1884-85 .. .. | 19,50,459                  | 13,88,513              | 0 0 9                    |          |
| 1885-86 .. .. | 11,07,135                  | 14,56,477              | 0 0 9                    |          |
| 1886-87 .. .. | 10,63,731                  | 15,73,364              | 0 0 9                    |          |
| 1887-88 .. .. | 11,52,298                  | 15,69,949              | 0 0 9                    |          |
| 1888-89 .. .. | 19,00,675                  | 17,46,566              | 0 0 9                    |          |
| 1889-90 .. .. | 14,37,091                  | 20,00,097              | 0 0 9                    |          |
| 1890-91 .. .. | 20,49,782                  | 17,47,250              | 0 0 9                    |          |
| 1891-92 .. .. | 19,95,627                  | 18,45,342              | 0 0 9                    |          |
| 1892-93 .. .. | 18,02,348                  | 19,46,227              | 0 0 9                    |          |
| 1893-94 .. .. | 18,19,233                  | 18,93,275              | 0 0 9                    |          |
| 1894-95 .. .. | 17,19,269                  | 16,55,027              | 0 0 9                    |          |
| 1895-96 .. .. | 18,82,229                  | 19,40,640              | 0 0 9                    |          |
| 1896-97 .. .. | 18,36,868                  | 18,40,229              | 0 0 9                    |          |
| 1897-98 .. .. | 19,57,792                  | 19,75,769              | 0 0 9                    |          |
| 1898-99 .. .. | 18,36,104                  | 20,21,712              | 0 0 9                    |          |
| 1899-00 .. .. | 23,36,138                  | 21,21,743              | 0 0 9                    |          |
| 1900-91 .. .. | 21,23,285                  | 21,75,463              | 0 0 9                    |          |
| 1901-02 .. .. | 21,57,115                  | 21,57,468              | 0 0 9                    |          |
| 1902-03 .. .. | 22,57,421                  | 22,86,446              | 0 0 9                    |          |
| 1903-04 .. .. | 20,83,149                  | 23,42,865              | 0 0 9                    |          |

| Year.         | Quantity of salt produced. | Quantity of salt sold. | Selling price per maund. | Remarks.                                                      |
|---------------|----------------------------|------------------------|--------------------------|---------------------------------------------------------------|
| 1             | 2                          | 3                      | 4                        | 5                                                             |
|               | Maunds.                    | Maunds.                | Rs. A. P.                |                                                               |
| 1904-05 .. .. | 25,40,002                  | 21,24,420              | 0 0 9                    |                                                               |
| 1905-06 .. .. | 23,08,285                  | 24,57,665              | 0 1 0                    |                                                               |
| 1906-07 .. .. | 23,97,593                  | 21,40,849              | 0 1 0                    |                                                               |
| 1907-08 .. .. | 23,73,197                  | 26,06,260              | 0 1 0                    |                                                               |
| 1908-09 .. .. | 25,74,390                  | 27,38,998              | 0 1 0                    |                                                               |
| 1909-10 .. .. | 29,52,002                  | 28,04,701              | 0 1 0                    |                                                               |
| 1910-11 .. .. | 26,82,204                  | 28,38,786              | 0 1 0                    | Up to 30th June 1910 and then Re. 0-1-1.                      |
| 1911-12 .. .. | 31,49,797                  | 30,02,541              | 0 1 1                    |                                                               |
| 1912-13 .. .. | 31,99,403                  | 30,79,106              | 0 1 2                    |                                                               |
| 1913-14 .. .. | 34,27,928                  | 31,06,613              | 0 1 2                    |                                                               |
| 1914-15 .. .. | 33,87,488                  | 37,65,134              | 0 1 2                    | Up to 31st October 1914 and Re. 0-1-6 from 1st November 1914. |
| 1915-16 .. .. | 35,82,169                  | 35,73,288              | 0 1 6                    |                                                               |
| 1916-17 .. .. | 39,54,616                  | 55,01,883              | 0 1 6                    |                                                               |
| 1917-18 .. .. | 32,77,660                  | 32,52,746              | 0 1 6                    |                                                               |
| 1918-19 .. .. | 41,89,859                  | 43,62,012              | 0 1 6                    |                                                               |
| 1919-20 .. .. | 38,27,658                  | 39,00,120              | 0 1 6                    | Up to 14th June 1919 and then Re. 0-2-0.                      |
| 1920-21 .. .. | 36,02,330                  | 33,00,654              | 0 2 0                    | From 1st March 1921 the price was raised to Re. 0-3-0.        |
| 1921-22 .. .. | 30,29,792                  | 28,89,212              | 0 3 0                    |                                                               |
| 1922-23 .. .. | 39,41,934                  | 38,40,329              | 0 3 0                    |                                                               |
| 1923-24 .. .. | 13,28,608                  | 13,00,177              | 0 3 0                    |                                                               |
| 1924-25 .. .. | 36,98,389                  | 38,54,328              | 0 3 0                    |                                                               |
| 1925-26 .. .. | 20,14,260                  | 21,42,351              | 0 3 0                    |                                                               |
| 1926-27 .. .. | 27,66,606                  | 28,41,606              | 0 3 0                    | Up to 19th February 1917 and then Re. 0-3-6.                  |
| 1927-28 .. .. | 26,95,776                  | 27,68,436              | 0 3 6                    |                                                               |
| 1928-29 .. .. | 30,56,478                  | 30,81,818              | 0 3 6                    |                                                               |

| Year.         | Quantity of salt produced. | Quantity of salt sold. | Selling price per maund. | Remarks.                                 |
|---------------|----------------------------|------------------------|--------------------------|------------------------------------------|
| 1             | 2                          | 3                      | 4                        | 5                                        |
|               | Maunds.                    | Maunds.                | Rs. A. P.                |                                          |
| 1929-30 .. .. | 29,90,078                  | 29,92,600              | 0 3 6                    | Up to 14th July 1929 and then Re. 0-4-6. |
| 1930-31 .. .. | 28,23,799                  | 27,56,619              | 0 4 6                    |                                          |
| 1931-32 .. .. | 29,12,902                  | 29,08,104              | 0 4 6                    |                                          |
| 1932-33 .. .. | 29,92,952                  | 29,91,760              | 0 4 6                    |                                          |
| 1933-34 .. .. | 28,75,661                  | 29,06,531              | 0 4 6                    |                                          |
| 1934-35 .. .. | 30,53,554                  | 30,12,838              | 0 4 6                    |                                          |

N.B.—The selling price as shown in column 4 above excludes duty levied by Government.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if this concern is very profitable or it makes only a small profit over and above the expenditure ?

**Mr. A. H. Lloyd :** It is not the policy of Government to make large profits from their salt concerns. The general policy of Government is to sell salt at cost price.

**Mr. Lalchand Navalrai :** In view of the fact that the people round about this Khewra factory are suffering on account of the salt water going to their lands, will not the Government stop this concern altogether, especially as they are not making large profits ?

**Mr. A. H. Lloyd :** I do not think that question arises, though I do not admit the truth of the statement upon which it is based.

**Mr. Lalchand Navalrai :** The Honourable Member knows about it.

#### LAPSING OF POSTAL CASH CERTIFICATES.

22. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state how many Postal Cash Certificates, and of what value, have lapsed to Government in all the Post Offices in Sind during the last ten years owing to the owners not having claimed the money after due date, probably through ignorance ?

(b) What steps were taken to trace out the owners in order to return the amounts to them after the due date ?

(c) Will Government be pleased to lay on the table a statement showing the cause in each case for appropriating the amounts of the Cash Certificates so lapsed ?

**The Honourable Sir James Grigg :** (a) and (c). As stated in the answers given by me on the 6th of August, 1934, to question No. 402 by Bhai Parma Nand, and to a supplementary question by the Honourable Member himself, Post Office Cash Certificates do not lapse to Government.

(b) Special notices were issued to investors throughout India, as a result a number of outstanding cash certificates which have completed ten years have been discharged.

#### CONNECTION OF CHITTOOR WITH A TRUNK TELEPHONE LINE.

23. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that in the Madras Presidency, Chittoor which is the headquarters District, is not connected with a trunk telephone line ?

(b) Do Government propose to connect the same ?

**The Honourable Mr. D. G. Mitchell :** (a) Yes.

(b) There has been so far no demand from the public of Chittoor for a local telephone system and trunk facilities. The question is being investigated and if a sufficient number of applications for telephones are received the facility will be provided.

#### AMOUNT OF CONCESSION RATES OF POSTAGE ON PRINTED MARRIAGE INVITATION CARDS.

24. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that during the fixed seasons in the year (i.e., the middle of January to the middle of July) a large number of marriage invitation cards and letters are sent by post ?

(b) Are Government aware that printed invitation letters sent in open covers as packet post are charged like book packets, i.e., nine pies per packet ?

(c) Are Government prepared to give similar concession rates of postage for printed marriage invitation cards at half anna per card ?

**The Honourable Mr. D. G. Mitchell :** (a) and (b). Yes.

(c) No.

#### CONTEMPLATED CREATION OF A POST OF ASSISTANT DIRECTOR OF POSTS AND TELEGRAPHS AND RETRENCHMENT IN THE POSTS AND TELEGRAPHS DEPARTMENT.

25. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Is it a fact that Government contemplate creating a post of Assistant Director of Posts and Telegraphs ?

(b) Will Government be pleased to state the necessity for creating such an office and its probable expenditure per annum ?

(c) Has any retrenchment been effected in the personnel of the subordinate staff in the Posts and Telegraphs Department as a measure of economy, and was it effected in the year 1934-35 ?

(d) Is any retrenchment in the staff contemplated to be carried out during the year 1935-36 ?

(e) What are the probable savings expected per year owing to the proposed retrenchment ?

**The Honourable Mr. D. G. Mitchell :** (a) No.

(b) Does not arise.

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(c) Yes.

(d) The special retrenchment concessions have been withdrawn since the beginning of the present financial year and it is not under contemplation to effect any extensive retrenchment in the staff of the department during the year 1935-36. Increases or decreases in the number of staff employed by the department in accordance with the variations in the volume of traffic handled are normal features of the administration. When a reduction in establishment has to be effected this is carried out as far as possible by utilising vacancies which occur in the ordinary course by deaths, retirements, resignations or dismissals.

(e) It is not possible to make any estimate of the probable savings due to reduction in staff.

REDUCTION IN THE PRICE OF SILVER AND INCREASE IN THE BALANCE OF TRADE  
IN FAVOUR OF INDIA.

26. \*Mr. M. Ananthasayanam Ayyangar : (a) Are Government aware that the United States of America is steadily purchasing silver and the price of silver has gone up ?

(b) Do Government propose to take any further steps to reduce the price of silver in India ?

(c) What is the balance of trade regarding private merchandise during the year 1934-35 ?

(d) Do Government propose to take any steps, and if so what, to increase the balance of trade in favour of India ?

The Honourable Sir James Grigg : (a) I am aware that the United States of America have made considerable purchases of silver and I am aware that there have been considerable fluctuations of price.

(b) The only recent action of Government which has had any conceivable connection with the price of silver was the reduction of the import duty in April. This was taken purely on revenue grounds.

(c) The figures are given in the monthly Accounts relating to the Sea-Borne Trade and Navigation of British India for March, 1935, copies of which are in the Library of the House.

(d) Government have taken and will take whatever steps are both practicable and economically sound to this end. But no substantial advance is possible unless concerted action is taken by the principal countries of the world for currency stabilization and removal of trade restrictions.

Mr. B. Das : Is the Honourable the Finance Member aware that the American policy of purchase of silver has increased the gambling propensities of the Bombay bullion exchange market and has brought disaster to many brokers, and will Government give some subsidy to such brokers ?

The Honourable Sir James Grigg : The answer to the first part of the question is in the affirmative. The answer to the second part is a very decided "No".

Mr. M. Ananthasayanam Ayyangar : Is it a fact that large quantities of silver were sold by Government and thus reduced the price of silver ?

The Honourable Sir James Grigg : That does not arise.

CONTROL OVER THE AGRA CANAL.

27. \*Mr. Sham Lal : (a) Is it a fact that the Agra Canal has no claim to a share of the Jumna supplies and its existence has not been recognised by the Punjab Government ? If so, why ?

(b) Is it a fact that Jumna supplies at Tajawala are under the control of the Punjab Government, and the Punjab Government take no interest in the irrigation of the Gurgaon District ?

(c) Is it a fact that the supplies in the Agra Canal are very irregular, as they are solely dependent on whether there is surplus water in the United Provinces Canals ?

(d) Is it a fact that the Punjab Government collects the *abiana* from the Gurgaon cultivators on the Agra Canal, and credit it to the United Provinces, while the question of remission in case of crop failure is solely controlled by the United Provinces Government ? What is the reason for this dual system ?

(e) Is it a fact that water rates were increased in the Agra Canal in the Gurgaon District (Punjab) and not in the United Provinces Districts in 1930 ? If so, why ?

(f) Is it a fact that water rates charged on the main crops, cane, cotton and wheat on the Agra Canal in the Gurgaon District are higher than those charged in the United Provinces or on the Western Jumna Canal in the Punjab ? If so, why ?

The Honourable Mr. D. G. Mitchell : The information has been called for and a reply will be placed on the table of the House in due course.

REFRESHER COURSE AT KOT LAKHPAT.

28. \*Mr. Sham Lal : (a) Is it a fact that Refresher Course at Kot Lakhpat does not result in forfeiture of one's appointment, as per Agent, North Western Railway's report, dated the 18th July, 1934 ? If so, will Government be pleased to state if the Commercial staff discharged in 1930 on account of failing in Refresher Course will be recalled ? If so, when, and if not, why not ?

(b) If they are treated as incompetent, do the local authorities make any effort to provide them with equivalent posts, as required by the North Western Railway subsidiary rule laid down in the North Western Railway Weekly Gazette No. 25 of the 23rd June, 1930, page 565 ?

Mr. P. R. Bau : The Agent, North Western Railway, reports that failure to pass a refresher course in the case of permanent employees does not involve discharge. As regards the commercial staff discharged in 1930, the railway administration do not propose either to recall them or to provide them with equivalent posts as these men were temporary and



their retention was dependent on their successfully passing the course in question. The subsidiary rule is, for the same reason, not applicable in their case.

#### CIRCULATION OF COUNTERFEIT COINS IN INDIA.

29. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state whether their attention has been drawn to a letter of the Karachi Indian Merchants' Association, sent to the Secretary to the Government of India, Finance Department, and published in the *Sind Observer* of the 6th April, 1935 under the heading "Menace of Counterfeit Coins", "Too many Bad Rupees" ?

(b) Are Government aware that, as stated in that letter, there is a widespread circulation of counterfeit rupees in India ?

(c) Are Government by this time aware that people, particularly in the mofussil, are not inclined to accept rupees on account of the wide circulation of counterfeit rupees ?

(d) Is it a fact that the Banks, including the Imperial Bank of India, have on several occasions refused to accept rupees, which, however, have been certified as genuine by the Master of His Majesty's Mint ?

(e) Are Government aware that the trade and general public experience great hardship and inconvenience on account of people refusing to accept rupees, as well as small coins, on account of their not being able to distinguish genuine coins from bad ones easily ?

(f) What steps have Government taken to eradicate this evil and to create confidence in the public currency ?

(g) What steps have Government taken to revise the pattern of small nickel coins and silver rupees so as to make counterfeiting difficult ?

(h) Have Government devised any method to unearth the source of counterfeit coins, and checkmate the same ? If so, with what result ?

**The Honourable Sir James Grigg :** (a) Yes.

(b) Government are aware that in recent years there has been an increase in the circulation of counterfeit coins, but not to the extent that the Honourable Member suggests.

(c) and (e). Government are not aware of any general disinclination on the part of the public to accept rupees.

(d) There have been occasions on which the Banks have cut coins as counterfeit which later have been certified as genuine, but such occasions have been rare.

(f) and (h). Vigorous action is being taken by the Central Intelligence Bureau in conjunction with the local Criminal Intelligence Departments and the Controller of the Currency. Separate branches of the Criminal Intelligence Department have been established in Sind and the Punjab and their concerted action has met with success, especially in the Sukkur and Larkhana districts. Important captures have also been made recently in Bombay and, I understand, in Jodhpur State.

(g) None.

**Mr. Lalchand Navalrai :** With regard to the answer to clause (c), will the Honourable Member, in view of the fact that in the mofussil, money which is good tender is being refused on flimsy grounds, consider the advisability of issuing a communiqué urging people to accept coin which is otherwise good coin ?

**The Honourable Sir James Grigg :** My recollection is that a short time ago we did issue a communiqué about the Victoria coinage, which, I understand, is the coin chiefly concerned.

**Mr. Lalchand Navalrai :** Is the Honourable Member in a position to tell me if people do not accept good coin as legal tender, what is the penalty ?

**The Honourable Sir James Grigg :** You must give me notice of that question. I am not a lawyer.

**Mr. Lalchand Navalrai :** May I inform the Honourable Member that I have communicated this question for the purpose of getting an answer, and I shall be thankful for getting an answer.

**The Honourable Sir James Grigg :** I will see that the Honourable Member gets an answer.

**Dr. T. S. S. Rajan :** Will Government consider the advisability of issuing a circular and publish it in all the newspapers of this country as to the methods by which good coins could be identified from bad ones ?

**The Honourable Sir James Grigg :** If we knew all the processes by which bad coins were produced, they would not be produced.

**Dr. T. S. S. Rajan :** Could you not mention the practical way whereby the ordinary man, the villager, would be able to test for himself and find out which is a good coin and which is a bad one ?

**The Honourable Sir James Grigg :** I do not think they would find much difficulty about that.

**Mr. B. Das :** Is the Honourable the Finance Member aware that the 1862 rupee coin is not allowed to be accepted as legal coin in Orissa and that the traders return it back ? And what is the reason why the 1862 coin is not allowed to be accepted as a silver coin ?

**The Honourable Sir James Grigg :** Did I understand the Honourable Member to say that the 1862 coin is not accepted as legal tender ? I think that is a mistake.

**Mr. B. Das :** But nobody accepts it in the market ?

**The Honourable Sir James Grigg :** It is precisely that kind of coin on which we issued a press communiqué.

**Prof. N. G. Ranga :** Sir, the same evil prevails all over India, and will the Honourable Member be pleased to say what steps they are taking in other parts of India apart from Sind ?

**The Honourable Sir James Grigg :** I think the Honourable Member is a little exaggerating.

**Prof. N. G. Ranga :** I may say this particular evil prevails even in Simla, and there are several bad rupees.

**The Honourable Sir James Grigg** : There may be special considerations.

**Prof. N. G. Ranga** : Will the Honourable Member accept those bad rupees and substitute new rupees ?

**The Honourable Sir James Grigg** : No.

**The Honourable Sir Henry Craik** : Let the Honourable Member try them on the cinemas. (Laughter.)

#### ABOLITION OF THE INDIA STORE DEPARTMENT IN LONDON.

30. **\*Sardar Sant Singh** : (a) What is the annual expenditure on the Indian Stores Department ?

(b) What is the annual expenditure on the Stores Department in London ?

(c) Are these two departments run as parallel machineries for the same purpose ? If so, why do Government maintain the two departments ?

(d) Do Government propose to close the Stores Department in London and make all purchases, even of articles of foreign origin, in India ? If not, why not ? Has there been a demand in India for the abolition of this department ?

**The Honourable Mr. D. G. Mitchell** : (a) and (b). The Honourable Member will find the information he requires in the annual Administration Reports of the Indian Stores Department and the annual Reports on the work of the India Store Department, London, copies of which are available in the Library of the House.

(c) I would invite the attention of the Honourable Member to pages 2395-97 of Volume VIII, No. 6, of the Legislative Assembly Debates, dated the 30th August, 1934, which contain a speech on the subject by the Honourable Sir Frank Noyce. The two departments are not parallel organisations ; they are to a great extent complementary.

(d) Government are actively considering the possibility of amalgamating the two departments. There has been a demand from some quarters for the abolition of the London Store Department, but Government consider that so long as any of their requirements have to be met from abroad, it will be essential to maintain an organization in London for inspection during manufacture and before shipment. The question has been fully discussed in the speech to which I have just referred.

**Babu Baijnath Bajoria** : Have Government taken any step to reduce the abnormal expenditure of the London Store Department ?

**The Honourable Mr. D. G. Mitchell** : Government do not admit that the expenditure of the London Store Department is abnormal.

**Mr. S. Satyamurti** : Have Government considered the question, not of abolishing this organization altogether, but of running it as a part of the Indian Stores Department ?

**The Honourable Mr. D. G. Mitchell** : I have already stated that Government are actively considering the possibility of amalgamating the two Departments.

**Mr. S. Satyamurti** : Have they arrived at any conclusion ?

**The Honourable Mr. D. G. Mitchell** : None yet.

**Pandit Nilakantha Das** : May I ask if its function is confined to inspection only,—I mean the function of this London Branch ?

**The Honourable Mr. D. G. Mitchell** : No ; it undertakes purchase, inspection and shipment.

**Babu Baijnath Bajoria** : Will Government put the London Store Department under the Chief Controller of Stores, Indian Stores Department, as one of its branch offices ?

**The Honourable Mr. D. G. Mitchell** : I don't know, Sir.

**Babu Baijnath Bajoria** : When will Government take action ?

**The Honourable Mr. D. G. Mitchell** : Government are considering the whole question.

**Mr. S. Satyamurti** : What are the total purchases, for the last year for which figures are available, of purchases made by this Department, and what is the expenditure for that year on this Department ?

**The Honourable Mr. D. G. Mitchell** : I would refer the Honourable Member to the reports which are in the Library of the House. I regret I cannot give accurate figures off-hand.

**Pandit Nilakantha Das** : Does he not now accept tenders in London ? Does not the London Branch make purchases by accepting tenders in London now ?

**The Honourable Mr. D. G. Mitchell** : Yes.

**Mr. B. Das** : Is the Honourable Member for Industries aware that while the London Stores Department is spending Rs. 25 lakhs on only purchasing articles worth one crore of rupees—while it was purchasing only four crores of rupees worth five years before—the Indian Stores Department in India was spending 21 lakhs and purchasing Rs. 3½ crores worth of articles a year ? (Hear, hear.)

**The Honourable Mr. D. G. Mitchell** : This is a question which has been thrashed out in great detail before in the Public Accounts Committee and other places, and the Honourable Member is already perfectly aware of the answer. The answer is that the Stores Department in London does a great deal of important work for the Government of India other than mere purchase, and to assess the value of the two Departments by the amount of purchases made by them is entirely erroneous.

**Mr. S. Satyamurti** : What other precious work are they doing for the Government of India ?

**The Honourable Mr. D. G. Mitchell** : The inspection of all materials bought in England.

**Pandit Nilakantha Das** : I have not got the answer to my supplementary question : do they not make purchases there by accepting tenders ? We have a rule that all foreign tenders should be accepted in India by the Indian Stores Department. Do the foreign people give tenders in London ?

**The Honourable Mr. D. G. Mitchell :** The Honourable Member will find the details of stores purchase procedure in the Stores Purchase Rules of which there is a copy in the Library. The Government of India adhere to the system of rupee tenders in India, but in certain special cases, which are explained in the Stores Purchase Rules, departures have to be made and tenders called for in England.

**Mr. M. Ananthasayanam Ayyangar :** Who makes the inspections with regard to the purchases of articles in England? Does the London Department make inspections and carry out negotiations with regard to articles purchased in countries other than England?

### UNSTARRED QUESTIONS AND ANSWERS.

#### DEALING OF APPEALS AGAINST DISCHARGE ON THE EAST INDIAN RAILWAY.

1. **Mr. Muhammad Azhar Ali :** (a) Is it a fact that in the rules regulating the discharge and dismissal of State Railways non-gazetted Government servants, the Agent, East Indian Railway, vide his Circular No. 508/A.E.-1795 of the 22nd January, 1930, has laid down that appeals against discharge will be finally dealt with as follows :

“(iii) By a Divisional Superintendent or by a Deputy Chief Mechanical Engineer if the order of discharge was issued by a senior scale officer attached to his Division or Workshops as the case may be”?

(b) Is it also a fact that the Circular referred to in part (a) was published in the Weekly Gazette of the East Indian Railway?

(c) Will Government please state whether this rule is still in force?

(d) If the answer to part (c) be in the affirmative, will Government please state whether :

(i) the Divisional Superintendent is the final authority if he has not been consulted or in any way dealt with the case at any stage prior to the order of discharge by a senior scale officer ; and

(ii) if he has already dealt with the case before orders of discharge were passed, he is still the final appellate authority to dispose of an appeal against discharge?

**Mr. P. R. Rau :** (a), (b) and (c). Yes.

(d) (i) Yes.

(ii) No. Where the order of discharge has been passed or dealt with by the Divisional Superintendent personally, the next appellate authority is the Head of the Department concerned. The general rules recently issued by Government provide for an appeal to the authority next above that imposing the penalty, or to such higher authority as the Agent may prescribe in respect of railway servants under his control.

#### NOTIFICATION OF THE RULES REGULATING THE DISCHARGE AND DISMISSAL OF STATE RAILWAY NON-GAZETTED SERVANTS TO THE EAST INDIAN RAILWAY EMPLOYEES.

2. **Mr. Muhammad Azhar Ali :** (a) Is it a fact that the rules framed by the Railway Board regulating the discharge and dismissal of State Railway non-gazetted servants were notified to the subordinate staff

on the East Indian Railway through an Appendix to the Weekly Gazette under the caption “Manual of Special Orders on matters of general importance concerning the staff, 1930”?

(b) Is it also a fact that in the Report by the Railway Board on Indian Railways for 1933-34, Volume I, Staff, Security of Service, Government have stated that certain modifications, and extensions have been notified to Railway Administrations in connection with these rules?

(c) Have these modifications, extensions and regulations of the rules been communicated to the subordinate staff on the East Indian Railway through the Weekly Gazette as an addendum to the Manual of Special Orders on matters of general importance concerning the staff, 1930? If not, why and when are these likely to be notified to the staff?

**Mr. P. R. Rau :** (a) and (b). Yes.

(c) Yes. The modifications were communicated to the subordinate staff through the Railway's Gazette. No separate amendment has been issued to the “Manual of special orders or matters of general importance concerning the staff (1930)”. The preface to the manual in question states that all orders concerning the staff will be published in the Railway Gazette.

#### EXAMINATIONS IN ESTABLISHMENT DUTIES PASSED BY THE SUPERINTENDENTS AND ASSISTANT SUPERINTENDENTS, STAFF, ON THE EAST INDIAN RAILWAY.

3. **Mr. Muhammad Azhar Ali :** (a) Will Government please state what qualifying examinations in Establishment Rules and Procedure the Superintendents and Assistant Superintendents, Staff, on the East Indian Railway, have passed?

(b) Do Government propose to consider the advisability of removing all such Superintendents and Assistant Superintendents who have not passed qualifying examinations in Establishment duties? If not, why not?

**Mr. P. R. Rau :** (a) State railway officers are not required to pass qualifying examinations in establishment rules and procedure.

(b) No. The Government do not see that any useful purpose will be served by holding such examinations.

#### DUTIES OF THE DEPUTY AGENT (GENERAL), EAST INDIAN RAILWAY.

4. **Mr. Muhammad Azhar Ali :** (a) Does the Deputy Agent (General), East Indian Railway, deal with Establishment matters, appeals and cognate subjects governed by the Railway Services (Classification, Control and Appeal) Rules, the rules for the recruitment and training of the subordinate staff, the Government Servants' Conduct Rules and allied manuals?

(b) Has the Deputy Agent (General), passed any qualifying examinations to prove that he has a sound knowledge of Government Rules and Regulations governing the conduct, discipline, appeal and allied matters relating to Government servants? If not, are Government prepared to consider replacing him by a qualified officer trained by the Railway Board?

**Mr. P. R. Rau :** (a) Yes.

(b) The answer to both parts of the question is in the negative.

# POSTS OF TRANSPORTATION INSPECTORS SANCTIONED BY THE EAST INDIAN RAILWAY.

5. **Mr. Muhammad Azhar Ali :** (a) With reference to the reply to starred question No. 201 of the 13th February, 1935, regarding posts of Transportation Inspectors sanctioned by the East Indian Railway, will Government please state :

- (i) the names and designations of the officers who composed this Selection Board ;
- (ii) the place and date on which the Selection Board examined candidates for these seven posts ;
- (iii) the names and designations of the candidates considered by the Selection Board for these posts ; and
- (iv) the names of the candidates recommended by this Selection Board for these seven posts of Transportation Inspectors ?

(b) Did the Divisional Superintendents participate in this operation ? If so, in what manner ?

(c) Are these Inspectors required to perform combined duties of Transportation and Commercial or only Commercial duties ?

(d) Did the Chief Commercial Manager participate in this operation ? If not, why not ?

**Mr. P. R. Rau :** (a) The Agent, East Indian Railway, reports that a Selection Board consisting of Mr. W. H. Burnard, Chief Operating Superintendent and Mr. H. A. Collet, Superintendent, Staff, met on the 16th August, 1934, at the Head Office, Calcutta. In exercise of the discretion vested in them by Note 2 to paragraph 61 of the Rules for the Recruitment and Training of Subordinate Staff on State-managed Railways, a copy of which is in the Library of the House, the Selection Board did not summon candidates for an interview. All senior grades of staff with the required experience were considered for promotion but no list of the names and designations of the individuals considered was retained. The following candidates were recommended by the Selection Board :

1. Mr. J. A. Titman.
2. Mr. J. A. Doran.
3. Mr. G. H. Johans.
4. Mr. E. J. England.
5. Mr. H. E. Monk.
6. Mr. I. B. Gantzar.
7. Mr. T. A. Ferrier.

(b) Substantive promotions to the posts of Transportation and Commercial Inspectors are controlled by the Head Office. Divisional Superintendents participated to the extent that they were consulted.

(c) Out of 44 Inspectors 38 are required to perform the combined duties of the Transportation and Commercial Branches.

(d) No. The Administration considered that a Selection Board, comprising the Chief Operating Superintendent and the Superintendent, Staff, was sufficient.

# SERVICE CONDITIONS OF THE EAST INDIAN RAILWAY EMPLOYEES.

6. **Mr. Muhammad Azhar Ali :** (a) Will Government please reconcile their reply to starred question No. 500 (d) of the 23rd February, 1935, with Clause 2 of the Service Agreement which states :

" I further agree to be subject to immediate dismissal or suspension without pay for refusal of duty, disobedience of orders, absence without leave, negligence or misconduct or any neglect of Government rules and orders applicable to my service "

and state what Government rules relating to the procedure in cases of dismissal, removal, or reduction regulated the conduct and discipline of those employees who were employed by Government from 1st January, 1925 ?

(b) Will Government also reconcile their reply to starred question No. 500 (e) of the 23rd February, 1935, with the following statement in the Report by the Railway Board on Indian Railways for 1924-25, Chapter I, General Administration :

" The Agent of the Railway has been invested with the powers of an Agent of a State Railway "

and lay on the table of the House a copy of the document detailing the powers that were vested in the Agent of the East Indian Railway ?

(c) Will Government please state whether the rules referred to in part (a) were communicated to the staff ? If so, in what manner ?

**Mr. P. R. Rau :** (a) If my Honourable friend will refer again to the reply which I gave to parts (c) to (e) of question No. 500 on the 23rd February, 1935, he will find that those replies were given on the assumption that the questions related to the period before the East Indian Railway was taken over by the State. Clauses 3 and 4 of the service agreement executed by employees make it clear that in regard to matters such as conduct and discipline, ex-Company employees who became State employees after the transfer to State control would be governed by Government rules. The latter are contained in paragraphs 287 to 302 of the State Railway Open Line Code, Volume II, a copy of which is in the Library of the House.

(b) I have already explained the position in my reply to part (a) of this question. A copy of the Schedule of powers of an Agent of a State Railway is already in the Library of the House.

(c) It was not the practice to supply copies of the State Railway Open Line Code to railway servants. The publication was available for sale to who wished to purchase it.

# T OF APPEAL TO THE HIGH COURT AGAINST THE DECISIONS OF THE COMMISSIONERS OF INCOME-TAX.

7. **Bhai Parma Nand :** Are Government prepared to amend the Income-tax Act, by giving a right of appeal to the High Court against the decision of the Commissioner of the Income-tax Department ?

**Mr. A. H. Lloyd :** The question whether any other authority than officers of the Income-tax Department should be empowered to determine questions of fact is one of the questions which are to be considered by experts who are shortly to arrive in India.

CONTRIBUTION BY THE EAST INDIAN RAILWAY PERMANENT STAFF TO THE PROVIDENT FUND.

8. **Mr. Amarendra Nath Chattopadhyaya** : Will Government be pleased to state if it is a fact that permanent staff on the East Indian Railway are allowed to contribute to the Provident Fund Institute ?

**Mr. P. R. Rau** : Eligibility to become members of the State Railway Provident Fund and the East Indian Railway Provident Fund is governed by the State Railway Provident Fund Rules and the East Indian Railway Provident Fund Rules, respectively. Copies of both these are available in the Library.

PROMOTION OF TYPISTS TO THE CLERICAL CADRE ON THE EAST INDIAN RAILWAY.

9. **Mr. Amarendra Nath Chattopadhyaya** : (a) Is it a fact that the East Indian Railway Administration have imposed a condition on the typists that they cannot be promoted to the clerical cadre ?

(b) If the reply to part (a) be in the affirmative, will Government please state the rules under which this restriction has been imposed by the East Indian Railway Administration ?

(c) Are Government aware that typing is an additional qualification to enter into the service ?

(d) Will Government please state the minimum qualification fixed by the East Indian Railway Administration for clerical appointments ? If not, why not ?

(e) Is it a fact that the typists of the East Indian Railway (executive) submitted a memorial to the Agent as early as 9th July, 1934, and that that memorial is still lying undisposed ? If so, why ?

(f) Is it a fact that the claims of the typists, who are also qualified stenographers, are overlooked for promotion to a stenographer's post, whenever vacancies occur, and outsiders are being appointed from time to time ? If so, why ? If not, will Government please state the reasons in the following cases where this actually happened :

(i) Chief Commercial Manager's office—Research Section—appointment of Mr. Iyer ;

(ii) Agent's office—appointment of Mr. Brown, Deputy Agent (Works)—Mr. Gilbert's stenographer ; and

(iii) Chief Mechanical Engineer's office—appointment of a lady stenographer (Miss I. Tern-Duff) ?

**Mr. P. R. Rau** : (a) No.

(b) Does not arise.

(c) Not necessarily.

(d) Generally speaking the matriculation examination or its equivalent.

(e) The Agent reports that the appeal in question was submitted by the typists employed in the central typing section at headquarters and the decision to disband that section so materially changed the position in regard to the matters referred to in the appeal that no action was called for and it was accordingly filed.

(f) The answer to the first part of the question is in the negative.

As regards the particular instances given, the appointments were made by selection of the most suitable candidates.

NON-ADMISSION OF ARYA SAMAJISTS IN THE ARMY.

10. **Mr. Ghansham Singh Gupta** : (a) Has the attention of Government been directed to a note published on page 12 of the *Anathraksha* of Ajmer, dated the 28th February, 1935, under the heading "*Arya Sarva Deshik Sabha Dhyam De*" ?

(b) Will Government please state how far the allegations made therein are correct ?

(c) Is it a fact that the Arya Samajists are refused admission in the Army ?

(d) Is it a fact that Arya Samajists serving in the Army suffer on account of obstruction in following their faith ?

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

(b) The allegations are not correct.

(c) No.

(d) No. Indian soldiers of every shade of religious opinion are free to carry out their religious duties in any way they like, so long as military efficiency is maintained and no offence is given to other communities.

LOCOMOTIVES ON CLASS I RAILWAYS.

11. **Mr. V. V. Giri** : (a) Will Government be pleased to state the number of locomotives of each type for each gauge now in stock on each of the Class I Railways and the percentage of each type in use daily on the average ?

(b) Will Government be pleased to state the average cost of repair and maintenance of the 59 locomotives on the Great Indian Peninsula and the North Western Railways proposed to be scrapped in 1936-37 without replacement ?

(c) Will Government be pleased to state the number of locomotives on each Railway used in 1934-35 though replaced by new ones ?

**Mr. P. R. Rau** : (a) The available information on the subject will be found in statement 22, pages 136 to 139 of the Report by the Railway Board on Indian Railways, Volume II, of 1933-34. The information is not compiled for each type of locomotive.

(b) I presume the Honourable Member desires to know what expenditure would be incurred in repairs and maintenance if the 59 locomotives were allowed to run their normal life, and would be fully employed.

In the case of the 29 North Western Railway locomotives it has been estimated that the cost would be approximately 6½ lakhs.

Regarding the 30 Great Indian Peninsula Railway locomotives two have already exceeded their life limit and 20 more will be due condemnation in 1936-37.

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The question of repairs to these engines, therefore, does not arise. The remaining eight locomotives would cost approximately four lakhs per annum in repairs and maintenance.

In this connection I would refer the Honourable Member to pages 54 and 68 of the Proceedings of the meeting of the Standing Finance Committee for Railways, Volume XII—No. 4.

(c) A statement giving the desired information is placed on the table.

*Statement showing number of locomotives, by gauges, replaced but still running on each Class I Railway at the end of the year 1934-35.*

| No.                                      | Railway. | Number replaced but still running. |
|------------------------------------------|----------|------------------------------------|
| 1                                        | 2        | 3                                  |
| <i>5' 6" Gauge.</i>                      |          |                                    |
| Bengal Nagpur .. .. .                    | .. .. .  | ..                                 |
| Bombay, Baroda and Central India .. .. . | .. .. .  | 1                                  |
| Eastern Bengal .. .. .                   | .. .. .  | ..                                 |
| East Indian .. .. .                      | .. .. .  | 6                                  |
| Great Indian Peninsula .. .. .           | .. .. .  | ..                                 |
| Madras and Southern Mahratta .. .. .     | .. .. .  | ..                                 |
| Nizam's State .. .. .                    | .. .. .  | ..                                 |
| North Western .. .. .                    | .. .. .  | 5                                  |
| South Indian .. .. .                     | .. .. .  | ..                                 |
| <i>3' 3/4" Gauge.</i>                    |          |                                    |
| Assam Bengal .. .. .                     | .. .. .  | 1                                  |
| Bengal North Western .. .. .             | .. .. .  | 31                                 |
| Bombay, Baroda and Central India .. .. . | .. .. .  | 14                                 |
| Burma .. .. .                            | .. .. .  | ..                                 |
| Eastern Bengal .. .. .                   | .. .. .  | ..                                 |
| Jodhpur .. .. .                          | .. .. .  | ..                                 |
| Madras and Southern Mahratta .. .. .     | .. .. .  | 2                                  |
| Nizam's State .. .. .                    | .. .. .  | 18                                 |
| Rohilkund and Kumaon .. .. .             | .. .. .  | 1                                  |
| South Indian .. .. .                     | .. .. .  | 1                                  |
|                                          | .. .. .  | ..                                 |

| No.                                      | Railway. | Number replaced but still running. |
|------------------------------------------|----------|------------------------------------|
| 1                                        | 2        | 3                                  |
| <i>2' 6" Gauge.</i>                      |          |                                    |
| Bengal Nagpur .. .. .                    | .. .. .  | ..                                 |
| Bombay, Baroda and Central India .. .. . | .. .. .  | ..                                 |
| Eastern Bengal .. .. .                   | .. .. .  | 1                                  |
| Great Indian Peninsula .. .. .           | .. .. .  | ..                                 |
| North Western .. .. .                    | .. .. .  | ..                                 |
| South Indian .. .. .                     | .. .. .  | ..                                 |

#### SCRAP VALUE ON CONDEMNED LOCOMOTIVES, COACHING AND WAGON STOCK ON EACH RAILWAY.

12. **Mr. V. V. Giri** : Will Government be pleased to state the scrap value realised every year on condemned locomotives, coaching and wagon stock on each Railway since 1931 and the respective difference between the book value and the actual scrap value of the condemned stock ?

**Mr. P. R. Rau** : The information is not readily available and Government consider that the time and labour involved in collecting it is not likely to be justified by results.

#### DEPRECIATION FUND RULES OF STATE RAILWAYS.

13. **Mr. V. V. Giri** : Will Government be pleased to lay a statement on the table comparing the present Depreciation Fund Rules on Indian State-managed Railways with those obtaining on principal Railways of foreign countries ?

**Mr. P. R. Rau** : The revised method of calculation of the depreciation fund on the Indian State-managed Railways is explained in the memorandum printed at pages 46 and 47 of the Proceedings of the Meeting of the Standing Finance Committee for Railways held on the 2nd February, 1935 (Volume XII—No. 1). As regards the practice in other countries regarding depreciation fund, I have placed in the Library of the House a memorandum which furnishes the information available.

#### WAGON REQUIREMENTS OF INDIAN RAILWAYS.

14. **Mr. V. V. Giri** : (a) Will Government be pleased to state what firms in India are in a position to meet wagon requirements of Indian Railways and the capacity of each workshop to manufacture wagon under-frames in one full year ?

(b) Will Government be pleased to lay a statement on the table showing production statistics including amount of indigenous material used,

the amount of Indian capital invested, the number of Indians in the directorate and the number of workers employed, in each of the wagon manufacturing firms in India ?

**Mr. P. R. Rau :** (a) A statement showing the required information is attached.

(b) Government have no information.

The following firms in India are engaged in the manufacture of wagons and underframes :

1. Messrs. the Indian Standard Wagon Company, Limited.
2. Messrs. Jessop and Company, Limited.
3. Messrs. Burn and Company, Limited.
4. Messrs. Braithwaite and Company (India), Limited.

The estimated annual potential outputs of wagons from the works of the above firms are :

|                                                          |       |
|----------------------------------------------------------|-------|
| 1. Messrs. the Indian Standard Wagon Company, Limited .. | 3,000 |
| 2. Messrs. Jessop and Company, Limited .. ..             | 1,800 |
| 3. Messrs. Burn and Company, Limited .. ..               | 1,800 |
| 4. Messrs. Braithwaite and Company (India), Limited ..   | 1,800 |

All the above firms can also manufacture underframes and for the purpose of estimates of potential outputs one Broad gauge underframe may be taken as equivalent to two wagons.

In addition to the firms mentioned above, Messrs. Herman and Mohatta, Karachi, can undertake the partial manufacture of wagons and their estimated annual output is 300 wagons per annum.

#### CAPACITY OF THE TATA RAILWAY WORKSHOPS TO MANUFACTURE CARRIAGE AND WAGON UNDER-FRAMES.

15. **Mr. V. V. Giri :** Will Government be pleased to state the capacity of Tata Railway Workshops to manufacture carriage and wagon under-frames in a full year and the number of employees engaged in the works ?

**Mr. P. R. Rau :** The maximum capacity of the Tatanagar Workshops is 550 I. R. S. Broad Gauge 8'-0" Bogie under-frames per annum. The number of employees who would be engaged if the works were manufacturing to full capacity would be between 900 and 1,000 depending upon the type of under-frames passing through the shops.

#### EQUIPMENT OF RAILWAY WORKSHOPS FOR MANUFACTURING CARRIAGE AND WAGON UNDER-FRAMES.

16. **Mr. V. V. Giri :** Will Government be pleased to state to what extent Railway workshops in India have necessary equipment for manufacturing carriage and wagon under-frames ?

**Mr. P. R. Rau :** With the exception of the Bombay, Baroda and Central India Railway Workshops at Ajmer and the Tatanagar Workshops, no railway workshops can be considered as completely equipped for this purpose. They are intended for and are ordinarily fully employed upon the repair of rolling stock.

#### WAGONS RE-CONDITIONED ON INDIAN RAILWAYS.

17. **Mr. V. V. Giri :** Will Government be pleased to state the number of wagons re-conditioned on Indian Railways since 1926 obviating the necessity of replacement ?

**Mr. P. R. Rau :** It has recently been found that certain types of wagons built some 20 to 30 years ago are structurally too weak to stand up to modern traffic conditions with the result that the cost of a periodical overhaul to such vehicles is considerably above the average ; and it became a question of either replacing them by new wagons, or spending a certain amount of money in strengthening the under-frames, renewing their floors and otherwise enabling them to run their normal life without costing more than the average to repair. One thousand wagons are now being re-conditioned at Tatanagar. When the actual cost of re-conditioning those wagons is known the Railway Board will, after taking into consideration the financial implications, decide what other similar wagons should be re-conditioned and what should be replaced.

#### HEAVY REPAIR AND COST OF REPAIR IN WORKSHOPS PER UNIT OF ROLLING STOCK.

18. **Mr. V. V. Giri :** Will Government be pleased to lay a statement on the table showing the improvement every year in the number of staff per heavy repair, the frequency of heavy repair, the cost of repair in workshops per unit of rolling stock since 1925 ?

**Mr. P. R. Rau :** Information regarding the number of staff per heavy repair is not readily available. Regarding the frequency of heavy repairs and cost thereof no information is available prior to 1928 for locomotive and 1929 for carriages and wagons ; nor is information available in the precise form asked for by the Honourable Member.

Statements showing the average cost of a standard first class locomotive repair and the average mileage run since last heavy repair on each of the Class I Railways for the months of April, 1928, and April, 1934, and similar statements regarding carriages and wagons for the months of April, 1929, and April, 1934, have been however prepared and are laid on the table.

I would add for my Honourable friend's information that statement 26 (b) in Volume II of the Annual Report by the Railway Board on Indian Railways contains information regarding the cost of repairs per equated engine mile of locomotives and per carriage and per wagon which may be of interest to him.

## Comparative abstract of Locomotive Workshop repairs on Class I Railways, 1934.

| Name of Railway.      | Average cost of a standard 1st class or unit repair during the previous 3 months (In hundreds.) | Average miles run by all engines despatched since being last repaired in mechanical workshops. (In thousands.) |
|-----------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
|                       | Rs.                                                                                             | April.                                                                                                         |
| 5'-6" GAUGE.          |                                                                                                 |                                                                                                                |
| B. N. .. .. .         | 11,8                                                                                            | 69                                                                                                             |
| B. B. & C. I. .. .. . | 10,6                                                                                            | 73                                                                                                             |
| E. B. .. .. .         | 10,6                                                                                            | 63                                                                                                             |
| E. I. .. .. .         | 8,8                                                                                             | 78                                                                                                             |
| G. I. P. .. .. .      | 11,0                                                                                            | 73                                                                                                             |
| M. & S. M. .. .. .    | 12,6                                                                                            | 45                                                                                                             |
| N. S. .. .. .         | 17,1                                                                                            | 94                                                                                                             |
| N. W. .. .. .         | 11,1                                                                                            | 72                                                                                                             |
| S. I. .. .. .         | 9,9                                                                                             | 72                                                                                                             |
| 3'-3½" GAUGE.         |                                                                                                 |                                                                                                                |
| A. B. .. .. .         | 15,3                                                                                            | 108                                                                                                            |
| B. & N. W. .. .. .    | 8,0                                                                                             | 61                                                                                                             |
| B. B. & C. I. .. .. . | 13,1                                                                                            | 56                                                                                                             |
| Burma .. .. .         | 11,7                                                                                            | 88                                                                                                             |
| E. B. .. .. .         | 12,9                                                                                            | 79                                                                                                             |
| Jodhpur .. .. .       | 8,6                                                                                             | 66                                                                                                             |
| M. & S. M. .. .. .    | 9,2                                                                                             | 52                                                                                                             |
| N. S. .. .. .         | 12,4                                                                                            | 73                                                                                                             |
| R. & K. .. .. .       | 9,3                                                                                             | 47                                                                                                             |
| S. I. .. .. .         | 14,7                                                                                            | 65                                                                                                             |

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## Comparative abstract of Locomotive Workshop repairs on Class I Railways, 1928.

| Name of Railway.      | Average cost of a standard 1st class or unit repair during the previous three months. | Average number of miles run by engines despatched during the month after undergoing heavy repairs (since last heavy repairs). |
|-----------------------|---------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
|                       | Rs.                                                                                   | April.                                                                                                                        |
| 5'-6" Gauge.          |                                                                                       |                                                                                                                               |
| B. N. .. .. .         | 13,032                                                                                | 99,659                                                                                                                        |
| B. B. & C. I. .. .. . | 16,624                                                                                | 60,984                                                                                                                        |
| E. B. .. .. .         | 10,102                                                                                | 56,179                                                                                                                        |
| E. I. .. .. .         | 11,208                                                                                | 85,305                                                                                                                        |
| G. I. P. .. .. .      | 8,091                                                                                 | 60,166                                                                                                                        |
| M. & S. M. .. .. .    | 17,365                                                                                | 84,845                                                                                                                        |
| N. S. .. .. .         | 11,436                                                                                | NIL.                                                                                                                          |
| N. W. .. .. .         | 18,328                                                                                | 61,934                                                                                                                        |
| S. I. .. .. .         | 20,194                                                                                | 39,007                                                                                                                        |
| 3'-3½" Gauge.         |                                                                                       |                                                                                                                               |
| A. B. .. .. .         | 15,432                                                                                | 198,605                                                                                                                       |
| B. & N. W. .. .. .    | 14,559                                                                                | 56,597                                                                                                                        |
| B. B. & C. I. .. .. . | 21,125                                                                                | 79,160                                                                                                                        |
| Burma .. .. .         | 15,918                                                                                | 119,440                                                                                                                       |
| E. B. .. .. .         | 15,223                                                                                | 71,336                                                                                                                        |
| Jodhpur .. .. .       | 24,026                                                                                | 107,890                                                                                                                       |
| M. & S. M. .. .. .    | 14,301                                                                                | 75,896                                                                                                                        |
| N. S. .. .. .         | 18,819                                                                                | 107,743                                                                                                                       |
| R. & K. .. .. .       | 7,581                                                                                 | 69,130                                                                                                                        |
| S. I. .. .. .         | 33,885                                                                                | 89,193                                                                                                                        |



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*Comparative abstract of Carriage and Wagon Workshop repairs on Class I Railways. Passenger Carriages, 1929.*

| Name of Railway.      | Average cost of repairs per passenger carriage (in terms of 4-wheelers) during the previous 3 months. | Average period in months passenger carriages despatched were in service prior to undergoing repairs. |
|-----------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
|                       | Rs.                                                                                                   |                                                                                                      |
|                       | April.                                                                                                | April.                                                                                               |
| 5'-6" Gauge.          |                                                                                                       |                                                                                                      |
| B. N. .. .. .         | 1,207                                                                                                 | 19.4                                                                                                 |
| B. B. & C. I. .. .. . | 1,090                                                                                                 | 15.9                                                                                                 |
| E. B. .. .. .         | 276                                                                                                   | 7.78                                                                                                 |
| E. I. .. .. .         | 766                                                                                                   | 12.2                                                                                                 |
| G. I. P. .. .. .      | 1,045                                                                                                 | 9.02                                                                                                 |
| M. & S. M. .. .. .    | 832                                                                                                   | 11.3                                                                                                 |
| N. S. .. .. .         | 619                                                                                                   | 11.8                                                                                                 |
| N. W. .. .. .         | 781                                                                                                   | 14.2                                                                                                 |
| S. I. .. .. .         | 522                                                                                                   | 24.5                                                                                                 |
| 3'-3½" Gauge.         |                                                                                                       |                                                                                                      |
| A. B. .. .. .         | 521                                                                                                   | 13.5                                                                                                 |
| B. & N. W. .. .. .    | 180                                                                                                   | 26.6                                                                                                 |
| B. B. & C. I. .. .. . | 511                                                                                                   | 15.8                                                                                                 |
| Burma .. .. .         | 512                                                                                                   | 26.7                                                                                                 |
| E. B. .. .. .         | 326                                                                                                   | 13.8                                                                                                 |
| Jodhpur .. .. .       | 956                                                                                                   | 15.0                                                                                                 |
| M. & S. M. .. .. .    | 269                                                                                                   | 11.4                                                                                                 |
| N. S. .. .. .         | 769                                                                                                   | 2.78                                                                                                 |
| R. & K. .. .. .       | 448                                                                                                   | 17.0                                                                                                 |
| S. I. .. .. .         | 809                                                                                                   | 41.2                                                                                                 |

*Comparative abstract of Carriage and Wagon Workshop repairs on Class I Railways. Passenger Carriages, 1934.*

| Name of Railway.                         | Average cost of repairs per passenger carriage (in terms of 4-wheelers) during the previous 3 months. | Average period in months passenger carriages despatched were in service prior to undergoing repairs. |
|------------------------------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
|                                          | Rs.                                                                                                   |                                                                                                      |
|                                          | April.                                                                                                | April.                                                                                               |
| 5'-6" Gauge.                             |                                                                                                       |                                                                                                      |
| Bengal Nagpur .. .. .                    | 915                                                                                                   | 10.9                                                                                                 |
| Bombay, Baroda and Central India .. .. . | 712                                                                                                   | 8.52                                                                                                 |
| Eastern Bengal .. .. .                   | 942                                                                                                   | 10.0                                                                                                 |
| East Indian .. .. .                      | 741                                                                                                   | 12.2                                                                                                 |
| Great Indian Peninsula .. .. .           | 752                                                                                                   | 10.1                                                                                                 |
| Madras and Southern Mahratta .. .. .     | 834                                                                                                   | 14.0                                                                                                 |
| Nizam's State .. .. .                    | 1,342                                                                                                 | 21.6                                                                                                 |
| North Western .. .. .                    | 697                                                                                                   | 13.7                                                                                                 |
| South Indian .. .. .                     | 630                                                                                                   | 15.3                                                                                                 |
| 3'-3½" Gauge.                            |                                                                                                       |                                                                                                      |
| Assam Bengal .. .. .                     | 630                                                                                                   | 18.9                                                                                                 |
| Bengal and North Western .. .. .         | 207                                                                                                   | 13.0                                                                                                 |
| Bombay, Baroda and Central India .. .. . | 563                                                                                                   | 13.6                                                                                                 |
| Burma .. .. .                            | 453                                                                                                   | 27.0                                                                                                 |
| Eastern Bengal .. .. .                   | 328                                                                                                   | 15.3                                                                                                 |
| Jodhpur .. .. .                          | 524                                                                                                   | 12.4                                                                                                 |
| Madras and Southern Mahratta .. .. .     | 360                                                                                                   | 13.1                                                                                                 |
| Nizam's State .. .. .                    | 1,132                                                                                                 | 21.2                                                                                                 |
| Rohilkund and Kumaon .. .. .             | 226                                                                                                   | 19.4                                                                                                 |
| South Indian .. .. .                     | 435                                                                                                   | 28.0                                                                                                 |

## Comparative abstract of Carriage and Wagon Workshop repairs on Class I Railways.

Wagons.  
1929.

| Name of Railway.      | Average cost of repairs per wagon (in terms of 4-wheelers) during the previous 3 months. | Average period in months wagons despatched were in service prior to undergoing repairs. |
|-----------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
|                       | Rs.                                                                                      |                                                                                         |
| 5'—6" Gauge.          | April.                                                                                   | April.                                                                                  |
| B. N. .. .. .         | 279                                                                                      | 26.8                                                                                    |
| B. B. & C. I. .. .. . | 140                                                                                      | 24.2                                                                                    |
| E. B. .. .. .         | 121                                                                                      | 22.5                                                                                    |
| E. I. .. .. .         | 153                                                                                      | 24.3                                                                                    |
| G. I. P. .. .. .      | 189                                                                                      | 23.0                                                                                    |
| M. & S. M. .. .. .    | 288                                                                                      | 30.8                                                                                    |
| N. S. .. .. .         | 316                                                                                      | 24.7                                                                                    |
| N. W. .. .. .         | 59                                                                                       | 21.6                                                                                    |
| S. I. .. .. .         | 122                                                                                      | 24.4                                                                                    |
| 3'—3½" Gauge.         |                                                                                          |                                                                                         |
| A. B. .. .. .         | 130                                                                                      | 31.4                                                                                    |
| B. & N. W. .. .. .    | 144                                                                                      | 43.5                                                                                    |
| B. B. & C. I. .. .. . | 112                                                                                      | 45.6                                                                                    |
| Burma .. .. .         | 392                                                                                      | 50.5                                                                                    |
| E. B. .. .. .         | 133                                                                                      | 23.4                                                                                    |
| Jodhpur .. .. .       | 139                                                                                      | 28.5                                                                                    |
| M. & S. M. .. .. .    | 138                                                                                      | 39.1                                                                                    |
| N. S. .. .. .         | 131                                                                                      | 24.0                                                                                    |
| R. & K. .. .. .       | 127                                                                                      | 25.0                                                                                    |
| S. I. .. .. .         | 118                                                                                      | 39.0                                                                                    |

## Comparative abstract of Carriage and Wagon Workshop repairs on Class I Railways.

Wagons.  
1934.

| Name of Railway.      | Average cost of repairs per wagon (in terms of 4-wheelers) during the previous 3 months. | Average period in months wagons despatched were in service prior to undergoing repairs. |
|-----------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
|                       | Rs.                                                                                      |                                                                                         |
| 5'—6" Gauge.          | April.                                                                                   | April.                                                                                  |
| B. N. .. .. .         | 224                                                                                      | 34.5                                                                                    |
| B. B. & C. I. .. .. . | 176                                                                                      | 26.9                                                                                    |
| E. B. .. .. .         | 160                                                                                      | 27.2                                                                                    |
| E. I. .. .. .         | 241                                                                                      | 23.4                                                                                    |
| G. I. P. .. .. .      | 220                                                                                      | 35.4                                                                                    |
| M. & S. M. .. .. .    | 237                                                                                      | 28.7                                                                                    |
| N. S. .. .. .         | 394                                                                                      | 31.5                                                                                    |
| N. W. .. .. .         | 210                                                                                      | 30.8                                                                                    |
| S. I. .. .. .         | 212                                                                                      | 42.7                                                                                    |
| 3'—3½" Gauge.         |                                                                                          |                                                                                         |
| A. B. .. .. .         | 162                                                                                      | 40.4                                                                                    |
| B. & N. W. .. .. .    | 122                                                                                      | 34.3                                                                                    |
| B. B. & C. I. .. .. . | 145                                                                                      | 39.6                                                                                    |
| Burma .. .. .         | 338                                                                                      | 40.0                                                                                    |
| E. B. .. .. .         | 99                                                                                       | 28.9                                                                                    |
| Jodhpur .. .. .       | 86                                                                                       | 29.6                                                                                    |
| M. & S. M. .. .. .    | 127                                                                                      | 35.9                                                                                    |
| N. S. .. .. .         | 190                                                                                      | 39.8                                                                                    |
| R. & K. .. .. .       | 40                                                                                       | 35.0                                                                                    |
| S. I. .. .. .         | 119                                                                                      | 44.0                                                                                    |

## RECOMMENDATIONS OF THE STATE RAILWAY WORKSHOPS COMMITTEE.

19. Mr. V. V. Giri : Will Government be pleased to lay on the table a statement showing the action so far taken on each of the recommendations of the State Railway Workshops Committee ?

Mr. P. R. Rau : A statement showing the action taken on the more important recommendations is attached.

*Major recommendations of the State Railway Workshops Committee.*

## GENERAL.

- 347 A wholehearted attempt must be made by all railways to adopt standard locomotive, carriage and wagon details.
- 407 Improvements in the internal organi-  
408 sation of all mechanical workshops are  
409 & urgently called for.

Standard locomotive carriage and wagon details have been adopted by all railways.

Repairs are now scheduled in all State Railway Workshops. Production Engineers have also been appointed, and each shop has an organisation for the inspection, and ganging of work done in each shop. A Metallurgist has been appointed for the Moghalpura shops and is in charge of a laboratory where the inspection and testing of materials is carried out.

- 415 Accepted life of a loco. boiler should be reduced from 25 to 17 years.

A life of 17 years for locomotive boilers has been assumed for the purpose of forecasting their replacement but the actual condemnation of a boiler depends upon its condition.

- 423 An urgent need exists for the examina-  
427 tion of the present system of store-keep-  
ing and the substitution by one more satisfactory.

The system of store-keeping has since been revised on all railways.

## NORTH WESTERN RAILWAY.

- 219 Proposals for extensions to the boiler shops and the iron foundry in Moghalpura shops are not justified.

No extension to these shops has been made.

- 220 Rawalpindi and Karachi locomotive & workshops are to be closed down entirely.  
221 A new 40 pit locomotive shop is to be laid down at Sukkur capable of extension to 80.

Rawalpindi and Karachi locomotive shops have been closed down. A new locomotive shop at Sukkur has not been provided as owing to the improved out-turn from the Moghalpura shops there is no necessity for it.

- 266 Karachi and Rawalpindi are to be closed down as carriage repair shops, the work being concentrated at Sukkur in an up to date shop capable of dealing with all coaching stock previously repaired at smaller shops.

The carriage repair shops at Karachi and Rawalpindi have been closed down.

Wagon repair shops to be provided at Rawalpindi and Sukkur with covered accommodation for 50 wagons each and at Karachi for 100 wagons.

Wagon repair shops at Rawalpindi and Karachi have not been provided as due to improved organisation the Moghalpura and Sukkur shops can deal with all requirements.

- 420 The bonus system in the loco. shops at & Moghalpura is unsound and should be  
422 substituted by one more satisfactory.

Has been substituted by a piece work system.

NORTH WESTERN RAILWAY—*contd.*

- 425 The distribution of carriage and wagon stores now carried out in the workshops at Moghalpura should be discontinued, the work being done by the Stores Department.

Has been done.

## EAST INDIAN RAILWAY.

- 275 The capacity of Lillooah for wagon repairs should be increased by 50 per cent. Further increase of a capacity of 300 units should be distributed between Lucknow and Ondal.

Due to improved methods of working the outturn of wagons repaired per day from Lillooah has been so increased that the necessity for this recommendation did not arise.

- 225 Recommendations regarding Lucknow  
227 and Jamalpur Locomotive shops.  
314  
316  
to  
320

The recent earthquake at Jamalpur did extensive damage to the locomotive workshops. As considerable re-building was necessary, advantage has been taken of the opportunity to bring the whole shop lay-out up to modern standards. Certain of the machinery which was in the Lucknow shops is being transferred to Jamalpur. Work will then be concentrated more at Jamalpur with consequent economy in production.

- 353 Concentration of the building of as many of the lower class bogie vehicles for all railways as the shops can possibly undertake is recommended at Lillooah.

Not accepted as it would have involved the dislocation of labour in other provinces and in the event of labour trouble there jeopardise the supply of lower class stock to all railways.

## GREAT INDIAN PENINSULA RAILWAY.

- 235 A gradual transference should be effected of all manufacturing work from Parel to Jhansi.

Transfer was completed some years ago. Jhansi is now a Carriage and Wagon repair workshop only.

- 234 The remodelling of Jhansi shops must be expedited.

Proposal was later abandoned. A minor re-modelling scheme to enable workshops to be more adequately employed as carriage and wagon repair shops has been sanctioned and is now in hand.

- 285 Jhansi remodelling proposals for 96 units (carriage repairs) should be curtailed.

- 287 Wagon repair shops should be put down at Jhansi of 120 wagon capacity and at Bhusawal of 75 wagon capacity.

All wagon repairs are now concentrated at Matunga and Jhansi.

- 325 New erecting boiler and tender shops are necessary for Jhansi and a large area may be made available for auxiliary shops if the erecting boiler and tender shops are removed from the present site.

All locomotive repairs are now carried out at Parel.

- 283 Coaching repair accommodation at Matunga should be extended by commencing the steel workshop, also additional crane power provided.

With improved scheduling and programme schemes for carriage and wagon repairs the desired out-turn has been obtained without putting the proposal into effect.

- 286 Covered wagon repair accommodation at Matunga should be increased from 72 to 105 units.

When the present minor remodelling of Jhansi shops is complete 85% of wagon repairs will be undertaken at Jhansi and there is no need for any additional covered accommodation at Matunga for the purpose.

## EASTERN BENGAL RAILWAY.

## Saidpur Workshops.

- 241 The present Saidpur shops must be retained and an up to date efficient shop of about 50 pit capacity should be built. It has subsequently been represented that it will be more economical to carry out metre gauge wagon repairs at Kanchrapara and the matter is being investigated.
- 352 The building of four-wheeled miscellaneous vehicles, horse-boxes, motor-vans, etc., should be concentrated at Kanchrapara. Not accepted for reasons similar to those given against para. 353.
- 293 The existing repair shop accommodation for wagons should be doubled bringing the total capacity up to 120. Owing to improved methods of working a minor extension to the shops has been found sufficient to deal with all necessary wagon repairs.
- 296 Saidpur Carriage and Wagon shops & must be rebuilt on modern lines, the size of the shop being the same as at present for coaching stock but with respect to wagons increased to accommodate 80 units. Owing to financial stringency this matter has been postponed and is now under investigation.

## SAFETY OF INDIANS IN ABYSSINIA.

20. **Mr. Akhil Chandra Datta :** (a) Are Government aware that there is a large Indian population residing and doing business in Abyssinia ?

(b) Have Government taken suitable steps to ensure their safety in the event of a break of war between Abyssinia and Italy ? If not, do Government propose to do so ?

**Mr. J. G. Acheson :** (a) Yes : there are about 1,000 Indians in Abyssinia.

(b) The Honourable Member is referred to the communiqué which appeared in the Press on the 23rd August, 1935.

## QUESTION OF GRANTING JURISDICTION OF BARWALA VILLAGES TO THE LIMBDI STATE.

21. **Mr. N. V. Gadgil :** (a) Will Government be pleased to state :

(a) the stage at which the question of granting jurisdiction of Barwala villages to Limbdi State stand at present ;

(b) whether the method of ascertaining the wishes of the inhabitants of the villages has been decided upon ; if so, what will be the method and the time when the said ascertaining of wishes will take place ?

**Mr. J. G. Acheson :** (a) The matter is still under consideration.

(b) The reply to the first part of the question is in the negative and the second part does not arise.

## CEDING OF JURISDICTION OVER CERTAIN VILLAGES IN VIRAMGAON TO THE PATDI DURBAR.

22. **Mr. N. V. Gadgil :** (a) Will Government be pleased to state whether it is a fact :

(i) that the Darbar of Patdi in Viramgaon Taluka in Ahmedabad District in Bombay Presidency has applied for ceding to them jurisdiction over his 17 revenue villages in Viramgaon Taluka ;

(ii) that the people of Patdi have sent to the Government their protest against this proposal and whether the said protest has been received by the Government of India ?

(b) What is the state at which this matter stands at present ?

(c) Whether the wishes of the people of Patdi villages will be consulted, before the matter is finally decided ?

**Mr. J. G. Acheson :** (a) (i). Yes.

(ii) Some protests have been received.

(b) The matter is under consideration.

(c) No decision to transfer the administration of the villages in question to the rule of the Patdi State will be taken without first ascertaining the wishes of the inhabitants of the villages.

## STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 567 asked by Mr. Sitakanta Mahapatra on the 14th August, 1934.

## TECHNICAL INSTITUTIONS IN INDIA.

Statement giving the Information regarding Technical Institutions in India\* run or aided by the Central Government. The information relates to the years 1931-32, 1932-33 and 1933-34.

| Name of institution.                          | Whether Government of India or aided.       | Average annual expenditure or annual grant-in-aid. | Average annual number of students successful. | Average annual percentage of successful students provided with Government employment. |
|-----------------------------------------------|---------------------------------------------|----------------------------------------------------|-----------------------------------------------|---------------------------------------------------------------------------------------|
| <i>Bombay.</i>                                |                                             |                                                    |                                               |                                                                                       |
| Victoria Jubilee Technical Institute, Bombay. | Aided by G. I. P. Railway (Up to May 1935). | Rs. 5,147                                          | 16                                            | 54                                                                                    |
| Training Ship "Dufferin", Bombay              | Government of India.                        | 2,34,375                                           | 29†                                           | 25                                                                                    |

| Name of institution.                               | Whether Government of India or aided. | Average annual expenditure or annual grant-in-aid. | Average annual number of students successful.        | Average annual percentage of successful students provided with Government employment.                                               |
|----------------------------------------------------|---------------------------------------|----------------------------------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <i>Bengal.</i>                                     |                                       |                                                    |                                                      |                                                                                                                                     |
| Ordnance Technical School, Ishapore                | Government of India.                  | Rs. 6,200                                          | 5                                                    | 23                                                                                                                                  |
| Kanchrapara Technical School ..                    | Aided by E. B. Railway.               | 45,974                                             | 4                                                    | 28                                                                                                                                  |
| <i>United Provinces.</i>                           |                                       |                                                    |                                                      |                                                                                                                                     |
| Harcourt Butler Technological Institute, Cawnpore. | Aided ..                              | 20,000                                             | 11                                                   | 7                                                                                                                                   |
| Government Technical School, Lucknow.              | Aided by E. I. Railway.               | 240                                                | 96 (attending).                                      | All were already in employment.                                                                                                     |
| Government Technical School, Jhansi.               | Aided by G. I. P. Railway.            | 31                                                 | 13                                                   | 20                                                                                                                                  |
| <i>Bihar and Orissa.</i>                           |                                       |                                                    |                                                      |                                                                                                                                     |
| Technical School, Jamalpur ..                      | Maintained by E. I. Railway.          | 1,80,781                                           | 75                                                   | 40 Appren-<br>tice<br>Mechanics.<br>60 Trade<br>appren-<br>tices.<br>(100 Special<br>Class Ap-<br>prentices<br>in 1933-34<br>only). |
| Indian School of Mines, Dhanbad.                   | Government of India.                  | 1,54,217                                           | 12 Certifi-<br>cate Ex-<br>amination.<br>14 Diploma. | 4                                                                                                                                   |
| <i>Mysore.</i>                                     |                                       |                                                    |                                                      |                                                                                                                                     |
| Indian Institute of Science, Bangalore             | Aided ..                              | 1,50,000                                           | 25                                                   | 26                                                                                                                                  |

\* Technical and industrial institutions in centrally administered areas have not been included.

† A further apprenticeship at sea is necessary to secure Second Mate's Certificates: so far 20 ex-cadets have secured this.

Information promised in reply to starred questions Nos. 17 and 18 asked by Dr. Ziauddin Ahmad on the 5th February, 1935.

#### CONTRACTS FOR THE SUPPLY OF COOLIES ON THE EAST INDIAN RAILWAY.

No. 17 (a).—Station Masters are responsible for arranging for coolies at the following stations :—

|           |             |                  |
|-----------|-------------|------------------|
| Bandel.   | Sitarampur. | Hazaribagh Road. |
| Burdwan.  | Madhupur.   | Burhee.          |
| Raniganj. | Girdih.     | Japla.           |
| Kulti.    | Simultala.  | Sheikhpura.      |
| Barakar.  | Jherria.    | Nawadah.         |
| Gomoh.    | Bermo.      | Kudra.           |
| Kodarma.  |             |                  |

(b) If the complaint is intended to be against a station master personally, it should be made to his superior officer.

(c) Convenience.

(d) There is no necessary analogy between the two.

#### ALLEGATIONS AGAINST THE CONTRACTORS OF COOLIES ON THE EAST INDIAN RAILWAY.

No. 18 (d).—The amount paid for loading and unloading goods at Moghalserai, Bareilly and Lucknow for the six months ending December 1934 was as follows :

|                     | Rs.   | A. | P. |
|---------------------|-------|----|----|
| Moghalserai .. .. . | 4,045 | 9  | 0  |
| Bareilly .. .. .    | 3,502 | 4  | 0  |
| Lucknow .. .. .     | 5,023 | 4  | 0  |

(Saharanpur station is worked by the North Western Railway).

Information promised in reply to unstarred question No. 7 asked by Mr. V. V. Giri on the 5th February, 1935.

#### CONSTITUTION AND WORKING OF STAFF COMMITTEES ON STATE RAILWAYS.

Copies of circulars, etc., describing the constitution and working of the various forms of Staff Committees on State-owned railways have been placed in the library of the House.

Information promised in reply to starred question No. 158, asked by Mr. V. V. Giri on the 12th February, 1935.

#### RE-EMPLOYMENT OF RETRENCHED STAFF ON STATE RAILWAYS.

(a) The number of persons who have been re-employed after retrenchment in 1931 on the different State-owned Railways and the number of persons still on the waiting list is as follows :

| Railways.                           | No. of persons who have been re-em-<br>ployed after<br>retrenchment<br>in 1931. | No. of persons<br>still borne<br>on the wait-<br>ing list. |
|-------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------|
| North Western .. .. .               | 4,841                                                                           | 1,263                                                      |
| Assam Bengal .. .. .                | 416                                                                             | 193                                                        |
| Burma .. .. .                       | 272                                                                             | 774                                                        |
| Bombay, Baroda and Central India .. | 1,399                                                                           | 752                                                        |
| South Indian .. .. .                | 1,064                                                                           | 197                                                        |
| Great Indian Peninsula .. .. .      | 5,014                                                                           | 3,051                                                      |
| Eastern Bengal .. .. .              | 650                                                                             | 221                                                        |
| Madras and Southern Mahratta .. ..  | 152                                                                             | 135                                                        |
| Bengal Nagpur .. .. .               | 711                                                                             | 201                                                        |
| East Indian .. .. .                 | 3,963                                                                           | 3,759                                                      |

(b) The number of persons appointed without previous railway experience on the different State-owned Railways is as follows :

| Railways.                                | No. of persons appointed without previous railway experience. |
|------------------------------------------|---------------------------------------------------------------|
| North Western .. .. .                    | Nil.                                                          |
| Assam Bengal .. .. .                     | 1,880                                                         |
| Burma .. .. .                            | 32                                                            |
| Bombay, Baroda and Central India .. .. . | 3,018                                                         |
| South Indian .. .. .                     | (a)                                                           |
| Great Indian Peninsula .. .. .           | 1,356                                                         |
| Eastern Bengal .. .. .                   | 2,787                                                         |
| Madras and Southern Mahratta .. .. .     | 2,574                                                         |
| Bengal Nagpur .. .. .                    | 199                                                           |
| East Indian .. .. .                      | 6,342                                                         |

Government are informed that outsiders have been employed by railway administrations in categories in which no suitable men were available from the waiting list or in cases in which men did not accept employment offered to them for one reason or other.

Information promised in reply to questions Nos. 173 and 174 asked by Mr. Ahmed Ebrahim Haroon Jaffer on the 12th February, 1935.

#### TERMS OF THE OUDH BEQUEST ADMINISTERED BY HIS MAJESTY'S CONSULATE, BAGHDAD.

173. (a) The terms of the Oudh Bequest are given in treaty\* No. LXII, dated the 17th August, 1825, printed on pages 161—164 of Aitchison's Treaties, Engagements and Sanads, Volume II, 5th Edition (1929), which is a priced publication. As regards the Oudh Bequest administered by His Majesty's Consul at Baghdad your attention is invited to Article 5 of the treaty.

(b) The information asked for is contained in the statement attached.

#### TREATY No. LXII.

Agreement between His Majesty Aboo-ul-Mozuffur Morzood Deen Ghazee-ood-Deen Hyder Shah, King of Oude, and the British Government on account of a sum which the former has given as a loan to the Honourable Company, settled by His Majesty on his part, and by M. Ricketts, Esq., Resident at the Court of the King of Oude, on the part of the British Government, in virtue of full powers vested in him by the Right Honourable William Pitt, Lord Amherst, Governor-General in Council, etc., etc., 17th August, 1825.

#### Article 1.

His Majesty the King of Oude has given as a loan, for ever, to the Honourable Company, one crore of Rupees, the interest whereof being five lakhs of Rupees per annum, will be paid from the 1st of Mohurram, 1241 Hegira, to the persons hereafter particularized, by monthly instalments ; and the interest of this sum will always remain at five per cent. per annum though the British Government may reduce their interest below or raise it above the aforesaid rate.

(a) Reports that no new recruitment has been made of categories of staff represented on the waiting list.

\*Copy enclosed for ready reference.

#### Article 2.

This loan is made in perpetuity ; the sovereigns of the Kingdom of Oude shall never have the power to take it back, nor shall they exercise any interference with its interest.

#### Article 3.

The British Government guarantees that it will pay for ever the monthly sums hereafter mentioned out of the interest of the above loan, to the persons set down in this instrument, in the current coin of the place where they may reside, without any deduction whatever.

#### Article 4.

The Honourable Company will always protect the honour of the stipendiaries, who will be paid out of this fund, and it will be the protector of their possessions, such as houses and gardens (whether bestowed by the King of Oude, or purchased or built by themselves), from the hands of the sovereigns and their enemies ; and in whatever city or country they may be, their allowances will be paid to them there.

#### Article 5.

This Agreement having been settled by His Majesty the King of Oude for himself and by M. Ricketts, Esq., Resident at the Court of Lucknow, on the part of the British Government ; the Resident at Lucknow has delivered one copy thereof in Persian and English, signed and sealed by him, to His Majesty the King of Oude, from whom he has received a counterpart, also duly executed by His Majesty. The Resident engages to procure and deliver to His Majesty the King of Oude a copy of the same, under the seal and signature of the Right Honourable the Governor General in Council, when that executed by the Resident will be returned.

Interest Rupees Five Lakhs per annum, by Solar Years.

Twelve months, at per month Rupees forty-one thousand six hundred and sixty-six, ten annas, and eight English pie (Rs. 41,666-10-8).

To the persons attached to the new Imambareh, called Imambareh Nujuf Ushruf, according to a separate detail, Rupees one thousand one hundred and thirty-seven, ten annas, and eight pie (Rs. 1,137-10-8).

This sum will be paid for ever to the person who will be appointed to the charge of the Imambareh through the King and its Amlah or officers will be kept or discharged at the pleasure of the superintendent.

Nabob Mobaruk Muhul, Rupees ten thousand (Rs. 10,000).

This allowance will be paid to the Begum Nabob Mobaruk Muhul during her life-time, and after her demise one-third of the allowances will be paid to any person, or for any purpose, she may will : the remaining two-thirds and whatever may be the saving of the one-third agreeably to the will, which will be an addition to the two-thirds, or in case of her not making a will, the whole allowance is to be divided into two equal parts, one-half to be given to the Nujuf Ushruf, and the other half for Kerbulia to the High Priest and Majawurs, or persons who have its charge on the part of the said King, that His Majesty might thereby derive its benefits.

Sultan Marium Begum, Rupees two thousand five hundred (Rs. 2,500).

To be given during the life-time of Sultan Marium Begum, as to Nabob Mobaruk Muhul, and after her death to be appropriated in the same manner.

Moomtaz Muhul, Rupees one thousand one hundred (1,100).

As the foregoing.

Surfraz Muhul, Rupees one thousand (Rs. 1,000).

Ditto. Ditto. Ditto.

The servants and dependents of Surfraz Muhul, as per separate list, Rupees nine hundred and twenty-nine (Rs. 929).

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To be paid in perpetuity as per separate statement. The allowance of persons dying without heir, to be added to the sums for Nujuf Ushruf and Keroulla.

Nabob Moatummud-ood-Dowla Behauder, Rupees twenty thousand (Rs. 20,000).

This allowance is to be paid in perpetuity to the Nabob and his heirs. It will be paid in perpetuity after his demise, agreeably to his will, to his sons, daughters, and wives, and other dependents. If it happens that he makes no will, in that case the allowance is to be given to his lawful heirs, according to the laws of inheritance, in conformity to the tenets of the Sheeas. The allowances which are assigned to his wife, one son, and a daughter, from this fund, as specified below, are also to be continued in perpetuity separately, and whatever the Nabob may bequeath to them out of the above allowance, is to be given to them in perpetuity separately; and, in like manner, if a will be not made, shares are to be given to these three persons from the Nabob's allowance according to law.

Nabob Begum, the wife of Nabob Moatummud-ood-Dowla, Rupees two thousand (Rs. 2,000).

This allowance is to be paid to her during her life-time, and after her death to be paid to her lawful heirs, in perpetuity, according to the laws of inheritance, in conformity to the tenets of the Sheeas.

Nabob Aulecab Begum, the daughter of the said Nabob, Rupees one thousand (Rs. 1,000).

According to the foregoing rule.

Ameen-ood-Dowla Behauder, son of the Nabob, Rupees two thousand (Rs. 2,000).

Ditto.

Ditto.

Ditto.

Done at Lucknow, the 1st Mohurram, 1241 Hegira, corresponding with the 17th August, 1825.

MORDANT RICKETTS,  
Resident.  
AMHERST.  
J. H. HARRINGTON.  
W. B. BAYLEY.

Ratified by the Right Honourable the Governor General in Council at Fort William in Bengal, the Thirtieth day of September, One Thousand Eight Hundred and Twenty-five A. D.

GEO. SWINTON,  
Secretary to Government.

## STATEMENTS LAID ON THE TABLE.

Statement of account of Oudh Bequest administered by His Majesty's Consul at Baghdad.

| Receipts.                                                                                     | Id. Fila.               | Amount.              | Payments.                                                         | Id. Fila. | Amount.       |
|-----------------------------------------------------------------------------------------------|-------------------------|----------------------|-------------------------------------------------------------------|-----------|---------------|
| To opening balance on 1st January, 1934.                                                      | Id. Fila. 387-273 3-000 | Rs. a. p. 5,203 10 0 | By amounts distributed at Najaf and Karbala during January, 1934. | 2349-050  | 31,320 10 6   |
| To drawal from Government of India during January, 1934. through A/C current with A. G. C. R. | ..                      | 30,654 0 0           | By amounts distributed at Najaf and Karbala during April, 1934.   | 2349-050  | 31,320 10 6   |
| Ditto April, 1934                                                                             | ..                      | 30,654 0 0           | By amounts distributed at Najaf and Karbala during July, 1934.    | 2349-050  | 31,320 10 6   |
| Ditto July, 1934                                                                              | ..                      | 30,654 0 0           | By amounts distributed at Najaf and Karbala during October, 1934. | 2199-390  | 29,325 3 0    |
| Ditto October, 1934                                                                           | ..                      | 30,654 0 0           | By miscellaneous expenses during the year.                        | 8-319     | 110 15 3      |
|                                                                                               |                         |                      | By closing balance on 31st December, 1934.                        | 9254-859  | 1,23,398 1 9  |
|                                                                                               |                         |                      |                                                                   | 331-614   | 4,421 8 3     |
|                                                                                               |                         |                      |                                                                   | 9586-473  | 1,27,819 10 0 |

(Sd.) ILLEGIBLE,  
H. M. Consul

18 BAGDAD,  
Dated April 3rd, 1935.

## TERMS OF FATEH ULLAH KHAN'S ZINDIYAH BEQUEST.

174. (a) A memorandum giving a description of Fateh Ullah Khan's Zindiyah Bequest is enclosed.

(b) The information asked for will be found in the statement attached.

*Annuity of Fatehullah Khan, otherwise known as Zandiyah Bequest.*

In the year 1822, while on a visit to India, a Persian prince named Fatehullah Khan, son of Lutf Ali Khan, expressed to the Supreme Government a wish to deposit a certain sum in the Treasury, his object being to provide against the possible sequestration or extortion of a portion, at all events, of his fortune in the event of his falling into disfavour in his own country. The Supreme Government were disposed to meet his wishes, and eventually, on January 24, 1824, he paid a sum of Rs. 40,000 into the Treasury at Bombay, assigning the amount unconditionally to the Honourable East India Company. In return the Company undertook, in a document of which a translation is annexed to this memorandum, to pay the sum of Rs. 2,400 yearly, being interest at 6 per cent., to Fatehullah Khan during his life-time, to his mother and sister after his decease, and, on the death of these, to the "Mujtahid of all the priests at the 'sacred tomb' (i.e., Karbala), for the use and benefit of poor pilgrims and the indigent dwellers about the hallowed region".

*Translation of a paper presented in the name of the Honourable the Governor in Council at Bombay to His Highness Prince Fatehullah Khan on the 24th day of January, 1824, by way of receipt for certain monies delivered by His Highness into the Honourable Company's Treasury.*

This writing is to certify that an agreement has been made on the part of the Honourable Company's Government to pay yearly, and so long as their authority shall last, the sum of Rs. 2,400 Bombay rupees to His Highness the Most Noble and illustrious Prince Fatehullah Khan, etc., etc., and whereas this illustrious Prince is without progeny and the number of his heirs is confined to two, namely, his mother and his sister, the property and disposed of the above-mentioned yearly sum is hereby secured to him during his life time, with reversion after him to his mother and sister; and on their deaths to the Mujtahid of all the Priests residing at the sacred tomb to be employed by him for the use and benefit of poor pilgrims, and the indigent dwellers about that hallowed region. The above is written by way of document authorizing all the Agents of the Honourable Company residing in Persia, whether at Baghdad, or at Bushire, or at Bussora, when they shall have perfectly comprehend its contents and the object with which this paper has been written, to pay the sum therein specified, year by year, and without any delay or evasion either to the Agent of the above-named illustrious Prince or to the Agents of His Highness' mother and sister; and after them, to the said Moojtahid as above-mentioned, on receiving a proper receipt from such person or persons. It is necessary also briefly to notice that if by accident it should happen that the issue of any portion of the above-mentioned yearly payment should be stopped, interest shall be allowed by the Honourable Company's Government at the rate of 6 per cent. from the date on which such issue ceased to be regularly made.

(Sd.) WILLIAM SIMSON,

*Ag. Persian Secretary to Government.*

True translation.

(Sd.) WILLIAM SIMSON,

*Ag. Persian Secretary to Government.*

## STATEMENTS LAID ON THE TABLE.

*Statement of account of annuity of Fatehullah Khan otherwise known as Zindiyah Bequest.*

| Receipts.                                                                                                                                  | Id. Fils. | Amount.             | Payments.                                                                              | Id. Fils. | Amount.              |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------------|----------------------------------------------------------------------------------------|-----------|----------------------|
| To opening balance on 1st May, 1933                                                                                                        | 4-678     | Rs. a. p.<br>62 6 0 | By expenses on lighting chandelier at Kachhimain for the period upto 30th April, 1933. | 21-000    | Rs. a. p.<br>280 0 0 |
| To drawal from Government of India through A./C. current with A. G. C. R. during May, 1933 (interest due for year ended 30th April, 1933). | 180-000   | 2,400 0 0           | By distribution at Karbala and Najaf during July, 1933.                                | 26-500    | 353 5 0              |
|                                                                                                                                            |           |                     | By distribution at Kachhimain during September, 1933.                                  | 47-000    | 626 12 0             |
|                                                                                                                                            |           |                     | By distribution at Karbala and Najaf during October, 1933.                             | 26-500    | 353 5 0              |
|                                                                                                                                            |           |                     | By distribution at Karbala and Najaf during January, 1934.                             | 26-500    | 353 5 0              |
|                                                                                                                                            |           |                     | By distribution at Karbala and Najaf during April, 1934.                               | 26-500    | 353 5 0              |
|                                                                                                                                            |           |                     | Closing balance on 30th April, 1934 ..                                                 | 174-000   | 2,320 0 0            |
|                                                                                                                                            |           |                     |                                                                                        | 10-678    | 142 6 0              |
|                                                                                                                                            |           |                     |                                                                                        | 184-678   | 2,462 6 0            |

BAGDAD,  
Dated April 3rd, 1935.

(Sd.) ILLEGIBLE,  
H. M. Consul.



*Information promised in reply to starred questions Nos. 198 and 199 asked by Lieut.-Colonel Sir Henry Gidney on the 13th February, 1935.*

### INCOME-TAX OFFICERS IN BENGAL.

198. (a) and (b). The answer is in the affirmative.

(c) This apparently refers to the scheme of re-organisation to which effect was given from March, 1927. The initial pay of Income-tax Officers was from that date fixed at Rs. 500 and not three but six officers were allowed to draw pay at that rate with effect from 1st March, 1927. Ten more officers were allowed to draw pay at this rate with effect from 1st February, 1928.

(d) (i) and (ii). The reply is in the affirmative.

(iii) In the case of persons recruited to the Department but not transferred from the Provincial Subordinate Service of the Local Government, the designation of Assistant Income-tax Officer was continued till a particular officer was placed in charge of a district. In some cases, however, for special reasons Assistant Income-tax Officers were vested with the powers of an Income-tax Officer and placed in charge of Districts, but for departmental purposes were still treated as Assistant Income-tax Officers.

(e) Which three particular officers are intended is not understood. Of the six officers who were allowed to draw pay at the rate of Rs. 500 per month as stated in reply to part (c), four who came over from the subordinate civil service were designated Income-tax Officers from the date of their original appointment in this department. The last two of the batch of six were designated Assistant Income-tax Officers up till the time they were placed in charge of districts. The four referred to above passed their departmental examination before being placed in independent charge of districts; at the time the other two were placed in charge of districts, they had already passed in all subjects except the vernacular and they passed in these subjects later.

### RE-ORGANIZATION OF THE SUPERIOR STAFF OF THE INCOME-TAX DEPARTMENT IN BENGAL.

199. (a), (b), (c) and (e). Yes.

(d) The reply is in the negative. The Civil List of April, 1927, shows in all 69 officers (Income-tax Officers and Assistant Income-tax Officers) grouped together and of these 32 officers were holding charge of districts at that date. Not all the Income-tax Officers and Assistant Income-tax Officers shown in the list were then confirmed.

(f) The answer is in the negative and the orders regarding the re-organisation were strictly adhered to. Those orders did not direct that full effect was to be given to the scheme from the 1st March, 1927; on the contrary they authorised the Commissioner to give gradual effect to the scheme.

(g) (i). The initial pay of these officers was fixed under Fundamental Rule 22 (b) in accordance with the orders of the Government of India.

(ii) and (iii). Of the six officers mentioned in the reply to part (c) of question No. 198 the pay of three was fixed at Rs. 500 from the 1st March, 1927. Their pay immediately prior to this date was Rs. 450 and they were given advance increments of Rs. 50 with effect from the 5th August, 1927, as sanctioned by the Government of India.

(h) All officers other than those referred to in the preceding part were not brought on to the new scale immediately and this was done with the approval of the Government of India.

(i), (j) and (ii). The answer is in the affirmative.

(iii) On a reference to the Civil List it is found that the increment of one Income-tax Officer is drawn from the 2nd of June and it is possible that this officer was transferred to the new scale with effect from the 2nd of June, 1928. If the Honourable Member gives the name of the officer or officers concerned, the matter can be traced.

(j) Representations were made by certain officers some of whom were drawing more than Rs. 500 when the reorganisation orders came into force and some of whom were drawing less. To the former the Commissioner replied that their initial pay in the new scale would be fixed under rule 22 (b) of the Fundamental Rules under which no benefit would accrue to them except that contemplated by that rule and to the latter he replied that as they had been appointed to a new time-scale of pay the question of exercising option under Fundamental Rule 23 did not arise.

(k) The question does not arise as the orders regarding re-organisation were fully observed.

(l) This question also does not arise, as the orders of the Government were fully complied with.

*Information promised in reply to starred question No. 296 asked by Mr. K. L. Gauba, on the 18th February, 1935.*

### STAFF AREA COUNCILS FORMED ON THE NORTH WESTERN RAILWAY.

(a) There are at present 39 Areas Staff Councils on the North Western Railway introduced with a view to provide staff both literate and illiterate, through their elected representatives with a means to discuss staff affairs and welfare questions.

(b) The Agent, North Western Railway, reports that no record has been maintained and that the compilation of the information would entail a great deal of labour not commensurate with the results to be obtained.

(c) The Agent, North Western Railway, further reports that glass tumblers are supplied to senior subordinates without racial discrimination. The request made by the Headquarters Area Staff Council was considered but it was not accepted as there are watermen employed in the headquarter's office, who have orders to supply drinking water to the staff.

(d) The Agent, North Western Railway, reports that only one Member of the Headquarters Area Staff Council resigned giving as his reason his inability to continue as a member and that this information in regard to other Area Staff Councils is not available in his office.

(e) and (f). Government understand that the Areas Staff Councils provide the staff both literate and illiterate through their elected representatives, with a means to discuss staff affairs and welfare question and that the resolutions passed by these Councils are given due consideration before decisions are reached and that judging by the extensive use made of this machinery it is much appreciated by the staff. The Government are, therefore, not prepared to accept the suggestion contained in the Honourable Member's question that any money is wasted in maintaining this machinery.

*Information promised in reply to parts (b) to (e) of starred question No. 308 asked by Mr. Lalchand Navalrai on the 18th February, 1935.*

### ALTERATION IN THE DATE OF BIRTH OF LITERATE STAFF ON THE NORTH WESTERN RAILWAY.

308. (b) The Agent, North Western Railway, reports that since 1931 the procedure in connection with the alterations in the recorded dates of birth of illiterate staff has been that applications for alteration in the date of birth are investigated by examining the records and by interviewing the men concerned with a reference to the Medical Officer in case of doubt.

(c) The procedure hitherto did not provide for alterations in the case of literate staff of over five years' service.

(d) and (e). As the procedure followed on the North Western Railway was not strictly in accordance with the intentions of the Railway Board as stated in the reply given by the Chief Commissioner of Railways referred to in the question, the Agent, North Western Railway, has been instructed to modify the instructions so as to admit of each case being dealt with on its merits in accordance with the policy of the Railway Board.

[2ND SEP. 1935.]

Information promised in reply to starred questions Nos. 331 and 590, asked by Sardar Sant Singh on the 20th and 27th February, 1935, respectively.

SECURITY DEMANDED FROM PRESSES, PRINTERS AND PUBLISHERS.  
Community of Printers and Publishers as far as known.

| No. of Printing Presses required to give security. | No. of Publishers required to give security. | Europeans. | Anglo-Indians. | Hindus. | Muslims. | Sikhs. | Indian Christians. | Burmese. | Others. | No. of cases in which security has been forfeited. | No. of cases in which appeals have been filed. | Result of appeal.                                              | Remarks. |
|----------------------------------------------------|----------------------------------------------|------------|----------------|---------|----------|--------|--------------------|----------|---------|----------------------------------------------------|------------------------------------------------|----------------------------------------------------------------|----------|
| 322                                                | 509                                          | :          | :              | 574     | 142      | 83     | 5                  | 4        | 3       | 34                                                 | 17                                             | Appeals dismissed in 12 cases and orders set aside in 5 cases. |          |

## STATEMENTS LAID ON THE TABLE.

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Information promised in reply to starred question No. 341 asked by Khan Sahib Sheikh Fazl-i-Haq Piracha on the 20th February, 1935.

CONSIDERATION OF THE CLAIMS OF GUARDS OF THE RAWALPINDI DIVISION WHO FAILED IN THE NIGHT VISION TEST.

The Agent, North Western Railway, reports as follows :

(a) The duties and the functions of the Central Labour Exchange, Moghalpura, as they obtained in 1931 are contained in the attached Memorandum. Since then the work of absorbing surplus staff has also been placed under the control of that Exchange.

(b) and (g). Staff declared medically unfit for employment in their own category, but considered fit for employment in other classes in which at the moment no suitable appointment can be found, are considered eligible for leave due preparatory to retirement. Employees who are granted such leave may, if suitable appointments can be found for them while they are on leave, be recalled and put back to work in those appointments. In addition to this, orders have lately been issued that even after the expiration of leave pending retirement such staff should be considered to have a prior claim before outsiders for any suitable employment which may become available.

(c) and (d). Responsibility for attempting to find employment for Guards who have failed in night vision rests primarily with the Divisions, who register their names, sending a copy for information to the Central Labour Exchange. It has been found possible during the last two years to provide alternative employment for such Guards on the Lahore, Delhi, Multan and Quetta Divisions to a greater extent than on the Rawalpindi Division where a fewer number of vacancies have occurred.

(e) The following is a list of seven guards who have failed in vision test on the Rawalpindi Division since 1932 and for whom no suitable employment has yet been found. Out of these seven, four are still on leave preparatory to retirement and the remaining three have retired on expiration of their leave. Their names and the dates on which each of the seven men failed are given below :

| Name.                                     | Date on which failed.                               |
|-------------------------------------------|-----------------------------------------------------|
| 1. Mr. Kanshi Ram .. ..                   | 5th July, 1932 Passed C-2. Unfit for Luggage Guard. |
| 2. Mr. Des Raj, son of Devi Dial .. ..    | 29th October, 1932.                                 |
| 3. Mr. Krishen Lal .. ..                  | 9th May, 1933.                                      |
| 4. Mr. Khushwaqt Rai .. ..                | 12th September, 1933.                               |
| 5. Mr. Shiv Nath .. ..                    | 3rd November, 1933.                                 |
| 6. Mr. Allah Ditta .. ..                  | 10th April, 1934.                                   |
| 7. Mr. Des Raj, son of Shanker Dass .. .. | 19th November, 1934.                                |

(f) The names of such employees are not borne on any waiting list of retrenched staff, but they were noted for suitable employment, as described in the reply to parts (b) and (j) above from the dates mentioned in paragraph (e).

There are at present no vacancies of the Luggage or Road Van guards on the Rawalpindi Division to be filled up.

(h) Such Guards will only draw pay during the period of their leave pending retirement and not during any interval which may elapse between the expiration of that leave and the date of their re-employment.

Memorandum.

1. The Central Labour Exchange will maintain a complete record of the name with full particulars of every individual employee discharged as surplus to establishment under the present economy campaign on the new Labour Exchange Card.

2. The names and full particulars of such staff must, therefore, be communicated to the Central Labour Exchange irrespective of whether any such men

have since been given fresh employment, have secured employment elsewhere, expressed their unwillingness to serve again or are unlikely to accept any offer of fresh employment for any other reason.

3. The Central Labour Exchange will perform the work of recruitment of all staff in classes and grades controlled by Head Office from amongst discharged surplus employees and therefore demands must be placed on him when vacancies in such categories occur.

4. Divisions and extra-divisional officers will perform the work of recruitment of all staff in classes and grades controlled by them from amongst discharged surplus employees so long as they are able to comply with certain conditions and when no longer able to do so, will place their demands on the Central Labour Exchange.

5. To enable Divisional and extra-divisional offices to work to these general principles and the Central Labour Exchange to supervise the offers of fresh employment *Form C* (copy attached) will continue to be used but will be amplified by the addition of columns to show the following information :

- (i) Community,
- (ii) Date of discharge,
- (iii) The offer of employment made with scale and rate of pay,
- (iv) Acceptances of offers of employment,
- (v) Rejections of offers of employment,
- (vi) Failures to reply to offers of employment.

6. Commencing with the week ending 4th July, 1931, *Form C* (copy attached) revised should be prepared in triplicate, one copy being forwarded to the Central Labour Exchange with a certificate that all names of discharged employees have been communicated and thereafter a weekly statement to show any further discharges that may take place accompanied by a certificate that no names have been omitted, a nil statement being submitted when no discharges have taken place, one copy handed to your Assistant Staff Warden and one kept by you.

7. When making offers of fresh employment to discharged staff of classes and grades controlled by you the order of seniority observed at the time of discharge will be applied when re-employing surplus staff, *e.g.*, the most senior discharged employee, according to whether discharge was based on Divisional, Sub-divisional sectional seniority or the seniority at a station shed or in a trade or from among staff working under an individual, will be the first to be offered fresh employment subject to the instructions in regard to the adequate representation of minority communities.

8. A fresh service record is to be opened for each discharged employee given fresh employment and old records carefully filed, where such an employee has had previous service elsewhere his old record must be called and the Central Labour Exchange informed of his re-employment at the same time.

9. An *ex-employee* refusing fresh employment in his substantive appointment, is not to be given another offer without reference to this office.

10. An *ex-employee* refusing fresh employment in lower post may be given another offer of employment in turn in his substantive appointment without penalty.

11. An employee accepting fresh employment in a post lower than that previously held by him substantively or demoted or having accepted employment in a lower post as an alternative to discharge under reduction of establishment should subject to good work, be given due consideration for promotion in turn as interpreted in item 7 above when a suitable opportunity offers to the class or grade in which he was formerly employed or to a post of an equivalent or lower rank.

12. All acceptances, rejections and failures to reply to offers of employment must be duly recorded.

13. It is not proposed to fix a time-limit during which offers of employment will remain open in view of the distances the homes of such men may be from their work and the possibility of poor facilities for transport but ordinarily not less than one week should be allowed.

14. No outsider is to be engaged without the authority of this office.

## STATEMENTS LAID ON THE TABLE.

| 1     | 2              | 3          | 4            | 5              | 6                    | 7             | 8                   | 9                       | 10                 | 11                                                       | 12                                                       | 13                                   | 14                                  | 15                                         | 16 | Remarks. |
|-------|----------------|------------|--------------|----------------|----------------------|---------------|---------------------|-------------------------|--------------------|----------------------------------------------------------|----------------------------------------------------------|--------------------------------------|-------------------------------------|--------------------------------------------|----|----------|
| Name. | Father's name. | Community. | Designation. | Date of birth. | Date of appointment. | Scale of pay. | Pay actually drawn. | Date of last increment. | Date of discharge. | Posts other than his own for which considered qualified. | The offer of employment made with scale and rate of pay. | Acceptances of offers of employment. | Rejections of offers of employment. | Failures to reply to offers of employment. |    |          |

Divisional Superintendent,  
Head of Office.

*Information promised in reply to starred questions Nos. 393, 395 and 396 asked by Mr. Mohan Lal Saxena on the 21st February, 1935.*

#### DEGRADATION OF PERSONS WHO FAIL TO PASS THE REFRESHER COURSES OF THE CHANDAUSI AND ASANSOL RAILWAY SCHOOLS.

393. (a) There is no Training School at Asansol. As regards the school at Chandausi, Government are informed that the Divisional Superintendents have been given discretion to decide on the merits of each case the fitness of staff who fail in Refresher Courses for continuance in their posts and whether further increments should or should not be withheld.

(b) Yes, according to the orders current at the time.

(c) The object of the Refresher Courses is to keep the staff posted up to date in rules directly connected with their duties and to maintain a uniform standard of efficiency. In the case of train passing staff these courses also serve a double purpose in that they ensure compliance with rules 327 and 350 of the Indian State Railways—General Rules for Open Lines of Railways in British India which require that an operator of block and token instruments shall hold a certificate of competency and that the certificate shall be periodically renewed. The danger to life and limb associated with train operation is a matter of such gravity to passengers and railway staff that the necessity for a periodical test of the efficiency of those responsible cannot be exaggerated.

(d) Government consider that it is necessary to take steps to see that the staff maintain the degree of efficiency required to ensure the safety and comfort of the travelling public and to prevent deterioration of the modern standard of proficiency which it is the aim of railways to maintain.

(e) Government do not propose to issue any general orders but Divisional Superintendents have been authorised to review past cases of failure to pass the Refresher Course.

#### DEMOTION OF CERTAIN DRIVERS ON THE EAST INDIAN RAILWAY.

395. (a) Yes.

(b) These men were demoted in 1931 as a measure of economy. No undertaking was given to them, but in the instructions issued by the Railway Board for the guidance of the Agents, State-managed Railways, re. carrying out the reduction of staff, it was laid down that when an employee who is retained in a lower post is subsequently promoted to his former grade, due consideration should be paid to the length and character of his previous service in determining his pay on such promotion.

(c), (d), (e) and (f). The Agent, East Indian Railway, reports that under the rules these employees could only be given pay on re-promotion to their former grades at the rates previously drawn by them.

The Chief Operating Superintendent, however, erroneously issued orders fixing their pay at rates which they would have drawn had they not been demoted. These orders were *ultra vires* of the terms of Fundamental Rule 26 (a) according to which only periods of service in a post on a time-scale count for increment in that scale. Revised orders were therefore issued in August, 1934, regarding the fixation of their pay in conformity with the rules.

(g) In view of the position explained in reply to parts (c), (d), (e) and (f) of the question, Government do not consider it necessary to order the re-fixation of their salaries.

#### RACIAL DISCRIMINATION IN THE SUPPLY OF UNIFORMS AND OCCUPATION OF QUARTERS, ETC., IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

396. The Agent, East Indian Railway, reports :

(a) Racial discrimination in the matter of supply of uniforms has been eliminated in the revised dress regulations. Quarters are provided for staff in accordance with

their grades and modes of living and racial discrimination is not made. Running rooms are constructed so as to meet the requirements of the different communities, as different castes and creeds object to living and eating in the same rooms.

(b) Uniform is supplied in accordance with the grade of the Station Masters and Assistant Station Masters irrespective of whether the grade is occupied by a European, Anglo-Indian or an Indian.

(c) and (d). Government are informed that full uniforms are provided for certain grades of Assistant Station Masters while for other less important grades only jackets are provided. Government do not consider it necessary to provide full uniforms to all grades of Station Masters and Assistant Station Masters.

*Information promised in reply to starred questions Nos. 406, 407 and 408, asked by Mr. Muhammad Anwar-ul-Azim, on the 21st February, 1935.*

#### IGNORING OF THE CLAIMS OF OLD TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

406. (a) Special Ticket Examiners who have been given the option to retain the scales of pay, formerly allowed to Travelling Ticket Examiners, as personal to them throughout, will be borne on a *pro forma* list and their promotions regulated in accordance with the vacancies occurring among the old Travelling Ticket Examiners, according to the number of posts which existed on 31st May, 1931. Government are informed that no outsiders have been appointed on the old scales of pay of Travelling Ticket Examiners and their chances of promotion to higher grades on the old scales of pay have not been affected.

(b) and (d). No. Presumably the Honourable Member is referring to Mr. Bhagat Singh, Watch and Ward Inspector (pay Rs. 140 per mensem), who was selected to officiate as a Head Special Ticket Examiner on Rs. 210 per mensem (in the grade Rs. 210—10—270) on the 16th July, 1926. His service on the North Western Railway dates from 17th July, 1923, and his pay was regulated under Article 526 of the Civil Service Regulations.

(c) Government are informed that railway administrations have framed no rules relating to the pay of military pensioners on employment which is regulated under Article 526 of the Civil Service Regulations. Government are, however, informed that there has been no breach of the rule referred to above.

(e) This is a matter which has been left to the Agent to decide. Government are not prepared to interfere with the action taken.

#### NON-MAINTENANCE OF THE STRENGTH OF THE OLD TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

407. (a) No. In the letter referred to an option was given to special Ticket Examiners who prior to the 1st June, 1931, held permanent posts as Travelling Ticket Examiners in a substantive capacity of retaining the old scales of pay as personal to them.

(b) Yes.

(c) Seven with effect from January, 1932. The strength is in accordance with present requirements.

(d) Yes. The action taken is in accordance with that decision.

(e) Yes.

#### PROMOTION OF OLD TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

408. (a) (i). 12.

(ii) 1.

(b) 12.

(c) 12 from dates varying from June, 1932 to June, 1934.

(d) It is not the practice to publish the seniority lists of staff of this description.

(e) One for about 10 months.

*Information promised in reply to part (d) of unstarred question No. 42 asked by Srijut N. C. Bardaloi on the 22nd February, 1935.*

#### INDIAN TEA LICENSING COMMITTEE.

There are no tea estates in South India, in which existing members of the Licensing Committee are interested, which have been inspected by or on behalf of the Indian Tea Licensing Committee. One estate, namely Talliar, in which a previous member of the Licensing Committee is interested was, however, inspected by an Officer appointed by the Licensing Committee.

*Information promised in reply to unstarred question No. 51 asked by U Thien Maung, on the 22nd February, 1935.*

#### BURMANS EMPLOYED AS OFFICERS IN CERTAIN DEPARTMENTS AND SERVICES IN BURMA.

| Name of Department or service.              | (a)<br>Number and percentage of Burmans. | (b)<br>All India percentage of Indians. | (c)<br>Steps being taken by Government to increase the number of Burmans in the near future.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------|------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. RAILWAY DEPARTMENT. (GAZETTED OFFICERS.) | 8 and 7.2 ..                             | 41.25 ..                                | <p>The Burma Railway Company accepted the recommendation of the Lee Commission with a reservation in regard to Burmans instead of Indians to the extent of 75 per cent. adding that this percentage could only be reached if the requisite number of qualified Burmans became available.</p> <p>Since the taking over of the Burma Railways by the Government of India in 1929 recruitment to the superior services on the Burma Railways has been made under the same arrangements as are applicable to recruitment to the Superior State Railway Services in India. The Railway Board have, however, appointed suitable qualified Burmans or persons of Burma domicile as far as possible. Two such persons were appointed last year, one for training in the Engineering Department and the other for training in the Mechanical Engineering and Transportation (Power) Departments; the former has since been appointed to the service.</p> <p>The future arrangements will be arrived at after discussion between the management of the Burma Railways and the Burma Government.</p> |

| Name of Department or service.                                                                                                 | (a)<br>Number and percentage of Burmans.      | (b)<br>All India percentage of Indians.        | (c)<br>Steps being taken by Government to increase the number of Burmans in the near future.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. TELEGRAPH DEPARTMENT. (SUPERIOR TELEGRAPH ENGINEERING AND WIRELESS BRANCHES OF THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.) | Nil ..                                        | Does not arise                                 | <p>In the rules for recruitment to the Superior Telegraphs Engineering and Wireless Branches published in 1932 and 1933 preference was given to a Burman in respect of the vacancy reserved for a member of a minority community, but on both occasions a qualified Burman was not available.</p> <p>As recruitment to these Branches is by competitive examination held by the Public Service Commission and in view of the revised rules published in July 1934 on the subject of communal representation in Central Services recruited on an all-India basis, Government regret that they are unable to take any special steps to recruit Burmans to the Superior Telegraph Engineering and Wireless Branches unless individual Burman candidates attain a high qualifying standard in the examination.</p> |
| 3. CUSTOMS ..                                                                                                                  | Class I : Nil ..<br>Class II : 3 and 12.50.   | Class I : 56%<br>Class II : 57%                | No special reservation have been made for Burmans in the Customs service.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4. MILITARY POLICE.                                                                                                            | 46 and 15.97 ..                               | The Military Police is not an all-India force. | A re-organisation of the Burma Military Police is proposed under which the number and percentage of Burman officers will be increased to 66 and 22.06 respectively.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 5. ARMY ..                                                                                                                     | 68 and 47.8 ..                                | 6.16 ..                                        | No particular steps are being taken to increase the number of Burmans for appointment to the Army. They are now recruited to the full establishment of the units of the Burma Rifles. They are, however, eligible for entry into the Indian Military Academy, Dehra Dun, as Indians are, either direct or through the ranks.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 6. INCOME-TAX                                                                                                                  | Class I : 1 and 20%<br>Class II : 27 and 47%. | Class I : 78<br>Class II : 96                  | Same as for Customs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Name of Department or service.                                     | (a)<br>Number and percentage of Burmans.                                             | (b)<br>All India percentage of Indians.              | (c)<br>Steps being taken by Government to increase the number of Burmans in the near future.                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7. CURRENCY OFFICE, RANGOON.                                       | Nil ..                                                                               | Does not arise                                       | Same as for Customs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 8. THE ACCOUNTANT GENERAL'S OFFICE, RANGOON.                       | Officers of the I. 2 and 28.57 ..<br>Nil ..<br>Assistant Accounts Officers. 97.37 .. | A. and A. S. 86.83 ..<br>Accounts Officers. 97.37 .. | Same as for Customs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 9. INDIAN CIVIL SERVICE (INCLUDING OFFICERS HOLDING LISTED POSTS). | 39 and 25.49 ..                                                                      | 43.11 ..                                             | A certain number of vacancies in Burma is set apart for Burman candidates every year. Besides, officers of the Provincial Civil Service are eligible for promotion to listed posts.                                                                                                                                                                                                                                                                                                                                   |
| 10. INDIAN POLICE.                                                 | 8 and 10.67 ..                                                                       | 25.88 ..                                             | According to the scheme accepted by the Secretary of State the Indian Police cadre in Burma is eventually to consist of 50 per cent. Burmans. Recruitment in the province is being regulated accordingly and the number of Burmans is thus being gradually increased.                                                                                                                                                                                                                                                 |
| 11. INDIAN MEDICAL SERVICE.                                        | 3 and 9 ..<br>(excluding temporary Commissioned officers.)                           | 34 (Excluding temporary Commissioned officers).      | Burmans are eligible for selection for commissions in the Indian Medical Service equally with other Indians. The numbers admitted depend upon the merits of the Burman candidates offering in comparison with others.                                                                                                                                                                                                                                                                                                 |
| 12. THE RANGOON PORT TRUST.                                        | 23 and 27 ..                                                                         | Information not collected.                           | The power to fill appointments in the service of the Rangoon Port Commissioners, other than the appointments of Chairman and Vice-Chairman, vests in the Commissioners themselves by virtue of the Rangoon Port Act, 1905. The Commissioners normally fill their higher appointments by promotion from the lower grades. When, however, there is no employee available with the required qualifications and recruitment has to be made from outside, special consideration is given to candidates of Burman domicile. |

*Information promised in reply to unstarred question No. 104 asked by Mr. Sri Prakasa on the 22nd February, 1935.*

# LAVATORIES IN THE THIRD CLASS CARRIAGES ON THE BENGAL AND NORTH WESTERN AND THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAYS.

## I. Lighting arrangements.

*Bengal and North Western Railway.*—There are no lavatories in third class carriages without lights but in some of the older carriages light is admitted from carriage lighting through panes of glass at the tops of lavatory doors. Separate bulbs are being fitted in the lavatories of these carriages as they pass through shops for periodical repairs and orders have been given to expedite the work.

*Bombay, Baroda and Central India Railway.*—Lights have been provided in the latrines of all third class compartments on Metre Gauge system.

## II. Accommodation.

*Bengal and North Western Railway.*—In coaches of recent construction the design admitted of third class latrines measuring 12 square feet and this scale of accommodation will be provided in stock to be built in future. The old carriages have latrines with an area of 8.54 square feet. When these carriages come into shops for rebuilding, the floor area of latrines will be increased to approximately 12 square feet.

*Bombay, Baroda and Central India Railway.*—The latrines of old third class carriages, which are now few in number, have a floor area of 6 to 10.5 square feet. All the latrines of new stock now built have an area of 12 to 12.5 square feet and over, except Bogie third and Brake Vans, which have 9 square feet floor area owing to the position of the bogies and the Guard's hand-brake, top operated.

*Information promised in reply to part (a) (ii) of starred question No. 540 asked by Mr. Amarendra Nath Chattopadhyaya on the 25th February, 1935.*

## CERTAIN PARTICULARS REGARDING EAST INDIAN RAILWAY EMPLOYEES.

The number of retrenched staff re-employed, after the retrenchment in 1931 up to July, 1935, on the East Indian Railway, was 3,963.

*Information promised in reply to starred question No. 573 asked by Mr. Muhammad Azhar Ali on the 26th February, 1935.*

## MILEAGE ALLOWANCE OF TRAIN DESPATCH CLERKS, ETC., OF THE OLD OUDH AND ROHILKUND RAILWAY.

The reply to the first part is in the affirmative. Government have, however, been informed since that the previous reply, referred to by the Honourable Member, related to Train Despatch Clerks who travel in trains taking and delivering railway dak on the old Oudh and Rohilkhand Railway portion of the East Indian Railway and are not entitled to mileage allowances. Persons now referred to by the Honourable Member are supernumerary brakemen of the old Oudh and Rohilkhand Railway who, pending absorption in some other suitable posts, are being utilised to work as letter delivery clerks and are being paid mileage allowance because they were entitled to it as brakemen. Government consider that the continuance of their mileage allowances to staff working as letter delivery clerks is not according to their present policies and the Agent, East Indian Railway, has been instructed to discontinue the practice and to absorb the men in categories the duties of which they are actually performing.

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*Information promised in reply to the supplementaries to starred question No. 598 asked by Mr. Muhammad Azhar Ali on the 27th February, 1935.*

#### DIFFERENT CADRES OF THE ESTABLISHMENT OF THE EAST INDIAN RAILWAY.

The information readily available is contained in the following publications :

- (1) East Indian Railway Classified List of subordinate staff of all Departments on scales of pay rising to Rs. 250 and above.
- (2) East Indian Railway Revised scales of pay (1934) for non-gazetted staff.
- (3) Classified List of State Railway Establishment and Distribution Return of Establishment of all Railways.

Copies of these publications will be found in the Library of the House.

*Information promised in reply to parts (d) and (e) of starred question No. 602 asked by Mr. Muhammad Azhar Ali on the 27th February, 1935.*

#### TRANSFER OF CONTROL OF THE RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI, TO THE AGENT, EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports :

“(d) The staff of Railway Schools of Transportation at Chandausi were fitted into the revised scales of pay from the 16th August, 1933, the date from which they elected the revised scales of pay.

(e) The Circular in question was not applied with retrospective effect, but from the 16th August, 1933.”

*Information promised in reply to a supplementary question by Professor N. G. Ranga to starred question No. 612 asked by Dr. Ziauddin Ahmad on the 27th February, 1935.*

#### PROFIT AND LOSS ACCOUNT OF A SUGAR FACTORY.

The minimum prices of sugar cane fixed by the Governments of the United Provinces and Bihar and Orissa, for the season 1934-35, were published in the United Provinces Government's notification No. 2918|XVIII-676-34, dated the 25th October, 1934, and the Bihar and Orissa Government's notification No. 2284-D., dated the 10th December, 1934, respectively. Copies of these notifications have been placed in the Library of the Legislature.

*Information promised in reply to starred question No. 628 asked by Dr. N. B. Khare on the 27th February, 1935.*

#### PROMOTION OF INDIAN GUARDS ON THE GREAT INDIAN PENINSULA RAILWAY.

The Agent, Great Indian Peninsula Railway, reports :

(a) No Indian guards have been promoted to the passenger service. All vacancies since the current policy was introduced have been filled by retrenched passenger guards.

(b) No Anglo-Indian and European goods guards are stationed and working on branch lines. At present Anglo-Indian and European guards are in the higher grades which are not utilised for branch line working. Owing to the fall in traffic, etc., recruitment according to the current policy has been at a standstill.

(c) Although designated and paid as “goods” guards those working on branch lines are required to work all services on the branch lines. Indian goods guards

are eligible for promotion to the passenger grades. None have yet been promoted because their turn for promotion on seniority has not occurred ; promotion generally has been restricted by the fall in traffic and economy measures.

(d) Yes, Indian goods guards have not been promoted to passenger service along with Anglo-Indian and European guards for the reasons given in parts (a) and (c) of the question.

(e) Indian goods guards are allowed to work off and on on passenger services on the main line. They have given satisfaction on such service. They have not been promoted to the passenger service for the reasons already stated in parts (a) and (c) of the question.

*Information promised in reply to unstarred question No. 127 asked by Mr. B. B. Varma on the 5th March, 1935.*

#### NON-ADOPTION OF SHORT TIME METHOD OF SPREADING WORK IN STATE RAILWAY WORKSHOPS.

With the exception of the Great Indian Peninsula Railway, State-owned Railways generally adopted short-time working in most of their workshops for varying periods. A statement giving the required information is placed below.

*Statement showing the number of skilled, unskilled and semi-skilled labour employed in each of the State-owned Railway Workshops at the end of official year 1934-35.*

| Name of Railway.                  | Number of labour employed. |               |            | Remarks.                                                                                                                                                     |
|-----------------------------------|----------------------------|---------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | Skilled.                   | Semi-skilled. | Unskilled. |                                                                                                                                                              |
| South Indian ..                   | 2,994                      | 257           | 879        | * The classification given in the question is not used. The number of employees of the artisan class and inferior labourers is 6,801 and 2,997 respectively. |
| Assam Bengal ..                   | 1,499                      | ..            | 707        |                                                                                                                                                              |
| Great Indian Peninsula            | *                          | *             | *          |                                                                                                                                                              |
| Madras and Southern Mahratta.     | 5,743                      | 1,272         | 1,572      | † Include 245, 532, 407; skilled, semi-skilled and unskilled temporary labourers respectively.                                                               |
| North Western ..                  | 6,330†                     | 2,458†        | 2,273†     |                                                                                                                                                              |
| Bombay, Baroda and Central India. | 6,233                      | 2,461         | 3,462      |                                                                                                                                                              |
| Burma ..                          | 1,693                      | 405           | 822        | ‡ In addition there are 90 men who have not yet been classified as skilled or semi-skilled.                                                                  |
| Bengal Nagpur ..                  | 3,661‡                     | 2,584‡        | 3,011      |                                                                                                                                                              |
| East Indian ..                    | 11,850§                    | 4,604§        | 4,249      | § Includes 330 Trade apprentices.                                                                                                                            |
| Eastern Bengal ..                 | 2,487                      | 3,386         | 1,621      |                                                                                                                                                              |

*Information promised in reply to a supplementary question by Dr. Ziauddin Ahmad to starred question No. 723 asked by Mr. S. Satyamurti on the 7th March, 1935.*

#### PERSONNEL OF THE INDIAN LAC RESEARCH INSTITUTE.

There are standing instructions for the supply to the Library of the Legislative Assembly of all publications issued by the Indian Lac Research Institute and a complete set of the publications issued so far is available in the Library of the House.

*Information promised in reply to unstarred question No. 146 asked by Mr. S.K. Hosmani on the 9th March, 1935.*

#### EMPLOYMENT OF A WATCHMAN ON THE SHEDRAH LAKIN ROAD LEVEL CROSSING OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

The Agent, Madras and Southern Mahratta Railway, reports :

(a) Only one accident occurred at the level crossing referred to during the last two months. This was entirely due to the carelessness of the cart driver in not exercising sufficient caution before crossing the Railway.

(b) There is no permanent watchman at this crossing. It is not proposed to provide one, as the amount of traffic using the crossing does not justify such an appointment.

*Information promised in reply to unstarred question No. 149 asked by Mr. V. V. Giri on the 9th March, 1935.*

#### PROMOTIONS OF INDIAN GUARDS ON THE GREAT INDIAN PENINSULA RAILWAY.

The Agent, Great Indian Peninsula Railway, reports :

"(a) No representation has been received in this office at present. The question has been raised in the Railway Staff Council where it is under discussion.

(b) A statement, giving the required information is attached.

(c) Posts of passenger guards on the main line are not being denied to Indians. They are eligible and will undoubtedly be promoted to the grades working the main line, but up to the present, promotion has been slow owing to light traffic and economy measure.

(d) Yes.

(e) The procedure for promotion of present "B" grade guards, if suitable and when vacancies occur is under consideration with the Railway Staff Council on which the staff are represented."

#### STATEMENTS LAID ON THE TABLE.

*Summary Statement showing Number and Percentage of Guards by Communities employed on the Great Indian Peninsula Railway.*

|                                             | Europeans. |       | Anglo-Indians. |       | Hindus. |       | Mahomedans. |       | Indian Christians. |       | Parsees. |      | Other classes. |      | Total No. of Guards. |    |
|---------------------------------------------|------------|-------|----------------|-------|---------|-------|-------------|-------|--------------------|-------|----------|------|----------------|------|----------------------|----|
|                                             | No.        | %     | No.            | %     | No.     | %     | No.         | %     | No.                | %     | No.      | %    | No.            | %    |                      |    |
| " A " Grade Passenger Guards ..             | 53         | 31.55 | 114            | 67.86 | ..      | ..    | ..          | ..    | ..                 | ..    | ..       | ..   | 1              | 0.59 | 168                  | .. |
| " A " Grade Goods Guards ..                 | 8          | 11.11 | 60             | 83.33 | 1       | 1.39  | 1           | 1.39  | 2                  | 2.78  | ..       | ..   | ..             | ..   | 72                   | .. |
| " B " Grade Goods Guards ..                 | ..         | ..    | 1              | 0.30  | 139     | 41.61 | 82          | 24.55 | 79                 | 23.65 | 27       | 8.09 | 6              | 1.80 | 334                  | .. |
| " C " Grade Goods Guards ..                 | ..         | ..    | 1              | 1.45  | 39      | 56.52 | 18          | 26.09 | 9                  | 13.04 | 1        | 1.45 | 1              | 1.45 | 69                   | .. |
| Branch Line Guards ..                       | ..         | ..    | ..             | ..    | 15      | 55.56 | 8           | 29.63 | 4                  | 14.81 | ..       | ..   | ..             | ..   | 27                   | .. |
| Pilot Guards ..                             | ..         | ..    | ..             | ..    | 6       | 46.16 | 6           | 46.16 | 1                  | 7.68  | ..       | ..   | ..             | ..   | 13                   | .. |
| " C " Grade Multiple Unit Service Guards .. | ..         | ..    | 1              | 1.61  | 41      | 66.13 | 12          | 19.36 | 8                  | 12.90 | ..       | ..   | ..             | ..   | 62                   | .. |



*Information promised in reply to unstarred question No. 159 asked by Mr. B. B. Varma on the 9th March, 1935.*

#### POSTING OF ASSISTANT SURGEONS TO HOSPITALS ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports :

(a) Three hospitals with 10 beds in each and 23 dispensaries with emergency beds ranging from 2 to 7 beds in each.

(b) No. With one exception the Sub-Assistant Surgeons on the East Indian Railway are qualified to practice medicine, surgery and midwifery under the various Medical Acts of the Legislature in force in this country and, therefore, are fully qualified to perform major operations.

(c) This is not necessary as no disability is suffered by employees owing to the absence of Assistant Surgeons in certain railway hospitals.

*Information promised in reply to unstarred question No. 198 asked by Mr. B. B. Varma on the 9th March, 1935.*

#### TREATMENT OF INDIAN STAFF IN THE EAST INDIAN RAILWAY HOSPITAL AT TUNDLA.

The Agent, East Indian Railway, reports :

(a) Three.

(b) No.

(c) No.

(d) The number of Indian Maternity cases treated during the last three years is 36 with 1 mortality. The number of non-Indian Maternity cases treated during the last three years is 35 with no mortality.

(e) It is not known, whether the services of a private doctor are available in or about Tundla. There is no Assistant Surgeon posted at the Railway Hospital. It is not a fact that Indian patients do not obtain adequate medical assistance in serious cases at the Railway hospital.

(f) No. The District Medical Officer attends to all patients without racial discrimination. No separate records of Indians and non-Indians are kept in the out-Patient's Department.

During the last 3 years 124 non-Indians and 1,370 Indians were treated as indoor patients. The District Medical Officer is responsible to the Railway administration for all these patients.

(g) No fee is charged for accommodation and treatment. In addition employees drawing a salary up to Rs. 30 per month get free diet at the Hospital.

*Information promised in reply to parts (a) to (c) of unstarred question No. 160 asked by Mr. B. B. Varma on the 9th March, 1935.*

#### STAFF CLASSIFIED AS INTERMITTENT ON THE EAST INDIAN RAILWAY.

(a) No.

(b) The Agent, East Indian Railway, reports as follows :

| Division.         | Total number of intermittent workers. | Number of intermittent workers housed in Railway quarters near their places of work. |
|-------------------|---------------------------------------|--------------------------------------------------------------------------------------|
| Howrah .. .. .    | 2,748                                 | 1,099                                                                                |
| Asansol .. .. .   | 2,549                                 | 1,578                                                                                |
| Dinapore.. .. .   | 1,870                                 | 1,140                                                                                |
| Allahabad .. .. . | 2,098                                 | 1,329                                                                                |
| Lucknow.. .. .    | 1,536                                 | 1,337                                                                                |
| Moradabad .. .. . | 2,391                                 | 1,457                                                                                |

(c) The Hours of Employment Regulations do not provide rest days for intermittent workers.

*Information promised in reply to unstarred questions Nos. 161, 169, 171, 172, 173, 177, 182 and 197 asked by Mr. B. B. Varma on the 9th March, 1935.*

#### WORKING HOURS OF STATION MASTERS ON CERTAIN STATIONS ON THE EAST INDIAN RAILWAY.

161. No. The Agent, East Indian Railway, reports that :

(i) the duty hours of the station masters of Zamania, Chausa, Saiyadraja, Karmnasa, Majhwar, Twining Ganj and Sakaldiha are 58½ a week ;

(ii) the duty hours of the station master, Fatehpur, are 56 a week and that

(iii) the duty hours of the station master at Chandausi do not normally exceed 60 a week.

#### NON-SUPPLY OF WINTER UNIFORMS TO TRAVELLING TICKET EXAMINERS AND INSPECTORS IN THE HOWRAH DIVISION.

169. (a) Government understand winter uniforms have not been supplied to the staff referred to employed on the three Lower Divisions, viz., Howrah, Dinapur and Asansol Divisions.

(b) The Agent, East Indian Railway, reports that during 1933-34 it was decided, as a measure of economy, to curtail the supply of winter uniforms to certain categories of staff on the three Lower Divisions by extending the period of use from one year to two years. It has since been decided from the coming winter of 1935-36 again to supply winter uniforms annually.

#### PROMOTION OF ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

171. The Agent, East Indian Railway, reports that Grade II of guards is not regarded as a normal channel of promotion for Assistant Station Masters as the scales of pay for these classes of employees are more or less similar.

There have been cases in which Assistant Station Masters have been transferred to the guards' grade but these are exceptions.

### FILLING UP OF RELIEVING VACANCIES ON THE EAST INDIAN RAILWAY.

172. The Agent, East Indian Railway, reports :

Relieving vacancies of controllers are filled by relieving guards or Senior Assistant Station Masters according as the duration of the vacancy justifies transfers of permanent staff or not.

Relieving vacancies of platform Assistants are normally filled by relieving guards.

### UNIFORMS SUPPLIED TO INDIAN ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

173. The Agent, East Indian Railway, reports that full uniforms are provided for certain grades of Assistant Station Masters while for other less important grades only jackets are provided.

### REST AVAILABLE TO THE TICKET CHECKING STAFF AT GAYA, PATNA AND DINAPORE.

177. The Agent, East Indian Railway, reports that the average periods of inaction of ticket checking staff at Gaya, Patna Junction and Dinapore who are classed as intermittent under the Hours of Employment Regulations and whose duty hours are 12 a day, are 6½, 7½ and 7½ hours respectively.

### SENIORITY LISTS OF ASSISTANT STATION MASTERS ON THE NORTH WESTERN RAILWAY.

182. (a) The Agent, North Western Railway, reports that seniority of subordinates in a grade or class on the North Western Railway, is reckoned from the date, each employee is confirmed in the Grade or Class.

(b) This is considered unnecessary.

It may, however, be added for the information of the Honourable Member that on the State-managed Railways seniority lists of subordinate staff on scales of pay rising to more than Rs. 250 a month are published though it is not distributed to staff and that seniority lists in manuscript form for all grades and categories of subordinate staff are maintained and the staff concerned have no difficulty in obtaining access to them.

### EAST INDIAN RAILWAY UNION AT DINAPORE.

197. (a) and (b). Yes.

(c) Government understand that the union has not been recognised by the Agent, East Indian Railway.

*Information promised in reply to parts (b) and (f) of unstarred question No. 205 asked by Lieutenant-Colonel Sir Henry Gidney on the 9th March, 1935.*

### OPTION TO ELECT NEW LEAVE RULES TO THE STAFF ON THE NORTH WESTERN RAILWAY.

205. (b) and (f). The staff appointed on the North Western Railway between the 1st April, 1927 and the 22nd August, 1927 (both dates inclusive) have since been given the option either to come under the New State Railway Leave Rules or to continue to be governed by the old leave Rules.

Government see no reason to give any option to the staff appointed on or after the 23rd August, 1927, as they were made aware before their appointment that they would come under the New State Railway Leave Rules, when introduced.

*Information promised in reply to unstarred question No. 209 asked by Mr. N. M. Joshi on the 9th March, 1935.*

### FILLING UP OF THE POSTS OF TRANSPORTATION INSPECTORS AND TRAIN CONTROLLERS ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports :

“(a) 16 and 31 posts of Transportation Inspectors and Train Controllers, respectively, were filled permanently during the last two years.

(b) The cases of staff who, officiated as Transportation Inspector were considered when filling up vacancies. No Transportation Inspectors were demoted to lower grades on account of economy during the last two years.

Two Section Controllers who were demoted on account of economy did not wish to be restored to their original posts.”

*Information promised in reply to the supplementary question asked by Mr. N. C. Bardoloi in connection with starred question No. 797 by Mr. Basanta Kumar Das on the 11th March, 1935.*

### REPORT OF THE ASSAM FLOOD ENQUIRY COMMITTEE.

The provision of waterways on the Section between Chaparmukh and Silghat Stations is as given below :

| Bridge.     | Mile.       | Old Bridge. | New Bridge.  | Lft. increase. | Old Channel area. | New Channel area. | Approximate increase on old Channel. |
|-------------|-------------|-------------|--------------|----------------|-------------------|-------------------|--------------------------------------|
| ..          | 424 C.S.    | 3'          | 30           | 27             | 10                | 253               | 2,330%                               |
| Kamarjan .. | 425½ C.S.   | 5×20        | 5×20<br>2×30 | 60             | 10,20             | 2,200             | 118%                                 |
| Ranthali .. | 426-71 C.S. | 5×20        | 4×40         | 60             | 1,027             | 2,250             | 119%                                 |
| Diman ..    | 431-47 C.S. | 3×20        | 2×30<br>1×20 | 20             | 400               | 800               | 100%                                 |

The reason for the enlargement of these waterways is a change in the course of the Jamuna river at Jamunamukh some 18 miles away ; there always have been waterways between Chaparmukh and Silghat which in the past had been sufficient.

*Information promised in reply to starred questions Nos. 822 to 825 asked by Bhai Parma Nand on the 11th March, 1935.*

### DUTIES OF NUMBER-TAKERS ON THE NORTH WESTERN RAILWAY.

822. The Agent, North Western Railway, reports :

(a) and (b). The duties of Number Takers employed on the North Western Railway are not similar to those performed by the Assistant Train Examiners on the East Indian Railway. A comparative statement showing the duties of the two is attached.

(c) All the Number Takers are literate, but only a few of them are Matriculates.

(d) On the East Indian Railway Assistant Train Examiners who successfully pass prescribed tests and examinations at the Training School and possess the

requisite standard of qualifications are eligible for promotion to the grade of Train Examiner according to the vacancies available. As Number Takers on the North Western Railway receive no technical training either before or after entering service they cannot be considered for promotion to the post of Train Examiners.

*Comparative statement showing the duties of Number Takers employed on the North Western Railway and those performed by the Assistant Train Examiners on the East Indian Railway.*

| Duties of Number Takers employed on the North Western Railway.                                                   | Duties of Assistant Train Examiners employed on the East Indian Railway.                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Notes numbers of vehicles of all trains on arrival and departure.                                             | Assistant Train Examiners who are in independent charge are personally responsible for detecting, on all vehicles examined by them, any defects which might cause an accident or which render a vehicle unfit to carry safely a load of goods or passengers. Other staff allotted to the Assistant Train Examiners do not in any way relieve Assistant Train Examiners of this responsibility. |
| 2. Assistant Train Examiners in maintaining records such as Vacuum Brakes Registers and Vacuum Repair Registers. |                                                                                                                                                                                                                                                                                                                                                                                                |
| 3. Assistant Train Examiners in clerical work.                                                                   | Assistant Train Examiners when posted to work under Train Examiners, assist in the examination of trains but do not in any way relieve the Train Examiner of his responsibility for examination in general.                                                                                                                                                                                    |

#### TRAIN EXAMINERS ON THE NORTH WESTERN RAILWAY.

823. (a) Yes, but steps are being taken to improve their standard of efficiency by means of Refresher Courses at the Walton Training School.

(b) Out of the total number of 270 Train Examiners employed at present on this Railway, there are 41 Train Examiners who were initially recruited as Number Takers. These men were, in the first instance, transferred as Apprentice Train Examiners and were promoted to Train Examiners on their completion of a training course in the Mechanical Workshops. This method became less and less successful as the technical qualifications of Train Examiners increased under modern conditions.

(c) Train Examiners on this Railway are literate employees, though a good many of them are non-Matriculates, having been recruited when more highly qualified men were not available.

(d) The recruitment of Train Examiners is now made in accordance with the Rules for "The recruitment and training of Apprentice Mechanics and Trade Apprentices in the Mechanical Workshops of State Managed Railways". Number Takers as a class, having insufficient education would be unable to cope with the competitive examination which the present prospective Train Examiner has to pass before entering the MacLagan Engineering College, Lahore, where with practical training in Shops he undergoes a five years' course before appointment as Train Examiner. Apart from this, the prospective Train Examiner has to enter the College before attaining the age of 19, which is another reason why Number Takers cannot qualify for the posts of Train Examiners.

#### NUMBER TAKERS ON THE NORTH WESTERN RAILWAY.

824. (a) No. In the case of three stations on the Lahore Division this was done till recently but the practice has been discontinued.

(b) and (c). No.

(d) Reply to the first part is in the negative and to the second part in the affirmative.

(e) This is not the case. There are relieving Train Examiners.

(f) and (g). Do not arise.

(h) The Honourable Member's attention is invited to the reply given to part (d) of his question No. 823.

#### ELECTRICIANS ON THE NORTH WESTERN RAILWAY.

825. As regards the first part, a technical test is imposed, part of which must be written in English. Number Takers are not technical staff whereas Electric Examiners are so. As regards the second part, attention is invited to the reply given to part (d) of question No. 823.

*Information promised in reply to parts (e) to (g) of starred question No. 828 asked by Mr. N. V. Gadgil on the 11th March, 1935.*

#### RE-EMPLOYMENT OF THE GREAT INDIAN PENINSULA RAILWAY STRIKERS.

(e) Government do not propose to interfere with the discretion of the Agent in the matter.

(f) Government understand that an article in Marathi appeared in the *Independent Railwayman* in April, 1932, giving the names of 12 persons in the employment of the Great Indian Peninsula Railway alleged to have been sentenced to various punishments but it did not include particulars of the alleged offences. It cannot be inferred from the particulars furnished that all or any of the persons named had been guilty of offences such as murder, theft, safe breaking, etc. Government are informed that the Agent, Great Indian Peninsula Railway, has not knowingly employed any persons who have been convicted of such offences.

(g) Does not arise.

*Information promised in reply to starred question No. 840 asked by Mr. Amarendra Nath Chattopadhyaya on the 12th March, 1935.*

#### HOUSE RENT ALLOWANCE OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

840. The Agent, East Indian Railway, reports :

"(a) and (b). Under the new rent rules introduced in 1932 free quarters or house allowance in lieu is not admissible except to those individual employees who at any time in the course of their previous service held in a substantive capacity a post which carried the privilege of rent free quarters or house rent allowance in lieu of free quarters, and who in the course of their subsequent service from the date of the introduction of the revised rent rules hold (in an officiating or substantive capacity) posts which carried this concession prior to that date.

Under the old East Indian Railway Company's rules ticket checking staff were eligible for the privilege of free quarters or house allowance in lieu and accordingly those who held posts in this category substantively are still allowed the same privilege.

Ticket checking staff of the old Oudh and Rohilkhand Railway who were entitled to free quarters, when available, under old Oudh and Rohilkhand Railway Rules applicable to them are also still allowed this privilege but when quarters are not available for them they are eligible for house rent allowance in lieu.

It will thus be seen that the privilege of rent free quarters or house rent allowance has not been withdrawn as a measure of economy."

*Information promised in reply to starred question No. 856 asked by Mr. Muhammad Azhar Ali on the 12th March, 1935.*

#### METHOD FOR THE REDRESS OF GRIEVANCES OF THE RAILWAY STAFF.

856. (a) Yes.

(b) I would refer the Honourable Member to the "Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants", a copy of which will be found in the Library. The aggrieved staff can under rule 11 of the rules referred to above appeal to the authority next above the officer passing the order. In this case the order was passed by the Staff Superintendent and the appeal lay to the Divisional Superintendent.

*Information promised in reply to parts (d), (e), (f) and (g) of starred question No. 866 asked by Mr. Muhammad Azhar Ali on the 12th March, 1935.*

#### MILEAGE ALLOWANCE PAID TO THE OLD TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

The Agent, North Western Railway, reports :

(d) and (f). No. Mr. Bishen Singh's pay as Travelling Ticket Examiner on the Kalka-Simla Railway was Rs. 75 per mensem, in the scale of Rs. 55—5—105—10—155 at the time of his temporary transfer on the 29th August, 1926, to the Delhi Division to work as a Special Ticket Examiner (Batch-in-Charge of a Flying Squad). In consideration of the importance of the duties and the increased responsibilities attached to the post of a Batch-in-Charge, he was temporarily given Rs. 140 in the scale 105—5—140 and also daily allowance admissible under the rules. He was given the same pay later on when he officiated again for the same reason.

(e) On reversion as a Travelling Ticket Examiner he was given Rs. 90 per mensem in his substantive post on the scale of Rs. 55—5—105—10—155.

(g) No—because the special considerations in this case did not apply. Mr. Bishen Singh was not given 140 because it was 75 per cent. in excess of his old pay, but because it was considered that in view of his experience the maximum pay of the grade was justified.

*Information promised in reply to parts (c) and (e) of question No. 871 asked by Pandit Sri Krishna Dutta Paliwal on the 12th March, 1935.*

#### ALLEGATIONS AGAINST SOME RAILWAY OFFICIALS AT TUNDLA.

(c) and (e). Government are informed by the Agent, East Indian Railway, that so far as he is aware no Deputy Controller ran any raffles or lotteries nor was Mr. Marcon in any way connected therewith. Government are, however, informed that lorries Nos. 1337 and 1338 were registered in the name of the wife of a Deputy Controller and another person from the 25th March, 1933 to the 2nd August, 1933. The Deputy Controller in question has been suitably dealt with for indirectly engaging in trade in the name of his wife during the period referred to above, and the Agent, East Indian Railway, has issued a circular making it clear to the staff that the running of a business in the name of the wife of a railway servant amounts to the railway servant engaging indirectly in trade or business, which is prohibited under the Government Servants' Conduct Rules.

*Information promised in reply to starred question No. 877 asked by Pandit Sri Krishna Dutta Paliwal on the 12th March, 1935.*

#### PROVISION OF AN ASSISTANT SURGEON IN THE RAILWAY HOSPITAL AT TUNDLA.

The Agent, East Indian Railway, reports :

(a) Yes.

(b) It is not known whether there is a Civil Assistant Surgeon in the town. The District Medical Officer, East Indian Railway at Tundla, has five sub-districts which he is required to visit once a month and he can always return to headquarters within 12 hours.

He, and not the Sub-Assistant Surgeon, is in charge of the work in the Hospital at his headquarters. His position is that of a Civil Surgeon in a Sadar Hospital and his medical personnel is comparable with that of a Civil Surgeon at such a station.

(c) There is no need for an Assistant Surgeon at Tundla as a District Medical Officer is stationed there.

*Information promised in reply to starred questions Nos. 880 and 885 asked by Lieut.-Colonel Sir Henry Gidney on the 12th March, 1935.*

#### RATES OF PAY AND OTHER PRIVILEGES OF CERTAIN APPRENTICES OF STATE RAILWAYS.

880. The Agent, East Indian Railway, reports :

(a) Yes.

(b) and (c). Yes, the apprentices in question were brought under the revised scales of pay pending a decision by Government as to whether the old or the revised scales of pay were admissible to them.

They have since been granted the old scales of pay.

(d) Does not arise.

#### SENIORITY OF SUBORDINATES OFFICIATING IN THE TRANSPORTATION INSPECTOR'S GRADE ON THE EAST INDIAN RAILWAY.

885. The reply given to the question referred to by the Honourable Member was based on the practice followed in determining seniority in such cases. The exact date of the commencement of the practice is not traceable. I would, however, add that the posts of transportation inspectors are selection posts.

*Information promised in reply to starred question No. 942 asked by Mr. Amarendra Nath Chattopadhyaya on the 21st March, 1935.*

#### CASE OF MR. K. C. DAS, AN ASSISTANT STATION MASTER AT NAIHATI, EASTERN BENGAL RAILWAY.

(a) Yes. I would, however, add the orders contained in the Notification referred to have since been modified. A copy of the revised instructions is placed below.

(b) The Agent, East Indian Railway, reports that Assistant Station Master K. C. Das of Nalhati (not Naihati) failed for the second time in February, 1934, in the examination for Transportation and Commercial duties. He is at present working as a Number Taker at Jamalpur, and the Divisional Superintendent is endeavouring to find work for him as a signaller. This, of course, is conditional on Mr. Das passing the 20 word signalling test. Mr. Das has been instructed to advise the Divisional Superintendent when he wishes to appear for the test.

(c) No. The question of having a uniform procedure on all State-managed Railways for dealing with staff who fail to qualify at the Refresher Courses is under consideration.

*Paragraph 632 of East Indian Railway Gazette, dated 3rd October, 1934.*

632. Railway School of Transportation, Chandausi.—In modification of the orders contained in Gazette Notification No. 30 of East Indian Railway Gazette No. 2 of 24th January, 1934, it is notified that the penalties for failing in the examination will not be applied automatically but at the discretion of the Divisional Superintendent. Staff retained at the School under paragraph 3 (b) of the Notification will not be required to pay their own messing.

If a man is reported to have failed in any subject, it will rest entirely with the Divisional Superintendent whether he should be allowed to continue in his post or not, and whether his increment should be affected.

A special report on those who fail will be submitted by the School Superintendent to the Divisional Superintendent.

*Information promised in reply to starred question No. 966 asked by Pandit Govind Ballabh Pant on the 25th March, 1935.*

**handsari SUGAR WORKS IN THE ROHILKUND DIVISION SUBJECTED TO EXCISE DUTY.**

(a) 147.

(b) and (c). A statement is attached.

**STATEMENT.**

| Name of factory.                    | Place.           | Number of workers.                                                                                                                   | Nature of power. | Officers who inspected the factory before the imposition of the duty. |
|-------------------------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------|
|                                     |                  | <b>BAREILLY.</b>                                                                                                                     |                  |                                                                       |
| 1. Brij Kishore .. ..               | Alamgiri-ganj.   | The exact numbers are not known but each of these factories was reported to have employed more than 20 men in the season of 1933-34. | Electric ..      | District Sugar Officer.                                               |
| 2. Shiana Charan ..                 | Nai Basti        |                                                                                                                                      | Do.              | Do.                                                                   |
| 3. Muklada Ali Khan ..              | Gher Zafar Khan. |                                                                                                                                      | Do.              | Do.                                                                   |
| 4. Ramman Lal Ras Behari Lal.       | Masitganj        |                                                                                                                                      | Do.              | Do.                                                                   |
| 5. Laloo Mal Suraj Bhan             | Alamgiri-ganj.   |                                                                                                                                      | Do.              | Do.                                                                   |
| 6. Pooran Chand Kapoor Chand.       | Shahdana         |                                                                                                                                      | Do.              | Do.                                                                   |
| 7. Ram Kumar Krishna Kumar.         | Jatavpura        |                                                                                                                                      | Do.              | Do.                                                                   |
| 8. Seth Banwari Lal Purshottam Das. | Shahdana         |                                                                                                                                      | Do.              | Do.                                                                   |
| 9. Govind Ram Umrao Singh.          | Siklapur ..      |                                                                                                                                      | Do.              | Do.                                                                   |
| 10. Baboo Ram Radhey Shiam.         | Masitganj        |                                                                                                                                      | Do.              | Do.                                                                   |
| 11. Ram Ratan Lal Lachmi Narain.    | Choki Math       |                                                                                                                                      | Do.              | Do.                                                                   |
| 12. Banwari Lal Shanti Prasad.      | Alamgiri-ganj.   |                                                                                                                                      | Do.              | Do.                                                                   |

| Name of factory.                   | Place.           | Number of workers.     | Nature of power.                            | Officers who inspected the factory before the imposition of the duty. |
|------------------------------------|------------------|------------------------|---------------------------------------------|-----------------------------------------------------------------------|
|                                    |                  | <b>BAREILLY—contd.</b> |                                             |                                                                       |
| 13. Bhavat Narain Tandon           | Nai Basti        |                        | Electric ..                                 | District Sugar Office.                                                |
| 14. Ahmad Ali Khan ..              | Jatavpura        |                        | Do.                                         | Do.                                                                   |
| 15. Niranjan Singh Umrao Singh.    | Lakhanganj       |                        | Do.                                         | Do.                                                                   |
| 16. Chander Sen .. ..              | Shahamat-ganj.   |                        | Do.                                         | Do.                                                                   |
| 17. Rahim Bux Aijaz Ahmad.         | Saidpuria        |                        | Do.                                         | Do.                                                                   |
| 18. Radhey Lal Saraf ..            | Alamgiriganj     |                        | Do.                                         | Do.                                                                   |
| 19. Ram Narain Tandan ..           | Beharipur        |                        | Do.                                         | Do.                                                                   |
| 20. Chabbi Mal Ram Lal ..          | Madari Darwaza.  |                        | Do.                                         | Do.                                                                   |
| 21. Shiam Sundar Lal Ram Das.      | Gangapur         |                        | Do.                                         | Do.                                                                   |
| 22. Murli Manohar ..               | Alamgiriganj     |                        | Do.                                         | Do.                                                                   |
| 23. Faiyaz Husain Khan ..          | Do.              |                        | Do.                                         | Do.                                                                   |
| 24. Shiam Behari Lal Shanti Kumar. | Do.              |                        | Do.                                         | Do.                                                                   |
| 25. Pt. Shiam Behari Lal ..        | Tah. Nawab-ganj. |                        | Either oil engine or steam engine Electric. | Do.                                                                   |
| 26. Raghu Nandan Pd. ..            | Alamgiri-ganj.   |                        | Do.                                         | Do.                                                                   |
| 27. Ram Das Harnam Das             | Sufi Tola        |                        | Do.                                         | Do.                                                                   |
| 28. Sita Ram Badri Rakhan          | Phuta Darwaza.   |                        | Do.                                         | Do.                                                                   |

NOTE.—Twenty-eight other factories had previously been assessed but had closed down before the 31st of January 1935.

| Name of factory.          | Place.    | Number of workers. | Nature of power. | Officers who inspected the factory before the imposition of the duty. |
|---------------------------|-----------|--------------------|------------------|-----------------------------------------------------------------------|
| Bijnor.                   |           |                    |                  |                                                                       |
| 1. Pandit Alakh Prasad .. | Mandawar  | *                  | Electric ..      | Tahsil staff.                                                         |
| 2. L. Badri Prasad ..     | Chandpur  | 29                 | Do. ..           | Do.                                                                   |
| 3. L. Ram Chandra Mal ..  | Bijnor .. | *                  | Do. ..           | Do.                                                                   |
| 4. L. Lachman Dass ..     | Nehtor .. | 25                 | Do. ..           | Do.                                                                   |
| 5. Abdul Qaiyum ..        | Nagina .. | 30                 | Do. ..           | Do.                                                                   |
| 6. H. Mohd. Ibrahim ..    | Do. ..    | 32                 | Do. ..           | Do.                                                                   |
| 7. Mohammad Ismail ..     | Do. ..    | 21                 | Do. ..           | Do.                                                                   |
| 8. Mohammad Afaq ..       | Do. ..    | *                  | Do. ..           | Do.                                                                   |
| 9. Mohammad Ishaq ..      | Do. ..    | *                  | Do. ..           | Do.                                                                   |
| 10. L. Kashi Nath ..      | Kiratpur  | 21                 | Do. ..           | Do.                                                                   |
| 11. Mohammad Ismail ..    | Do. ..    | *                  | Do. ..           | Do.                                                                   |

\* Exact number not known, but each of these factories was reported by the tahsil staff to have employed more than 20 men.

## MORADABAD.

|                         |           |            |             |                      |
|-------------------------|-----------|------------|-------------|----------------------|
| 1. S. Brij Pal Saran .. | Dhosti .. | 21         | Oil engine  | Tahsildar, Hasanpur. |
| 2. Kalyan Das ..        | Kundarki  | Over 20 .. | Electric .. | Tahsildar, Bilari.   |

NOTE.—Two other factories were assessed but were subsequently exempted.

## SHAHJAHANPUR.

|                                      |              |    |             |                         |
|--------------------------------------|--------------|----|-------------|-------------------------|
| 1. Shanti sugar works ..             | Jeshanpur    | 50 | Oil engine  | Tahsildar.              |
| 2. L. Sri Ram, s/o Angney Lal.       | Bahadurgung. | 37 | Electric .. | District Officer. Sugar |
| 3. L. Autarilal, s/o Mathura Prasad. | Taliaghuran  | 25 | Do. ..      | Do.                     |
| 4. L. Radhey Lal Horilal             | Do.          | 25 | Do. ..      | Do.                     |
| 5. L. Janki Prasad ..                | Chauksi ..   | 25 | Do. ..      | Do.                     |
| 6. L. Kesarilal, s/o Jhoo Lal.       | Bahadurgunj. | 25 | Do. ..      | Do.                     |

| Name of factory.                        | Place.           | Number of workers. | Nature of power. | Officers who inspected the factory before the imposition of the duty. |
|-----------------------------------------|------------------|--------------------|------------------|-----------------------------------------------------------------------|
| SHAHJAHANPUR—contd.                     |                  |                    |                  |                                                                       |
| 7. Mohd. Hazabbarali Khan               | Khalilshaqi      | 25                 | Electric ..      | District Officer. Sugar                                               |
| 8. L. Maya Ram Arthi ..                 | Rangmahla        | 25                 | Do. ..           | Do.                                                                   |
| 9. L. Bankeylal ..                      | Katra Kham       | 25                 | Do. ..           | Do.                                                                   |
| 10. L. Damodar Das ..                   | Do.              | 37                 | Do. ..           | Do.                                                                   |
| 11. Mohd. Yiah Khan ..                  | Tarin Tikli      | 25                 | Do. ..           | Do.                                                                   |
| 12. Moh. Yasinuddin Khan                | Katra Kham       | 25                 | Do. ..           | Do.                                                                   |
| 13. Ved Vrat Halwai ..                  | Bahadurgunj.     | 25                 | Do. ..           | Do.                                                                   |
| 14. L. Madho Ram, s/o Ram Kishan.       | Do.              | 37                 | Do. ..           | Do.                                                                   |
| 15. L. Saliq Ram ..                     | Mahadeo          | 36                 | Oil engine       | Do.                                                                   |
| 16. L. Rup Kishore ..                   | Patai ..         | 25                 | Do. ..           | Do.                                                                   |
| 17. L. Bajrang Das ..                   | Kastak ..        | 28                 | Do. ..           | Tahsildar.                                                            |
| 18. Mohd. Latafatali Khan               | Ullia ..         | 27                 | Do. ..           | Do.                                                                   |
| 19. L. Sita Ram, Ram Sarup              | Tilhat ..        | 25                 | Do. ..           | Do.                                                                   |
| 20. Shri Mahadeo Sugar and Flour Mills. | Nawadia Lachhan. | 100                | Steam engine.    | District Officer. Sugar                                               |
| 21. L. Hira Lal ..                      | Mundia Pamar.    | 50                 | Oil engine       | Do.                                                                   |
| 22. L. Gokal Prasad, Gaya Prasad.       | Do. ..           | 50                 | Do. ..           | Do.                                                                   |
| 23. L. Khunnu Lal Sunar ..              | Nihal ..         | 23                 | Do. ..           | Do.                                                                   |
| 24. L. Brij Bhukan Lal ..               | Khudaganj        | 24                 | Do. ..           | Tahsildar.                                                            |
| 25. L. Mahadeo Prasad ..                | Do. ..           | 24                 | Do. ..           | Do.                                                                   |
| 26. L. Munna Lal Raj Kishan             | Tilhar ..        | 24                 | Do. ..           | Do.                                                                   |
| 27. M. Lal Bahadur ..                   | Posil ..         | 26                 | Do. ..           | Do.                                                                   |
| 28. L. Badri Prasad Bajnath             | Tilhar ..        | 30                 | Do. ..           | Do.                                                                   |
| 29. L. Radhey Shiam ..                  | Talia Ghuran.    | 25                 | Electric ..      | District Officer. Sugar                                               |
| 30. Mohd. Ahmad Hussain                 | Mundia Chhoan.   | 35                 | Oil engine       | Do.                                                                   |

| Name of factory.                                 | Place.            | Number of workers. | Nature of power. | Officers who inspected the factory before the imposition of the duty. |
|--------------------------------------------------|-------------------|--------------------|------------------|-----------------------------------------------------------------------|
| SHAHJAHANPUR—concl'd.                            |                   |                    |                  |                                                                       |
| 31. L. Jaganath Prasad Jwala Prasad.             | Dilawarganj       | 25                 | Electric ..      | District Officer. Sugar                                               |
| 32. L. Raghunandan Prasad                        | Do. ..            | 25                 | Do. ..           | Do.                                                                   |
| 33. L. Sukhbasi Lal ..                           | Bazaria Lalateli. | 26                 | Do. ..           | Do.                                                                   |
| 34. L. Ram Das, Hiralal ..                       | Bahadurganj.      | 25                 | Do. ..           | Do.                                                                   |
| 35. Pt. Umrao Lal ..                             | Dilazak ..        | 25                 | Do. ..           | Do.                                                                   |
| 36. Pt. Debi Charan Chaubey                      | Bahadurganj.      | 28                 | Do. ..           | Do.                                                                   |
| 37. L. Har Prasad Kurmi ..                       | Mohiuddinpur.     | 25                 | Oil engine       | Do.                                                                   |
| 38. L. Badri Dat ..                              | Bahadurganj.      | 25                 | Electric ..      | Do.                                                                   |
| 39. L. Sita Ram, s/o Radha Kishan.               | Masjidganj        | 25                 | Do. ..           | Do.                                                                   |
| 40. L. Shanker Lal, s/o Inder Lal.               | Aman Zai          | 25                 | Do. ..           | Do.                                                                   |
| 41. L. Ganga Ram Kapur ..                        | Baksaryao         | 25                 | Do. ..           | Do.                                                                   |
| 42. M. Sifat Ullah Khan, s/o Fahasat Ullah Khan. | Aman Zai          | 25                 | Do. ..           | Do.                                                                   |
| 43. Prem Sugar Works ..                          | Baragaon          | 40                 | Steam engine.    | Do.                                                                   |
| 44. L. Sri Ram, Lakshmi Chand.                   | Khudaganj         | 27                 | Oil engine       | Sugar Officer. Excise                                                 |
| PILIBHIT.                                        |                   |                    |                  |                                                                       |
| 1. M. Mohd. Jilani ..                            | Lahoregunj        | 20                 | Steam engine.    | Tahsildar.                                                            |
| 2. L. Johri Mal ..                               | Pilibhit ..       | 33                 | Do. ..           | Do.                                                                   |
| 3. L. Ram Sanchi Mal ..                          | Do. ..            | 28                 | Oil engine       | Do.                                                                   |
| 4. M. Mangal Khan ..                             | Do. ..            | 20                 | Do. ..           | Do.                                                                   |
| 5. L. Sita Ram ..                                | Do. ..            | 22                 | Do. ..           | Do.                                                                   |
| C. I. Ram Kunor, Raj Kunor.                      | Do. ..            | 27                 | Do. ..           | Do.                                                                   |

| Name of factory.                      | Place.         | Number of workers.         | Nature of power. | Officers who inspected the factory before the imposition of the duty. |
|---------------------------------------|----------------|----------------------------|------------------|-----------------------------------------------------------------------|
| PILIBHIT—cont'd.                      |                |                            |                  |                                                                       |
| 7. L. Ram Gopal ..                    | Pilibhit ..    | 22                         | Oil engine       | Tahsildar.                                                            |
| 8. L. Lachhmi Narain ..               | Do. ..         | 20                         | Do. ..           | Do.                                                                   |
| 9. L. Ghasi Ram, Bhikari Dass.        | Do. ..         | 20                         | Do. ..           | Do.                                                                   |
| 10. L. Gopi Nath ..                   | Do. ..         | 23                         | Do. ..           | Do.                                                                   |
| 11. L. Ram Chander Lal, Radhey Shiam. | Do. ..         | 25                         | Do. ..           | Do.                                                                   |
| 12. L. Sheo Raj Singh ..              | Do. ..         | 25                         | Do. ..           | Do.                                                                   |
| 13. L. Sunder Lal Gupta ..            | Do. ..         | 20                         | Steam engine.    | Do.                                                                   |
| 14. L. Sant Lal ..                    | Do. ..         | 28                         | Do. ..           | Do.                                                                   |
| 15. L. Mangni Ram ..                  | Do. ..         | 20                         | Oil engine       | Do.                                                                   |
| 16. Dr. Amolak Chand ..               | Do. ..         | 23                         | Do. ..           | Do.                                                                   |
| 17. Sh. Hamid Husain ..               | Do. ..         | 21                         | Do. ..           | Do.                                                                   |
| 18. L. Ram Dass ..                    | Do. ..         | 20                         | Do. ..           | Do.                                                                   |
| 19. L. Ram Kunor ..                   | Do. ..         | 20                         | Steam engine.    | Do.                                                                   |
| 20. Sahu Ram Ballabh Saran            | Bisalpur ..    | 24                         | Do. ..           | District Officer. Excise                                              |
| 21. L. Kadher Mal ..                  | Ghuri Patti    | 20                         | Oil engine       | Tahsildar.                                                            |
| 22. L. Narain Dass ..                 | Richola Ghasi. | 25                         | Do. ..           | Do.                                                                   |
| 23. L. Surender Nath ..               | Amirta ..      | 30                         | Steam engine.    | Do.                                                                   |
| 24. L. Sri Ram Gupta ..               | Puranpur       | 20                         | Oil engine       | Do.                                                                   |
| 25. M. Khursheed Hasan Khan.          | Do. ..         | 20                         | Do.              | Do.                                                                   |
| 26. Devji Ravi Dass ..                | Do. ..         | 20                         | Do. ..           | Do.                                                                   |
| 27. Sadar Bhagga Singh ..             | Kalinager      | 21                         | Do. ..           | Do.                                                                   |
| 28. Ch. Munna Singh ..                | Madho Tanda.   | 23                         | Do. ..           | Do.                                                                   |
| 29. L. Sukh Lal ..                    | Puranpur       | 20                         | Do. ..           | Do.                                                                   |
| 30. L. Laiq Ram ..                    | Dharmanpur.    | 26                         | Do. ..           | Do.                                                                   |
| 31. Kr. Gopal Singh ..                | Madho Tanda.   | 22                         | Do. ..           | Do.                                                                   |
| 32. L. Tika Ram ..                    | Bilsanda       | Information not available. |                  | Do.                                                                   |

Information promised in reply to starred question No. 979 asked by Mr. A. K. Fuzlul Huq on the 25th March, 1935.

COMMUNAL COMPOSITION OF TECHNICAL AND NON-TECHNICAL MEN EMPLOYED IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

(a) Government have no information, but most of the retrenched staff who have shown any desire to obtain re-employment in the Central Public Works Department have now been provided for in temporary vacancies. This excludes persons who are overage or inefficient.

(b) I presume that the Honourable Member refers to non-gazetted staff. A statement giving the information asked for is placed below.

Statement showing technical and non-technical appointments made in the Central Public Works Department since the last retrenchment.

| No. of appointments made.   |         |          |                    |        | No. of retrenched hands re-employed. |         |          |                    |        |
|-----------------------------|---------|----------|--------------------|--------|--------------------------------------|---------|----------|--------------------|--------|
| Class of post.              | Hindus. | Muslims. | Other communities. | Total. | Class of post.                       | Hindus. | Muslims. | Other communities. | Total. |
| 1                           | 2       | 3        | 4                  | 5      | 6                                    | 7       | 8        | 9                  | 10     |
| Subordinates and Surveyors. | 20      | 8        | 7                  | 35     | Subordinates and Surveyors.          | 3       | 1        | 1                  | 5      |
| Draftsmen ..                | 5       | 6        | 3                  | 14     | Draftsmen ..                         | 5       | 6        | 1                  | 12     |
| Clerks ..                   | 34      | 14       | 9                  | 57     | Clerks ..                            | 15      | 6        | 4                  | 25     |

NOTE.—This statement excludes (a) all appointments made for a period of less than three months, and (b) all appointments which had terminated before the 27th March, 1935, the date on which the statement was prepared.

Information promised in reply to starred question No. 983 asked by Mr. C. N. Muthuranga Mudaliar on the 25th March, 1935.

PUBLICITY OFFICERS WORKING ON STATE RAILWAYS.

(a) and (b). Two statements giving the required information are attached.

STATEMENT No. 1.

Statement showing the names of the various Publicity Officers working on the State Railways, and the monthly salary of each and the work they were doing before being appointed as such.

| Name of Railway.                | Name of Publicity Officer. | Salary per mensem.             | Appointment held before his employment as Publicity Officer.                    | Remarks.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------|----------------------------|--------------------------------|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| East Indian Railway.            | Mr. A. Gumbrill.           | Rs.<br>1,250 plus £30 S. O. P. | He was employed with Messrs. A. H. Wheeler & Co., as their Manager at Calcutta. | He was specially selected to fill the post of Publicity Officer, East Indian Railway, from the 15th March 1927.                                                                                                                                                                                                                                                                                                                                                                               |
| Great Indian Peninsula Railway. | Mr. J. H. Carpenter.       | 1,300 plus £30 S. O. P.        | He was Secretary to the Agent, Great Indian Peninsula Railway.                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Burma Railways.                 | ..                         | ..                             | ....                                                                            | No Publicity Officer is employed on this Railway.                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Eastern Bengal Railway.         | ..                         | ..                             | ....                                                                            | There is no officer exclusively employed on Publicity work on this Railway at present. The post of Publicity Officer has been held in abeyance since 1st September 1931.                                                                                                                                                                                                                                                                                                                      |
| North Western Railway.          | ..                         | ..                             | ....                                                                            | There is no separate post of Publicity Officer on this Railway at present. The work in connection with Publicity is being done by Mr. C. D. Jordon, Sales Manager, as part of the work of the Sales Branch, which is at present on a temporary basis. Mr. Jordon is in receipt of Rs. 1,050 per mensem in the senior scale of the Transportation (Traffic) and Commercial Branch. He was employed as P. A. to the Chief Commercial Manager immediately prior to his posting as Sales Manager. |



## STATEMENT No. 2.

Statement showing the dates from which the various Publicity Offices were started and the number of Indians who have held the posts till now and the periods during which they held these posts.

| Name of Railway.                | Date of starting of Publicity Office. | Indians who have so far held the posts. |                                        | Remarks.                                                                                                                                                                                                                             |
|---------------------------------|---------------------------------------|-----------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                 |                                       | Name.                                   | Period during which the post was held. |                                                                                                                                                                                                                                      |
| East Indian Railway.            | 27-1-27                               | ..                                      | ..                                     | No Indian Officer has held the post of Publicity Officer on the East Indian Railway.                                                                                                                                                 |
| Great Indian Peninsula Railway. | April 1920                            | Mr. Pothan Joseph.                      | 16-4-1928 to 15-11-1928.               | As Publicity Officer.                                                                                                                                                                                                                |
|                                 |                                       |                                         | 16-11-1928 to 31-2-1931.               | As Assistant Publicity Officer.                                                                                                                                                                                                      |
| Burma Railways.                 | ..                                    | ..                                      | ..                                     | No Publicity Officer is employed on this Railway.                                                                                                                                                                                    |
| Eastern Bengal Railway.         | 15-11-1926                            | Mr. A. K. Gupta.                        | 15-11-1926 to 25-11-1928.              |                                                                                                                                                                                                                                      |
| North Western Railway.          | 22-11-1926                            | Khan Sahib Z. H. Khan.                  | 22-11-1926 to 24-2-1931.               | The post was kept vacant from 25th February 1931 to 15th March 1931 and again from 24th April 1931 to 31st January 1932 and was finally abolished on account of the reduction in the Gazetted Officers cadre from 1st February 1932. |

Information promised in reply to starred question No. 992 asked by Mr. Lalchand Navalrai on the 25th March, 1935.

## VACANCIES IN THE COMMERCIAL GROUP ON THE NORTH WESTERN RAILWAY.

(a) Yes.

(b) Yes.

(c) The Agent reports that in view of the very few applications received from minority communities in the Karachi Division, it was necessary to restrict the numbers which came up from that Division in order to give effect to the orders of Government regarding communal proportion in recruitment.

(d) The answer to the first part of the question is in the negative. Between May and December, 1934, the Divisional Superintendent reported 19 vacancies of Booking Clerks and seven vacancies of Commercial Clerks, which were all filled by old Commercial and Station Master Group Students who were discharged in 1931.

(e) No, except in so far as retrenched men, who were formerly employed on one Division may, on re-appointment, have been sent to other Divisions.

(f) The compilation of these statistics will involve a great deal of labour which Government do not consider likely to be justified by results.

(g) Yes, but certain categories of staff, including Commercial Group students, are finally recruited by Central Selection Boards for employment on the Railway as a whole.

(h) No. Government do not consider that the Karachi Division has been unfairly treated.

Information promised in reply to starred question No. 1003 asked by Pandit Nilakanta Das on the 26th March, 1935.

## TECHNICALLY QUALIFIED MEN EMPLOYED IN AIRCRAFT AND AVIATION IN INDIA.

(a) (i). The number of military technical personnel employed is 1,534.

(ii) The number of civil technical employees in the civil aviation Directorate, flying clubs and air transport companies is 260. This figure includes unlicensed as well as licensed technical personnel.

(b) (i). The number of military technical personnel includes 1,245 British and 289 Indians.

(ii) Of the 260 civil employees, 108 are British, 147 Indians and 5 other nationalities.

Information promised in reply to starred questions Nos. 1014 and 1015 asked by Mr. Amarendra Nath Chattopadhyaya on the 26th March, 1935.

## APPOINTMENTS OF THE TIME-EXPIRED APPRENTICES OF LILLOOAH WORKSHOPS UNDER THE CHIEF MECHANICAL ENGINEER, EAST INDIAN RAILWAY.

1014. The Agent, East Indian Railway, reports :

“(a) Appointments of ex-apprentices have not been made because primary consideration had to be given to ex-mechanics who were retrenched in 1931 and borne on the waiting list and vacancies occurring have been very few as until recently the workshop staff at Lillooah has been steadily reduced.

Though the Technical School results are given due consideration, the practical qualifications have to be taken into account and the apprentices' ability to control labour has also to be considered.

Since 1933, three Indian ex-apprentices have been taken on, one specially trained for Heat Treatment and two quite recently, for increased work in the Wagon Repair Shop.

(b) Four specially trained apprentices were taken on in 1931, namely two European and Anglo-Indian and two Indians. A fifth was added in May, 1934, as stated in answer to (a) above. These five appointments were for newly introduced sections in which none of the ex-apprentices senior to those engaged had had any training.”

(c) Does not arise.

## APPOINTMENTS OF THE TIME-EXPIRED APPRENTICES OF THE JAMALPUR TECHNICAL SCHOOL TO POSTS UNDER THE CHIEF MECHANICAL ENGINEER AND CHIEF ELECTRICAL ENGINEER, EAST INDIAN RAILWAY.

1015. The Agent, East Indian Railway, reports :

(a) The reply is in the affirmative.

(b) A statement giving the required information is attached.

## EAST INDIAN

## Statement of Apprentice Mechanics who have been provided

| Names.                  | Date of completion of apprenticeship training. | Name of Workshop from which training was completed.              | Division in which passed in Technical School. |
|-------------------------|------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------|
| Sati Nath Mukherjee ..  | 6-4-33                                         | Jamalpur Workshops. (Mech. Department).                          | Honours .. ..                                 |
| Krishna Kumar Sanyal .. | 14-4-33                                        | Do. ..                                                           | 1st Division .. ..                            |
| M. G. Nair ..           | 31-8-33                                        | Do. ..                                                           | Honours .. ..                                 |
| M. Roy ..               | 24-5-33                                        | Do. ..                                                           | 2nd Division .. ..                            |
| H. N. Banerjee ..       | 30-4-33                                        | Do. ..                                                           | 1st Division .. ..                            |
| T. G. Watson ..         | 17-5-33                                        | Do. ..                                                           | Do. .. ..                                     |
| Muhammad A. Karim ..    | 19-9-33                                        | Do. ..                                                           | Honours .. ..                                 |
| C. S. Hosie ..          | 4-4-34                                         | Do. ..                                                           | 1st Division .. ..                            |
| S. N. Verma ..          | 8-4-34                                         | Do. ..                                                           | 2nd Division .. ..                            |
| B. N. Mishra ..         | 3-6-34                                         | Do. ..                                                           | Honours .. ..                                 |
| H. E. Ennis ..          | 8-4-34                                         | Do. ..                                                           | Do. .. ..                                     |
| N. L. Sackett ..        | 18-8-34                                        | Do. ..                                                           | 1st Division .. ..                            |
| B. A. Peacock ..        | 22-8-34                                        | Do. ..                                                           | Honours .. ..                                 |
| H. P. Okhandiar ..      | 8-9-34                                         | Do. ..                                                           | 1st Division .. ..                            |
| O. P. Callaghan ..      | 20-8-34                                        | Do. ..                                                           | Honours .. ..                                 |
| Mohammad Ansari ..      | 10-12-34                                       | Do. ..                                                           | 1st Division .. ..                            |
| P. Mukherjee ..         | 5-9-34                                         | Do. ..                                                           | Do. .. ..                                     |
| A. Bose ..              | 24-11-31                                       | Do. ..                                                           | Failed in Final Examination.                  |
| P. Biswas ..            | 15-3-32                                        | Do. ..                                                           | 1st Division .. ..                            |
| Mohammad Yusufally ..   | 3-9-31                                         | Do. ..                                                           | Failed in Final Examination.                  |
| S. C. Ghose ..          | 9-11-32                                        | Do. ..                                                           | 1st Division .. ..                            |
| N. C. Sarkar ..         | 4-9-25                                         | Do. ..                                                           | Passed 1st in 1924 Final Examination.         |
| S. B. Mukherjee ..      | 1-3-35                                         | Do. ..                                                           | 1st Division .. ..                            |
| A. C. Banerjee ..       | 16-3-35                                        | Do. ..                                                           | Do. .. ..                                     |
| P. N. Dutt ..           | 9-2-30                                         | C. and W. Shops, Lillooah                                        | Do. .. ..                                     |
| J. Carnegie ..          | 8-4-34                                         | Do. ..                                                           | Do. .. ..                                     |
| M. N. Ansari ..         | 21-1-34                                        | Lillooah Workshops ..                                            | Do. .. ..                                     |
| I. K. Dass ..           | 5-3-30                                         | Do. ..                                                           | 2nd Division .. ..                            |
| S. C. Ganguly ..        | 21-8-30                                        | Do. ..                                                           | 1st Division .. ..                            |
| S. N. Mukherjee ..      | 7-4-33                                         | Jamalpur Workshops and Technical School and Loco Shops, Lucknow. | Do. .. ..                                     |
| S. K. Rana ..           | 22-8-34                                        | Do. ..                                                           | Do. .. ..                                     |
| M. F. Ducasse ..        | 9-2-35                                         | Do. ..                                                           | Honours .. ..                                 |

## RAILWAY.

## with posts in the Mechanical Workshop since January 1933.

| Date of       |                    | Name of the workshop in which employed. | Designation.                    | Starting salaries.          |
|---------------|--------------------|-----------------------------------------|---------------------------------|-----------------------------|
| Appoint-ment. | Confirma-tion.     |                                         |                                 |                             |
| 7-4-33        | ..                 | Charbagh (Loco) Lucknow                 | Chargeman (T. T.) H. T. (S.).   | Rs. 130                     |
| 15-4-33       | ..                 | Do. ..                                  | Do. ..                          | 130                         |
| Re. 6-2-34    | Not yet confirmed. | Jamalpur Workshops (Mech. Department).  | Out-turn Supervisor ..          | 110                         |
| Re. 12-5-34   | Do. ..             | Do. ..                                  | Do. ..                          | 110                         |
| 1-5-33        | Do. ..             | Do. ..                                  | Do. ..                          | 110                         |
| 18-5-33       | Do. ..             | Do. ..                                  | Do. ..                          | 110                         |
| 20-9-33       | Do. ..             | Do. ..                                  | Chargeman (T. T.) (Mechanist).  | 130                         |
| 5-4-34        | Do. ..             | Do. ..                                  | Chargeman (T. T.) (Br. Maker).  | 130                         |
| 9-4-34        | Do. ..             | Do. ..                                  | Chargeman (T. T.) (Erector).    | 130                         |
| 4-6-34        | Do. ..             | Do. ..                                  | Chargehand—Grade I ..           | 85                          |
| 9-7-34        | Do. ..             | Do. ..                                  | Chargeman (T. T.) (Millwright). | 130                         |
| 19-8-34       | Do. ..             | Do. ..                                  | Chargeman (T. T.) (Erector).    | 130                         |
| 23-8-34       | Do. ..             | Do. ..                                  | Chargeman (T. T.) (Mechanist).  | 130                         |
| 4-9-34        | Do. ..             | Do. ..                                  | Chargeman (T. T.) (Blacksmith). | 130                         |
| 21-8-34       | Do. ..             | Do. ..                                  | Draftsman (T. T.) ..            | 170                         |
| 11-12-34      | Do. ..             | Do. ..                                  | Chargeman (T. T.) (Blacksmith). | 110                         |
| 0-9-34        | Do. ..             | Do. ..                                  | Chargeman (T. T.) (H. T. S.).   | 130                         |
| 5-11-34       | Do. ..             | Do. ..                                  | Gunner, Grade I ..              | 65                          |
| 14-3-33       | Do. ..             | Do. ..                                  | Out-turn Supervisor ..          | 110                         |
| 3-11-33       | Do. ..             | Do. ..                                  | Do. ..                          | 110                         |
| 14-3-33       | Do. ..             | Do. ..                                  | Do. ..                          | 110                         |
| 18-7-33       | Do. ..             | Do. ..                                  | Gunner, Grade I ..              | 85                          |
| 2-3-35        | Do. ..             | Do. ..                                  | Chargeman (T. T.) (Machinist).  | 110                         |
| 17-3-35       | Do. ..             | Do. ..                                  | Chargehand (Machinist)          | 85                          |
| 5-2-35        | Temporary          | C. & W. Shops, Alambag, Lucknow.        | Journeyman ..                   | 85                          |
| 15-1-35       | Do. ..             | Do. ..                                  | Fitter ..                       | Rs. 2/6/0 in gr. 1 30-2-38. |
| 7-5-34        | Confirmed ..       | C. & W. Shops, Lillooah                 | Chargeman (T. T.) ..            | 150                         |
| 10-1-35       | Temporary          | Do. ..                                  | Do. ..                          | 100                         |
| 21-1-35       | Do. ..             | Do. ..                                  | Do. ..                          | 100                         |
| 8-4-33        | Confirmed ..       | Loco. Shops, Lucknow                    | Chargeman (T. T.) ..            | 130                         |
| 23-2-34       | Temporary          | Do. ..                                  | Do. ..                          | 130                         |
| 10-2-35       | Do. ..             | Do. ..                                  | Do. ..                          | 130                         |

Information promised in reply to starred questions Nos. 1034 and 1036 asked by Mr. A. K. Fuzlul Haq on the 26th March, 1935.

**SENIORITY LIST OF TICKET COLLECTORS AND TRAVELLING TICKET EXAMINERS IN THE MORADABAD AND LUCKNOW DIVISIONS.**

1034. (a), (b) and (d). The seniority list is not confidential. A copy of the Seniority List cannot be given to each employee owing to the volume of work involved; but the staff are, on request, furnished with the information they require in connection with their position on the list.

(c) No. The staff are not furnished with copies of the Seniority List on any division.

**TESTS IMPOSED ON THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY AT THE TIME OF PROMOTION.**

1036. The Agent, East Indian Railway, reports :

(b) No, except on the Moradabad Division but instructions have been issued to the Divisional Superintendent, Moradabad, to abolish the procedure.

(d) No.

(e) The periodical examinations are held with a view to judge whether the staff are up to the required standard of efficiency in their respective grades and posts. These tests do not mean that they are also capable of holding posts which involve duties of greater importance and heavier responsibilities. Therefore when the question of promotion from a lower grade to the next higher grade arises, it is necessary to take into consideration not only the results of the periodical examination but also other qualifications for promotion.

Information promised in reply to starred question No. 1041 asked by Mr. N. M. Joshi on the 26th March, 1935.

**NON-GRANT OF HOUSE ALLOWANCE TO CERTAIN RELIEVING CLERKS ON THE EAST INDIAN RAILWAY.**

The Agent, East Indian Railway, reports that the practice in regard to grant of house allowance in lieu of free quarters to relieving clerks varies on the different divisions of the railway but that he has now issued orders that relieving clerks of the Traffic Department who were in service before the introduction of the new rent rules be provided with rent free quarters or given house rent allowance in lieu thereof.

Information promised in reply to part (c) of starred question No. 1048 asked by Mr. V. V. Giri on the 26th March, 1935.

**APPOINTMENT OF INEXPERIENCED CREW INSPECTORS ON THE EASTERN BENGAL RAILWAY.**

The Agent, Eastern Bengal Railway, reports :

(c) The new appointments did not contravene the instructions laid down by the Railway Board regarding the re-employment of retrenched staff as there were no suitable retrenched staff available.

Information promised in reply to starred question No. 1071 asked by Mr. T. S. Arinashilinjam Chettiar on the 27th March, 1935.

**POLICE FORCE IN THE CRIMINAL INVESTIGATION DEPARTMENT IN THE CENTRALLY ADMINISTERED AREAS.**

(a), (b) and (c). The information is given in the attached statement.

(d) and (e). The C. I. D. staff in these areas is employed partly on the investigation of ordinary crime partly on the investigation and prevention of crimes against the State which involves keeping a watch on persons suspected of being engaged in revolutionary activities. There is no fixed allocation of staff between these two duties.

**STATEMENT.**

|                             | (a)<br>Numbers.                                                                                                                                | (b)<br>Amount spent.   | (c)<br>Whether expenditure is audited.                                                   |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------------------------------------------------------------------|
| Mysore Residency ..         | Sub-Inspectors .. 3<br>Head Constables .. 6<br>Constables .. 11                                                                                | 12,900 p.a.            | Yes.                                                                                     |
| Hyderabad Residency ..      | Sub-Inspectors .. 1<br>Head Constables .. 8                                                                                                    | 431 p.m. or 5,172 p.a. | Yes.                                                                                     |
| Rajputana Agency ..         | D. S. P. .. 1<br>Inspectors .. 2<br>Sub-Inspectors (including 6 engaged on Finger Print work) .. 9<br>Head Constables .. ..<br>Constables .. 5 | 31,450                 | Yes.                                                                                     |
| Baluchistan Agency ..       | Inspectors .. 4<br>Sub-Inspectors .. 9<br>Head Constables .. 14<br>Constables .. 19                                                            | 50,000                 | Yes.                                                                                     |
| Central India Agency ..     | No separate C. I. D.                                                                                                                           |                        |                                                                                          |
| Western India States Agency |                                                                                                                                                |                        |                                                                                          |
| Ajmer-Merwara ..            |                                                                                                                                                |                        |                                                                                          |
| Gujarat States Agency ..    |                                                                                                                                                |                        |                                                                                          |
| Aden ..                     |                                                                                                                                                |                        |                                                                                          |
| Coorg ..                    | Supdt. .. 1<br>Dy. Supdt. .. 1<br>Inspectors .. 3<br>Sub-Inspectors .. 6<br>Hd. Constables .. 19<br>Constables .. 59                           | 1,06,500               | Yes, except that in the secret service Fund which is examined by the Chief Commissioner. |
| Andamans ..                 |                                                                                                                                                |                        |                                                                                          |
| Delhi ..                    |                                                                                                                                                |                        |                                                                                          |
|                             |                                                                                                                                                |                        |                                                                                          |
|                             |                                                                                                                                                |                        |                                                                                          |

*Information promised in reply to starred questions Nos. 1034 and 1036 asked by Mr. A. K. Fuzul Haq on the 26th March, 1935.*

**SENIORITY LIST OF TICKET COLLECTORS AND TRAVELLING TICKET EXAMINERS IN THE MORADABAD AND LUCKNOW DIVISIONS.**

1034. (a), (b) and (d). The seniority list is not confidential. A copy of the Seniority List cannot be given to each employee owing to the volume of work involved; but the staff are, on request, furnished with the information they require in connection with their position on the list.

(c) No. The staff are not furnished with copies of the Seniority List on any division.

**TESTS IMPOSED ON THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY AT THE TIME OF PROMOTION.**

1036. The Agent, East Indian Railway, reports :

(b) No, except on the Moradabad Division but instructions have been issued to the Divisional Superintendent, Moradabad, to abolish the procedure.

(d) No.

(e) The periodical examinations are held with a view to judge whether the staff are up to the required standard of efficiency in their respective grades and posts. These tests do not mean that they are also capable of holding posts which involve duties of greater importance and heavier responsibilities. Therefore when the question of promotion from a lower grade to the next higher grade arises, it is necessary to take into consideration not only the results of the periodical examination but also other qualifications for promotion.

*Information promised in reply to starred question No. 1041 asked by Mr. N. M. Joshi on the 26th March, 1935.*

**NON-GRANT OF HOUSE ALLOWANCE TO CERTAIN RELIEVING CLERKS ON THE EAST INDIAN RAILWAY.**

The Agent, East Indian Railway, reports that the practice in regard to grant of house allowance in lieu of free quarters to relieving clerks varies on the different divisions of the railway but that he has now issued orders that relieving clerks of the Traffic Department who were in service before the introduction of the new rent rules be provided with rent free quarters or given house rent allowance in lieu thereof.

*Information promised in reply to part (c) of starred question No. 1048 asked by Mr. V. V. Giri on the 26th March, 1935.*

**APPOINTMENT OF INEXPERIENCED CREW INSPECTORS ON THE EASTERN BENGAL RAILWAY.**

The Agent, Eastern Bengal Railway, reports :

(c) The new appointments did not contravene the instructions laid down by the Railway Board regarding the re-employment of retrenched staff as there were no suitable retrenched staff available.

*Information promised in reply to starred question No. 1071 asked by Mr. T. S. Arinashilingam Chettiar on the 27th March, 1935.*

**POLICE FORCE IN THE CRIMINAL INVESTIGATION DEPARTMENT IN THE CENTRALLY ADMINISTERED AREAS.**

(a), (b) and (c). The information is given in the attached statement.

(d) and (e). The C. I. D. staff in these areas is employed partly on the investigation of ordinary crime partly on the investigation and prevention of crimes against the State which involves keeping a watch on persons suspected of being engaged in revolutionary activities. There is no fixed allocation of staff between these two duties.

**STATEMENT.**

|                             | (a)<br>Numbers.                                                                                                                                          | (b)<br>Amount<br>spent.      | (c)<br>Whether expenditure<br>is audited.                                                            |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------|
| Mysore Residency ..         | Sub-Inspectors .. 3<br>Head Constables .. 6<br>Constables .. 11                                                                                          | 12,900<br>p.a.               | Yes.                                                                                                 |
| Hyderabad Residency ..      | Sub-Inspectors .. 1<br>Head Constables .. 8                                                                                                              | 431<br>p.m. or<br>5,172 p.a. | Yes.                                                                                                 |
| Rajputana Agency ..         | D. S. P. .. 1<br>Inspectors .. 2<br>Sub-Inspectors<br>(including 6 engaged<br>on Finger Print<br>work). .. 9<br>Head Constables .. ..<br>Constables .. 5 | 31,450                       | Yes.                                                                                                 |
| Baluchistan Agency ..       | Inspectors .. 4<br>Sub-Inspectors .. 9<br>Head Constables .. 14<br>Constables .. 19                                                                      | 50,000                       | Yes.                                                                                                 |
| Central India Agency ..     | No separate C. I. D.                                                                                                                                     |                              |                                                                                                      |
| Western India States Agency |                                                                                                                                                          |                              |                                                                                                      |
| Ajmer-Merwara .. ..         |                                                                                                                                                          |                              |                                                                                                      |
| Gujarat States Agency ..    |                                                                                                                                                          |                              |                                                                                                      |
| Aden .. ..                  |                                                                                                                                                          |                              |                                                                                                      |
| Coorg .. ..                 | Supdt. .. 1<br>Dy. Supdt. .. 1<br>Inspectors .. 3<br>Sub-Inspectors .. 6<br>Hd. Constables .. 19<br>Constables .. 59                                     | 1,06,500                     | Yes, except that in<br>the secret service<br>Fund which is<br>examined by the<br>Chief Commissioner. |
| Andamans .. ..              |                                                                                                                                                          |                              |                                                                                                      |
| Delhi .. ..                 |                                                                                                                                                          |                              |                                                                                                      |
|                             |                                                                                                                                                          |                              |                                                                                                      |
|                             |                                                                                                                                                          |                              |                                                                                                      |

*Information promised in reply to starred question No. 1103 asked by Mr. Muhammad Azhar Ali on the 28th March, 1935.*

**SENIORITY LIST OF TRAVELLING TICKET EXAMINERS AND TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.**

(a) and (b). The Honourable Member is referred to the information laid on the table of the House to-day in reply to starred question No. 1034 asked by Mr. A. K. Fuzlul Haq on the 26th March, 1935.

*Information promised in reply to starred questions Nos. 1110 and 1111 asked by Maulvi Syed Murtaza Sahib Bahadur on the 28th March, 1935.*

**PRODUCE OF THE LAND OF THE ISTIMVARI AREA OF SATHANA, AJMER-MERWARA.**

1110. (a) There are very few instances in the Khalsa area of Ajmer-Merwara in which cash rents are charged, and even in those very rare cases the amount of rent is settled for a group of fields of various kinds of soil, collectively. It is, therefore, not possible to determine the cash rate per bigha of Chahi or Barani land. The rates of rent, in kind, generally charged on (i) Chahi, and (ii) Barani land are respectively :

(i) half the gross produce when the landlord supplies manure, seed, etc., to the tenant,—otherwise one-third of the gross produce ; and

(ii) one-third of the gross produce.

(b) The cash rates of rent realised in Dolatpura are as under :

| Crop.            | Rate per bigha on |     |              |     |
|------------------|-------------------|-----|--------------|-----|
|                  | Chahi land.       |     | Barani land. |     |
|                  | Rs.               | as. | Rs.          | as. |
| Cotton .. .. .   | 1                 | 12  | 0            | 14  |
| Methi .. .. .    | 0                 | 14  | Nil.         |     |
| Chillies .. .. . | 0                 | 14  | Nil.         |     |

No cash rent is charged for other crops. One-third of the gross produce is generally recovered as rent on both Chahi and Barani areas. In addition there is a cess of 3½ seers per maund.

*Information promised in reply to starred questions 1110 and 1111 asked by Maulvi Syed Murtaza Sahib Bahadur on the 28th March, 1935.*

**PRODUCE OF THE LAND OF THE ISTIMVARI AREA OF SATHANA, AJMER-MERWARA.**

1111. (i) Attention is invited to the answer to part (a) of Honourable Member's question No. 1110.

(ii) One-third of the produce is generally recovered as rent, and in addition to this there is a cess of 3½ seers per maund.

*Information promised in reply to starred question No. 1224 asked by Syed Ghulam Bhik Nairang on the 30th March, 1935.*

**NUMBER OF MUSLIMS AND NON-MUSLIMS EMPLOYED AS ASSISTANT MANAGER AND HEADS OF BRANCHES, IN THE GOVERNMENT OF INDIA PRESSES AND IN THE CENTRAL PUBLICATION BRANCH.**

(a) 19 and 3 respectively.

(b) 244.

*Information promised in reply to part (a) of starred question No. 1243 asked by Mr. N. V. Gadgil, on the 30th March, 1935.*

**DEPARTMENTS OF PUBLIC SERVICES DIRECTLY UNDER THE ADMINISTRATION OF THE GOVERNMENT OF INDIA.**

| Name of Department.                                                                                                           | Headquarters. |
|-------------------------------------------------------------------------------------------------------------------------------|---------------|
| 1. Southern Command (Indian Army) .. .. .                                                                                     | Poona.        |
| 2. Sind (Independent) Brigade Area, (Indian Army) .. .. .                                                                     | Karachi.      |
| 3. Royal Indian Navy .. .. .                                                                                                  | Bombay.       |
| 4. Royal Air Force Units and Indian Air Force .. .. .                                                                         | Karachi.      |
| 5. Office of the Agent, Great Indian Peninsula Railway .. .. .                                                                | Bombay.       |
| 6. Office of the Senior Government Inspector of Railways, Circle No. 5. .. .. .                                               | Bombay.       |
| 7. Office of the Chief Accounts Officer, Great Indian Peninsula Railway .. .. .                                               | Do.           |
| 8. Office of the Captain Superintendent, I. M. M. T. S. "Dufferin" .. .. .                                                    | Do.           |
| 9. Offices of the Principal Officers, Mercantile Marine Department, Bombay District and the Shipping Master, Bombay .. .. .   | Do.           |
| 10. Office of the Superintendent of Lighthouses, Bombay District .. .. .                                                      | Do.           |
| 11. Office of the Principal Officer, Mercantile Marine Department and Superintendent of Lighthouses, Karachi District .. .. . | Karachi.      |
| 12. Indian Meteorological Department .. .. .                                                                                  | Poona.        |
| 13. Office of the Deputy Controller of Currency (including the Currency Office, Bombay) .. .. .                               | Bombay.       |
| 14. Security Printing, India .. .. .                                                                                          | Nasik.        |
| 15. Office of the Accountant-General, Bombay .. .. .                                                                          | Bombay.       |
| 16. His Majesty's Mint .. .. .                                                                                                | Do.           |
| 17. Customs Department (Collector of Customs and Salt) .. .. .                                                                | Do.           |
| 18. Salt Department (Collector of Customs and Salt) .. .. .                                                                   | Do.           |
| 19. Income-tax Department (Commissioner of Income-tax) .. .. .                                                                | Do.           |
| 20. Office of the Controller of Military Accounts, Southern Command .. .. .                                                   | Poona.        |
| 21. Office of the Controller of Naval Accounts .. .. .                                                                        | Bombay.       |

*Information promised in reply to starred question No. 1294 asked by Pandit Nilakantha Das on the 1st April, 1935.*

**POSITIONS UNDER GOVERNMENT (INCLUDING RAILWAYS) REQUIRING OUTSTANDING TECHNICAL QUALIFICATIONS TO SERVE AS HEADS.**

(a) The Government of India are not concerned with provincial operations involving high technical skill. So far as their own Civil Departments are concerned, there are at present 22 posts of heads of engineering services, etc., the incumbents of which are required to possess outstanding technical qualifications. No non-official experts have been engaged for big building operations by the Government of India from outside during the last ten years.

(b) The Railway Department set up the following two Committees during the last 10 years :

(1) The Committee appointed in 1933 to report on the suitability of Ascu preservative for treating timber.

(2) The Hardinge Bridge Committee, 1934.

There is also a standing expert committee attached to the Department of Industries and Labour, known as the Central Board of Irrigation.

(c) Of the posts mentioned in (a), nine have been held by Indians. The Central Board of Irrigation mentioned consists of Chief Engineers (Irrigation) of the different provinces and four Indian Chief Engineers have served on it. The Chairman of the committee which dealt with the Ascu preservative was an Indian who did not belong to any railway service.

(d) In view of the fact that the works in question are usually carried out by the members of the services concerned, Government do not consider that any useful purpose would be served by publishing a yearly report.

*Information promised in reply to starred questions Nos. 1324, 1325 and 1326 asked by Mr. D. K. Lahiri Chaudhury, on the 2nd April, 1935.*

#### SUCCESSFUL MECHANICAL *ex*-APPRENTICES OF THE LILLOOAH WORKSHOPS, EAST INDIAN RAILWAY.

1324. The Agent, East Indian Railway reports :

(a) Every endeavour is made to provide the successful mechanical *ex*-apprentices with posts when there are vacancies to be filled. Owing to the economy campaign and to retrenched mechanics on the waiting list having to be absorbed vacancies have been few. All mechanics on the waiting list have now been absorbed and in future *ex*-apprentices will be taken into consideration when vacancies occur.

(b) Yes, also by Deputy Chief Mechanical Engineer, Lillooah.

(c) The implication is inaccurate. The following Lillooah *ex*-apprentices have been given employment in the Lucknow Workshops :—

| Name.             | Completed apprenticeship. | Date appointed. |
|-------------------|---------------------------|-----------------|
| S. K. Rana .. ..  | 6 8 1933                  | 7 8 1933        |
| A. Beg .. ..      | 18 2 1929                 | 19 2 1929       |
| P. N. Dutta .. .. | 9 2 1930                  | March 1935      |
| J. Carnegie .. .. | 8 4 1934                  | 15 1 1935       |

(d) 35 per cent. of the Chargemen, Mechanics and Journeymen in the Locomotive and Carriage and Wagon Works at Lucknow are illiterate in English but with the exception of a very few cases, all are literate in their own vernacular. The exceptions are in the Journeymen's grade, a grade to which *ex*-apprentice mechanics are not normally appointed, although they are at times appointed, at their own request, to posts lower than that of the technically trained grades.

In regard to clerical staff appointed in the Workshop Supervising grade, there are three cases, all of which have been appointed in semi-technical posts, i.e., a Store Keeper, a Journeyman (who deals with workshop stores) and a Gunner.

(e) The staff in question were appointed prior to the amalgamation, as the then Locomotive Superintendent, Oudh and Rohilkund Railway considered that mechanics and mistries deserving of promotion should be encouraged by being promoted to supervising grades.

(f) This practice has been discontinued since the amalgamation and the posts in question have been reserved for *ex*-apprentice mechanics. This, however, does not indicate that deserving mistries have no longer any opportunities for promotion since posts carrying pay in the old scales up to Rs. 140 and in the new scales up to Rs. 120 are open to them.

(g) No, as it would be most unfair to replace these Indian Journeymen Mechanics and Chargemen by *ex*-apprentices. They have had long years of practical experience in workshops and have discharged the duties entrusted to them in an efficient and reliable manner. In many cases they have received technical education; although not up to the standard given at the present time to apprentices who pass through the Jamalpur Technical School.

#### *Ex*-APPRENTICES OF JAMALPUR TECHNICAL SCHOOL, EAST INDIAN RAILWAY.

1325. The Agent, East Indian Railway reports :

(a) *Ex*-apprentices who cannot be absorbed on completion of their training are placed on a waiting list and from this list they are subsequently absorbed according to their training in their respective grades in order of seniority which is reckoned from the date of completion of their apprenticeship. *Ex*-apprentices are, however, retained on the waiting list for a period of two years only from the date of completion of apprenticeship. As between *ex*-apprentices on the waiting list and other apprentices who subsequently complete their training selection is entirely by merit. If merit is equal or nearly equal an *ex*-apprentice on the waiting list is given preference.

(b) Yes, those appointed as apprentices prior to the 16th July, 1931, and retained in service on completion of apprenticeship, are governed by the old scales of pay.

(c) Yes, *ex*-apprentices who were discharged on completion of apprenticeship and were re-engaged after the 15th July, 1931, are governed by the revised scales of pay of 1934.

(d) Five *ex*-apprentices were appointed in 1933 as Train-Examiners provisionally in the old scales of pay. On the introduction of the revised scales of pay (1934) their pay has been fixed in the new scales.

(e) No. Only apprentices who were appointed before the 16th July, 1931, and who were retained in service on completion of their apprenticeship, are entitled to the old scales of pay. The new scales of pay apply to apprentices engaged after a break in service if such break occurred after the 15th July, 1931.

(f) Does not arise.

#### CONFIRMATION OF CERTAIN MECHANICAL *ex*-APPRENTICES UNDER THE CHIEF MECHANICAL ENGINEER, EAST INDIAN RAILWAY.

1326. The Agent, East Indian Railway, reports :

(a), (b) (i) and (c). There are certain *ex*-apprentices who have been appointed temporarily both at Jamalpur and Lucknow in connection with the remodelling scheme and whose services will not necessarily be retained when this work is completed.

At Lillooah two *ex*-apprentices have been engaged in temporary posts to cope with a temporary rush of work.

(b) (ii). The question of the confirmation of these *ex*-apprentices will be considered when the Jamalpur remodelling has been completed.

*Information promised in reply to parts (d) to (h), (k) and (l) of starred question No. 1359, asked by Dr. N. B. Khare on the 2nd April, 1935.*

#### APPLICABILITY OF FINANCE DEPARTMENT CIRCULAR NO. F-78-XI-EX.-I-31, TO THE STAFF ON STATE-MANAGED RAILWAYS.

(d) No. It was not the intention that committees should be formed to select the staff for retrenchment.

The Agent, East Indian Railway, reports :

(e) and (f). Six of the inferior staff at Chandausi School were retrenched from the 1st August, 1933 and the School Sergeant was retrenched in June, 1933.

(g) Yes.

(h) The surplus inferior staff at the Chandausi School were included in the number of Way and Works staff of the Moradabad division in the Gazette

referred to. The post of School Sergeant was not included in the notification as the Agent was not aware at the time that it was intended to retrench this post.

(k) The duties performed by the School Sergeant were as under :

Supervision of—

Conservancy staff.

Watch and Ward staff.

Maintenance of buildings.

Messing arrangements of Catering.

Contractor.

Workshop staff.

Peons and coolies.

Games and upkeep of games material.

School furniture.

Mess and school equipment.

(l) The School Steward who has replaced the School Sergeant and the accounts clerk formerly employed, is responsible to the Superintendent for the office work inclusive of upkeep of Ledgers, etc., conservancy, school furniture, mess equipment, supervision of peons and maintenance of school buildings.

*Information promised in reply to part (b) of starred question No. 1375, asked by Khan Sahib Nawab Siddique Ali Khan (on behalf of Mr. A. K. Fazlul Huq) on the 2nd April, 1935.*

COMMUNAL COMPOSITION OF INFERIOR ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT INCLUDING CENTRAL INDIA AND RAJPUTANA, AT THE END OF 1934.

| Section.                       | Strength.      | Hindus. |                  | Muslims. |                  | Europeans and Anglo-Indians. |                  | Sikhs. |                  | Indian Christians. |                  | Other Communities. |                  |
|--------------------------------|----------------|---------|------------------|----------|------------------|------------------------------|------------------|--------|------------------|--------------------|------------------|--------------------|------------------|
|                                |                | No.     | Percent-<br>age. | No.      | Percent-<br>age. | No.                          | Percent-<br>age. | No.    | Percent-<br>age. | No.                | Percent-<br>age. | No.                | Percent-<br>age. |
| Office Establish-<br>ment.     | { Permanent .. | 175     | 87               | 50       | 48               | ..                           | ..               | 4      | 2                | ..                 | ..               | ..                 | ..               |
|                                | { Temporary .. | 51      | 32               | 63       | 31               | ..                           | ..               | 2      | 4                | 2                  | 2                | ..                 | ..               |
| Caretaking Estab-<br>lishment. | { Permanent .. | 114     | 79               | 69       | 22               | ..                           | ..               | 10     | 9                | ..                 | ..               | ..                 | ..               |
|                                | { Temporary .. | 32      | 17               | 53       | 22               | ..                           | ..               | 7      | 22               | 3                  | 3                | ..                 | ..               |

*Information promised in reply to starred question No. 1379 asked by Sardar Sant Singh on the 2nd April, 1935.*

**APPOINTMENT OF APPRENTICE PERMANENT WAY INSPECTORS ON THE EASTERN BENGAL RAILWAY.**

(a) Yes.

(b) 2,075 applications were received. The number of vacancies to be filled was not mentioned in the advertisements. A preliminary selection was made by the Welfare Officer and the Personal Assistant to the Chief Engineer who selected 437 candidates for interview of whom five were employees of the Eastern Bengal Railway.

A selection Committee consisting of the Deputy Chief Engineer, the Personal Assistant to the Chief Engineer and the Welfare Officer interviewed 437 candidates and selected the following to fill up the eleven vacancies:

|                                    | Employees. | Outsiders. | Total. |
|------------------------------------|------------|------------|--------|
| Hindus .. .. .                     | 4          | 2          | 6      |
| Muslim .. .. .                     | ..         | 3          | 3      |
| Anglo Indians .. .. .              | ..         | 1          | 1      |
| Other Minority Communities .. .. . | ..         | 1          | 1      |

(Sikh).

(c) Out of the total number of Hindus selected, namely, six, four were already in railway employment and two were recruited from outside. The Selection Board followed the accepted principle, i.e., giving preferential consideration to the sons of railway servants who have rendered efficient service to the railway, provided the candidates were otherwise suitable. It is a mere coincidence that one of the candidates selected, who is a son of a District Traffic Superintendent who died some years ago, happens to be also the nephew of a Stores Department Officer at present employed on the Eastern Bengal Railway.

(d) Yes.

(e) As regards the first part Government are informed that the object of inviting outsiders to be interviewed was to secure a certain number of suitable candidates in the open market.

The reply to the second part is in the negative.

(f) In view of the reply to part (e) above and of the facts that the number of vacancies was not advertised and that seven out of the eleven vacancies were available for outsiders, it was not considered necessary to differentiate between the vacancies to be filled by departmental candidates and those to be filled by outsiders.

(g) If railway Administrations are to advertise vacancies to be filled, a very large number of applications must be expected in the present state of the labour market, and it is not possible to make the final selection without interviewing a fair percentage of the applicants. In the case in point about 80 per cent. of applications were weeded out in the preliminary selection and 20 per cent. were interviewed by the Selection Board.

(h) No. The Agent, Eastern Bengal Railway, reports that the volume of work involved in going through all the applications, interviewing applicants and making the final selection, is so great that the Administrative officers mentioned in the question could not undertake it.

*Information promised in reply to part (b) of starred question No. 1381, asked by Bhai Parma Nand on the 2nd April, 1935.*

**PROMOTION OF A CLERK OF THE ROUTINE DIVISION TO THE SECOND DIVISION IN THE DEPARTMENTS OF THE GOVERNMENT OF INDIA.**

Vacancies filled in the second division by the Departments of the Government of India, since the coming into force of the Home Department office memorandum No. F.452/27-Ests., dated the 8th December, 1928 .. .. .

Vacancies filled by the promotion of unqualified men .. .. .

58

9

*Information promised in reply to unstarred question No. 286 asked by Mr. B. B. Varma on the 3rd April, 1935.*

**RELIEF OF THE STAFF GRANTED LEAVE IN THE KOTAH DISTRICT OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

The Agent, Bombay, Baroda and Central India Railway, reports:

“(a) All leave and passes are sanctioned by the District Traffic Superintendent and relief arrangements for subordinate staff are made by the District Traffic Superintendent's office and for the inferior staff by the Traffic-Inspectors. Passes for the inferior staff are issued by the District Traffic Superintendent when the Traffic-Inspectors apply for them as soon as the latter are in a position to relieve the inferior staff. Staff are relieved as soon as relief becomes available.

(b) Pointsman Badri, son of Jodha of Rupbas, claimed damages of Rs. 1,500 from his Traffic-Inspector on the 4th January, 1935, for not relieving him in time.

(c) The case was investigated and it was found that the Station Master, Rupbas, had wired to the Traffic-Inspector on the 13th March, 1934, intimating that Badri's wife's condition was hopeless and he was relieved without undue delay on the 15th March, 1934, afternoon, when the first Relieving Pointsman became available.

Every possible effort is made to relieve staff promptly in urgent cases.

*Information promised in reply to unstarred question No. 296 asked by Mr. C. N. Muthuranga Mudaliar on the 3rd April, 1935.*

**SEATS IN THE THIRD CLASS CARRIAGES ON THE SOUTH INDIAN RAILWAY.**

(c) The carriages with two seater benches are not generally utilised on important main line trains. Steps are being taken by the South Indian Railway to replace these carriages by the latest type of third class carriages when the former are condemned or pass their time limit.

*Information promised in reply to unstarred question No. 299 asked by U Thein Maung on the 1st April, 1935.*

**CONTRACTS FOR THE SUPPLY OF BALLAST STONES TO THE BURMA RAILWAYS.**

| Year.           | Percentage. |            |
|-----------------|-------------|------------|
|                 | By number.  | By amount. |
| 1932-33 .. .. . | 2.00%       | 2.64%      |
| 1933-34 .. .. . | 11.11%      | 9.73%      |
| 1934-35 .. .. . | 15.18%      | 9.79%      |

*Information promised in reply to starred question No. 1446 asked by Seth Govind Das on the 4th April, 1935.*

**ARREST AND CONVICTION OF FOUR PERSONS DAILY, FOUND TRAVELLING WITHOUT TICKETS, AT JUBBULPORE.**

A large number of passengers were being detected at Jubbulpore travelling without tickets. The number so detected during the months of October, 1934 to L163LAD .. .. .



March, 1935, and the number who paid the charges due on demand were as follows :

| Months.                | No. of passengers detected without tickets. | No. of passengers who paid the charges due on demand. |
|------------------------|---------------------------------------------|-------------------------------------------------------|
| October, 1934 .. .. .  | 60,0                                        | 64                                                    |
| November, 1934 .. .. . | 560                                         | 11                                                    |
| December, 1934 .. .. . | 660                                         | 31                                                    |
| January, 1935 .. .. .  | 675                                         | 28                                                    |
| February, 1935 .. .. . | 524                                         | 24                                                    |
| March, 1934 .. .. .    | 463                                         | 63                                                    |

As it was considered impracticable to prosecute all those who did not pay on demand, arrangements were made, in consultation with the local railway police and magisterial authorities for a maximum of four passengers per day to be sent up for prosecution. The numbers actually prosecuted, however, during the six months in question were :

40 under Section 113 of the Indian Railway Act.

138 under Section 112 of the Indian Railway Act.

*Information promised in reply to starred question No. 1468 asked by Mr. D. K. Lahiri Chaudhury on the 4th April, 1935.*

#### POST AND TELEGRAPH OFFICES MAINTAINED FOR MILITARY PURPOSES.

(a) The names of the Post and Telegraph offices maintained for military purposes are :

- |                    |                 |
|--------------------|-----------------|
| (1) Landikotal.    | (12) Wana.      |
| (2) Shahgai.       | (13) Manzai.    |
| (3) Jamrud.        | (14) Jandala.   |
| (4) Razmak.        | (15) Dattakhel. |
| (5) Thull.         | (16) Mirali.    |
| (6) Fort Lockhart. | (17) Miranshah. |
| (7) Dosalli.       | (18) Sarwakai.  |
| (8) Dargai.        | (19) Spinwam.   |
| (9) Malakand.      | (20) Sararogha. |
| (10) Chakdara.     | (21) Shewa.     |
| (11) Oghi.         |                 |

(b) A contribution to compensate for the loss involved is made by the military authorities in respect of the seven offices, Nos. 15 to 21, in the above statement. The working of the other offices does not involve any loss and hence no contribution is made.

*Information promised in reply to starred question No. 1470 asked by Mr. S. Satyamurti on the 4th April, 1935.*

#### SUBJECTS OF INDIAN STATES AGAINST WHOM PROCEEDINGS HAVE BEEN TAKEN BY LOCAL GOVERNMENTS UNDER THE FOREIGNERS' ACT.

| Province.                            | No. | No. of orders still in force. | No. of orders cancelled. |
|--------------------------------------|-----|-------------------------------|--------------------------|
| Madras .. .. .                       | 4   | 4                             | ..                       |
| Bengal .. .. .                       | 2   | 2                             | ..                       |
| United Provinces .. .. .             | ..  | ..                            | ..                       |
| Punjab .. .. .                       | ..  | ..                            | ..                       |
| Burma .. .. .                        | ..  | ..                            | ..                       |
| Bihar and Orissa .. .. .             | ..  | ..                            | ..                       |
| Central Provinces .. .. .            | 3   | ..                            | 3                        |
| Assam .. .. .                        | ..  | ..                            | ..                       |
| North-West Frontier Province .. .. . | ..  | ..                            | ..                       |
| Coorg .. .. .                        | ..  | ..                            | ..                       |
| Delhi .. .. .                        | ..  | ..                            | ..                       |
| Ajmer-Merwara .. .. .                | ..  | ..                            | ..                       |

None of the persons referred to above was convicted in connection with the Civil Disobedience Movement.

*Information promised in reply to starred questions Nos. 1485, 1487 parts (a) and (b) of 1488 and 1491 asked by Mr. Ram Narayan Sinha on the 4th April, 1935.*

#### GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

1485. (a) Yes.

(b) Yes.

(c) The reply to the first part is in the negative. As regards the second part, Travelling Ticket Examiners frequently work on moving trains. So do many others.

(d) and (e). The Agent, East Indian Railway, reports that the method of preparation of programme is not the same for Travelling Ticket Examiners and guards.

(f) Yes.

(g) There is a great difference between the nature of the duties of Guards and those of Travelling Ticket Examiners and, therefore, the two classes of staff cannot be treated on the same basis in respect of hours of duty and periods of rest. There are no fixed rules as regards the rest at out-stations, but the programme of work is so arranged that the men get adequate rest.

(h) Yes. If admissible according to rules.

(i) Travelling Ticket Examiners are not entitled to rest periods and allowances which are permissible to Guards. The Agent, East Indian Railway reports that on that railway the hours of duty of all Travelling Ticket Examiners are so regulated as to give them the benefit of the hours of employment rules, although this is not actually required under the conditions of their service, since they are classified as running staff for the purpose of those rules.

(j) The duties are different, and the rules regarding rest have also to be different.

### GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

1487. (a) Yes. In accordance with the Guards Allowance Rules.

(b) The rules for Guards' allowances are not applicable to Travelling Ticket Examiners. In this connection I would refer the Honourable Member to the reply given to part (g) of Question No. 1485 just laid on the table of the House.

### GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

1488. The Agent, East Indian Railway, reports :

(a) Exchange of duties between staff is generally discouraged as such exchanges are liable to cause dislocation of normal working. In emergent cases, however, it is permitted, with the prior sanction of the competent supervising senior subordinate, and Travelling Ticket Examiners are not made an exception of in this respect.

(b) To prevent disorganisation of work a severe view is always taken of cases in which staff fail to turn up in time for the train by which they are booked without authorised leave or without producing a proper medical certificate. The consumption of medicine is not considered an authority for unpunctuality or absence from duty.

### GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

1491. The Agent, East Indian Railway, reports :

(a) The question is obscure for it is not clear in what connection the term "rest" is used.

(b) Until the obscurity referred to in reply to part (a) above is removed, differential treatment is not apparent and the question does not arise.

*Information promised in reply to starred question No. 1513 asked by Prof. N. G. Ranga on the 4th April, 1935.*

### OFFERS OF SINKING OR CONSTRUCTING WELLS OR MYERS' PUMPS ON RAILWAY PLATFORMS OR WITHIN RAILWAY COMPOUNDS.

Government are informed that one such offer by the public of Indupalli to erect a "Myers Pump" on the Railway platform, was received by the Madras and Southern Mahratta Railway Administration in January, 1934, and that this request was later supported by the Andhra Desa Railway Passengers Association. As the arrangement for the supply of water to passengers which had meanwhile been augmented, were considered adequate, the offer was not accepted.

The administration do not consider it desirable that works of this nature, within Railway premises, should be provided by any agency other than the Railway.

*Information promised in reply to starred question No. 1563 asked by Mr. Satya Narayan Sinha on the 5th April, 1935.*

### RECONSTRUCTION OF CERTAIN BRIDGES BETWEEN MADHUBANI AND JAYANAGAR ON THE BENGAL AND NORTH WESTERN RAILWAY.

(a) Yes.

(b) It is a fact that in certain instances existing spans which had ceased functioning were filled in. In other cases, the bridges were rebuilt with an increase in waterway.

(c) Government have no reason to doubt that the floods caused damage to standing crops, but the flooding was in no way due to any deficiency in the waterway provided by the Railway as supposed, but to the steady rise of the river bed by silting and possibly to subsidence of the flooded areas due to the earthquake of January, 1934.

(d) to (f). A representation was received from the Chief Manager, Raj Darhanga, but it was pointed out to him that the flooding was due to the rise in the river bed and to the change taking place in the course of the river which is tending to return to its old bed.

*Information promised in reply to parts (a) and (b) of starred question No. 1577 asked by Mr. Ram Narayan Sinha on the 5th April, 1935.*

### APPLICATIONS MADE UNDER SECTION 30 OF THE INDIAN INCOME-TAX ACT.

(a) and (b). A statement giving the necessary information for the year 1934-35 is laid on the table.

#### STATEMENT.

1934-35.

| District or Circle.                        | *No. of applications made under section 30. | †No. of cases in which modifications were made in favour of the applicants. |
|--------------------------------------------|---------------------------------------------|-----------------------------------------------------------------------------|
| Patna .. .. .                              | 232                                         | 207                                                                         |
| Gaya .. .. .                               | 236                                         | 100                                                                         |
| Shahabad .. .. .                           | 172                                         | 40                                                                          |
| Bhagalpur (South) Sonthal Pargannas (East) | 379                                         | 239                                                                         |
| Muzaffarpur (Sadar) Champaran .. .. .      | 353                                         | 237                                                                         |
| Darbhanga-Sitamarhi .. .. .                | 281                                         | 160                                                                         |
| Saran-Hajipur .. .. .                      | 293                                         | 290                                                                         |
| Purnea-North Bhagalpur .. .. .             | 393                                         | 280                                                                         |
| Ranchi .. .. .                             | 59                                          | 36                                                                          |
| Manbhum Sadar .. .. .                      | 66                                          | 33                                                                          |
| Dhanbad .. .. .                            | 79                                          | 45                                                                          |
| Singhbhum .. .. .                          | 107                                         | 64                                                                          |
| Sambalpur .. .. .                          | 103                                         | 65                                                                          |
| Hazaribagh .. .. .                         | 110                                         | 56                                                                          |
| Palamau .. .. .                            | 45                                          | 17                                                                          |
| Cuttack .. .. .                            | 142                                         | 75                                                                          |
| Balasore .. .. .                           | 54                                          | 35                                                                          |
| Puri .. .. .                               | 75                                          | 28                                                                          |
| Salaries Circle .. .. .                    | 31                                          | 22                                                                          |
| Monghyr-Sonthal Pargannas (West) .. .. .   | 322                                         | 132                                                                         |

\* Include appeals filed in previous years but disposed of in 1934-35.

† Include slight reductions.

*Information promised in reply to part (b) of starred question No. 1580 asked by Mr. Ram Narayan Singh on the 5th April, 1935.*

**IMPOSITION OF PENALTIES UNDER SECTION 28 OF THE INCOME-TAX ACT IN CUTTACK, PURI AND BALASORE CIRCLES.**

(b) No.

*Information promised in reply to starred question No. 1659 asked by Mr. Umar Aly Shah on the 8th April, 1935.*

**CERTAIN SUBORDINATES OF THE CENTRAL PUBLIC WORKS DEPARTMENT, NEW DELHI.**

(a) A list of permanent subordinates in the Central Public Works Department who have not passed any recognised technical examination is laid on the table.

(b) They were given permanent appointments on the merits of their practical experience and qualifications.

(c) There are only two such subordinates, namely—Mr. Manzoor Ali, and Mr. Harbans Swarup.

*List of permanent Subordinates in the Central Public Works Department who have not passed any recognised technical examination.*

| <i>Subordinate Engineering Service.</i> | <i>Electrical and Mechanical Section.</i> |
|-----------------------------------------|-------------------------------------------|
| 1. Mr. Gurdit Singh.                    | 1. Mr. Kesar Chand.                       |
| 2. Mr. Shib Dayal.                      | 2. Mr. Sundar Singh.                      |
| 3. Mr. Ram Chand (Delhi).               | 3. Mr. W. Wylie.                          |
| 4. Mr. Chiranji Lal.                    | 4. Mr. F. D. Williams.                    |
| 5. Mr. Allah Ditta.                     | 5. Mr. Habibul Rahman.                    |
| 6. Mr. Badruddin I.                     | 6. Mr. Pooran Chand.                      |
| 7. Mr. Rulia Ram.                       | 7. Mr. Bua Ditta Mal.                     |
| 8. Mr. Basant Singh.                    | 8. Mr. Sant Ram.                          |
| 9. Mr. Noor Mohammed.                   | 9. Mr. R. H. Foster.                      |
| 10. Mr. Ram Chand (Ajmer).              |                                           |
| 11. Mr. Ghulam Sabir.                   |                                           |

*Information promised in reply to unstarred questions Nos. 302, 303, 304, 307, 317 and 318 asked by Dr. N. B. Khare on the 9th April, 1935.*

**REMOVAL OF TRAVELLING TICKET COLLECTORS FROM THE CATEGORY OF TRAIN (TRAFFIC) OR RUNNING STAFF ON CERTAIN RAILWAYS.**

302. So far as the grant of mileage allowances is concerned, the Travelling Ticket Checking staff ceased to be treated as running staff on :

|                                                   |                            |
|---------------------------------------------------|----------------------------|
| North Western Railway                             | } from the 1st June, 1931. |
| East Indian Railway                               |                            |
| Eastern Bengal Railway, from the 1st April, 1931. |                            |

On the Burma Railways, the question is still under consideration.

On the Great Indian Peninsula Railway the Travelling Ticket Checking staff were never, so far as I am aware, given mileage allowances. They have all along been given either daily or night allowance under the Travelling Allowance Rules.

**DUTIES AND RESPONSIBILITIES OF THE CREW SYSTEM IN THE HOWRAH AND LUCKNOW DIVISIONS, EAST INDIAN RAILWAY.**

303. Mr. G. J. Harris's report from which the quotation has been taken has no bearing on the question of seniority. As regards fixation of seniority of Crew and other Travelling Ticket Checking staff on absorption in the Moody-Ward system, I would refer the Honourable Member to the information laid on the table of the House on the 19th July, 1934, in reply to part (i) of question No. 459, asked by Mr. S. G. Jog, on the 13th March, 1934.

**PROMOTION AND SENIORITY OF THE TRAVELLING TICKET INSPECTORS OF THE ACCOUNT AND AUDIT DEPARTMENT TRANSFERRED TO THE TRAFFIC DEPARTMENT OF THE EAST INDIAN RAILWAY.**

304. The Agent, East Indian Railway reports :

At each of the stages mentioned the seniority of the Ticket Checking Staff was maintained on the lines stated below :

1st May, 1931 : The seniority of Travelling Ticket Inspectors of the Accounts Department was distinct from the seniority of staff on the Crew System.

1st June, 1931 : A combined seniority list was made for each grade of the Moody-Ward system in which the Travelling Ticket Inspectors of the Accounts Department were positioned with other ticket checking staff, seniority being determined primarily according to pay and by length of service when pay was equal.

1st January, 1933. } In December, 1932, the old Travelling Ticket Inspectors  
1st March, 1933. } of the Accounts Department who were absorbed in the Moody-Ward scheme as Travelling Ticket Examiners were allowed the option of retaining the scales of pay applicable to the former permanent posts held substantively by them with the benefit of increments therein.

**CONSOLIDATED ALLOWANCE OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.**

307. The Agent, East Indian Railway, reports :

- (a) 1. Chief Inspectors (Tickets) = 6.
2. Inspectors (Ticket), Grade I = 6.
3. Inspectors (Ticket), Grade II = 5.
- (b) 1. Rs. 240—20—460.
2. Rs. 200—10—220.
3. Rs. 150—10—190.

(c) The Inspectors draw ordinary travelling allowance as applicable to other Inspectors under the State Railway or East Indian Railway Rules, the rates are as shown below :

| <i>State Railway Rules.</i>                                       | <i>East Indian Railway Rules.</i>                                       |
|-------------------------------------------------------------------|-------------------------------------------------------------------------|
| Staff drawing Rs. 501 and above Rs. 4 per day.                    | European and East Indian subordinates Rs. 4 per night.                  |
| Staff drawing Rs. 401 to Rs. 500, Rs. 3/8/0 per day.              | Indian employees drawing Rs. 350 and above, Rs. 3/8/0 per night.        |
| Staff drawing Rs. 301 to Rs. 400, Rs. 3 per day.                  | Indian employees drawing Rs. 250 to under Rs. 350 Rs. 2/8/0 per night.  |
| Staff drawing Rs. 201 to Rs. 300, Rs. 2/8/0 per day.              | Indian employees drawing Rs. 200 to under Rs. 250, Rs. 2 per night.     |
| Staff drawing Rs. 101 to Rs. 200, Rs. 1/8/0 per day.              | Indian employees drawing Rs. 100 to under Rs. 200, Rs. 1/8/0 per night. |
| (d) A statement giving the required information is attached. (A). |                                                                         |
| (e) A statement giving the required information is attached. (B). |                                                                         |

The old Travelling Ticket Inspectors and staff of the Crew System were fitted into appointments in the Moody-Ward Scheme according to their suitability, limited necessarily by the sanctioned number of posts in each grade.

## "A".

List showing the rates of pay of the old Travelling Ticket Inspectors who are now employed as Head Ticket Collectors, Assistant Head Ticket Collectors or Ticket Collectors.

| Name.                 | Designation.                     | Grade held. | Pay. |
|-----------------------|----------------------------------|-------------|------|
|                       |                                  | Rs.         | Rs.  |
| F. L. Roberts .. ..   | Head Ticket Collector ..         | 200—10—220  | 210  |
| B. B. Nigam .. ..     | Assistant Head Ticket Collector. | 130—10—200  | 200  |
| D. Peck .. ..         | Head Ticket Collector ..         | 200—10—220  | 220  |
| D. Wheeler .. ..      | Do. ..                           | 150—10—190  | 190  |
| J. N. Sinha .. ..     | Do. ..                           | 150—10—190  | 180  |
| Shitab Rai .. ..      | Do. ..                           | 130—10—200  | 200  |
| M. A. Springett .. .. | Do. ..                           | 130—10—200  | 200  |
| Hamin Hussain .. ..   | Do. ..                           | 130—10—200  | 200  |
| S. Payambar .. ..     | Assistant Head Ticket Collector. | 110—5—140   | 125  |
| T. Liddle .. ..       | Do. ..                           | 130—10—160  | 160  |

## "B".

Rates of pay last drawn by the staff of Crew System who are now employed as Ticket Inspectors.

| Name.              | Designation.               | Existing grade. | Rates of pay last drawn in Crew System. |                                |
|--------------------|----------------------------|-----------------|-----------------------------------------|--------------------------------|
|                    |                            |                 | Grade.                                  | Pay.                           |
|                    |                            | Rs.             | Rs.                                     | Rs.                            |
| A. H. Kurishy ..   | Inspector (Ticket)         | 200—10—220      | 220—20—300                              | 260 Station Inspector.         |
| A. L. Deefholts .. | Junior Inspector (Ticket). | 150—10—190      | 150—10—200                              | 190 Line Inspector.            |
| A. G. Khan ..      | Inspector (Ticket)         | 200—10—220      | 150—10—200                              | 200 Hostel Supervisor.         |
| T. N. Kitchlu ..   | Junior Inspector (Ticket). | 150—10—190      | 150—10—200                              | 180 Line Inspector.            |
| K. M. Asghar ..    | Do. ..                     | 150—10—190      | 150—10—200                              | 180 Do.                        |
| Mohd. Latiff ..    | Chief Inspector (Tickets). | 240—20—460      | 240—20—460                              | 260 Chief Inspector (Tickets). |

### CONSOLIDATED ALLOWANCE OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

317. The Agent, East Indian Railway, reports :

(a) In the Ticket Checking Branch the posts of Chief Inspectors (Tickets) are higher than the posts of the Travelling Ticket Inspectors. The rules for recruitment and training of subordinate staff referred to in part (c) of this question are followed.

(b) Attention of the Honourable Member is invited to the information just laid on the table of the House in reply to parts (a) and (b) of his question No. 307 asked by him on the 9th April, 1935.

(c) With the circular referred to, the rules for the recruitment and training of subordinate staff, were published for the information and guidance of all concerned.

(d) and (e). Ticket Collectors form one of the classes in the group of staff called "Ticket Collectors" in Rule 25 of the recruitment rules. The group includes besides ticket collectors, Travelling Ticket Examiners, Assistant Head Ticket Collectors, Head Ticket Collectors, Inspectors and Chief Inspectors of Tickets. Recruitment is normally made initially to the lowest grade of the class "Ticket Collectors".

### PROMOTION AND SENIORITY OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

318. (a) Attention of the Honourable Member is invited to the information just laid on the table of the House in reply to question No. 304 asked by him on the 9th April, 1935. Any changes that have taken place are the result of altered conditions due to the re-organisation of the ticket checking system and not of transfer from one Department to another.

(b) Agent, East Indian Railway, reports that there were only two grades, viz. :—

(i) Rs. 60—4—64—8—120, and

(ii) Rs. 130—10—200.

The number of staff in these grades was as follows :—

| Date.                 | Grade (i).<br>Rs.<br>60—4—64—8—120. | Grade (ii).<br>Rs.<br>130—10—200. |
|-----------------------|-------------------------------------|-----------------------------------|
| 1st April, 1926 .. .. | 86                                  | 24                                |
| 31st May, 1931 .. ..  | 86                                  | 24                                |
| 1st June, 1931 .. ..  | 72                                  | 8                                 |
| 1st March, 1935 .. .. | 69                                  | 8                                 |

(c) There are no grades the maximum of which is Rs. 80 or Rs. 96, Rs. 180 and Rs. 210. In all branches of service staff after reaching the maximum of each grade normally wait until vacancies in the sanctioned cadre of the next higher grade occur.

(d) The answer to the first part of the question is in the affirmative.

(i) I would refer the Honourable Member to the reply given to part (c) above.

(ii) and (iii). The Railway Board's order in question allowed these men to retain the scales of pay applicable to the permanent posts held by each of them in a substantive capacity prior to the introduction of the Moody-Ward scheme. They held posts in the scales referred to in part (b) above and have been allowed increments in the scale of pay of the posts substantively held by them. The Board's orders did not allow these men to be given pay and increments in higher posts which were formerly in existence in the Accounts Department of which they were not the substantive holders at the time when they were absorbed in the Moody-Ward scheme.

(iv) Government are not prepared to go beyond the orders referred to above.

(e) The reply to the first part of the question is in the affirmative.

(i) For higher grade posts, I would refer the Honourable Member to the information just laid on the table of the House in reply to parts (a) and (b) of his question No. 317 asked on the 9th April, 1935. The employees concerned are, however, eligible, on the occurrence of vacancies.

for appointment to other posts carrying higher pay than those held by them substantively for which they may be qualified. The Agent, East Indian Railway reports that as the higher grade posts for which an employee may be qualified depend on the nature of his qualifications, it is not possible to name such posts or scales of pay attaching thereto.

- (ii) No.
- (iii) No. The latter part of the question does not arise.
- (iv) This is a hypothetical question. If, however, the Honourable Member is referring to the case of a Travelling Ticket Examiner on the Moradabad Division of the East Indian Railway, I would refer him to the information laid on the table of the House on the 25th January 1935 in reply to question No. 440 (b) asked by Maulvi Sayed Murtaza Sahib Bahadur on the 7th August, 1934.
- (v) The Agent, East Indian Railway, reports that there is no anomaly to be removed.
- (f) If the Honourable Member will quote specific cases, Government will be prepared to make enquiries.

*Information promised in reply to unstarred question No. 309 asked by Dr. N. B. Khare on the 9th April, 1935.*

#### PROMOTION AND SENIORITY OF TRAVELLING TICKET EXAMINERS AND TRAVELLING TICKET INSPECTORS OF THE ACCOUNTS AND AUDIT DEPARTMENT TRANSFERRED TO THE OPERATING DEPARTMENT OF THE NORTH WESTERN AND EAST INDIAN RAILWAYS.

The Agents, North Western and East Indian Railways, state :

*North Western Railway.*—The entire control of Travelling Ticket Examiners and special Ticket examiners (wrongly referred to as Travelling Ticket Inspectors) was transferred from the Accounts to the Executive with effect from 1st June, 1928. From 1st June, 1928 to 31st May, 1931, Travelling Ticket Examiners including Special Travelling Ticket Examiners and Special Ticket Examiners were borne on two separate cadres for the purpose of seniority and for temporary or permanent promotions to their respective higher grades.

2. From 1st June, 1931, the cadre of Travelling Ticket Examiners including Special Travelling Ticket Examiners was abolished and the incumbents of the post were fitted into the cadre of Special Ticket Examiners. Since then they have been borne on a combined seniority list for promotion to higher grades though due to surpluses in these higher grades no such promotions have been made. Travelling Ticket Examiners including Special Travelling Ticket Examiners who prior to 1st August, 1931, held permanent posts as such in a substantive capacity, have been informed that they must before 1st August, 1935, exercise an option of retaining their old scales as personal to themselves will effect from 1st June, 1931, the date on which they were fitted into the Special Ticket Examiner's cadre.

Further instructions as regards seniority and promotion will be issued when they have exercised this option.

*East Indian Railway.*—Attention of the Honourable Member is invited to the information just laid on the table of the House in reply to question No. 304 asked by him on the 9th April, 1935. The remarks given against the stage 1st May, 1931, also refer to the period previous to that. The remarks given against the stage 1st June, 1931, indicates the position upto 1932.

#### MOTIONS FOR ADJOURNMENT.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. I have received a notice from Mr. A. K. Fuzlul Huq that he intends to make a motion for adjournment today for the purpose of discussing a definite matter of urgent public importance, namely, "the situation created by the refusal of the Government to allow Mahatma Gandhi

and Congress Leaders to visit the area affected by the Earthquake at Quetta for purposes of carrying on relief operations". As the Honourable Member is not in his seat, that notice of motion for adjournment lapses.

#### PROHIBITION OF MR. MOHAN LAL SAKSENA FROM ENTERING INTO THE DISTRICT OF TIPPERA.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have also received a notice from Mr. Akhil Chandra Datta that he intends to make a motion for adjournment today for the purpose of discussing a definite matter of urgent public importance, viz., "the order passed by the District Magistrate of Tippera on the 11th July, 1935, prohibiting Mr. Mohan Lal Saksena, M.L.A., from entering into the District of Tippera where he was proceeding as a member of a committee appointed by the Congress Party of the Assembly to investigate into the administration of repressive laws in Bengal".

Since then I have received a Message from His Excellency the Viceroy and Governor General in which he says that, on the ground that this matter is not primarily the concern of the Governor General, he disallows the motion.

(Cries of "Shame, shame" from Congress Party Benches.)

#### REFUSAL OF PERMISSION TO MAHATMA GANDHI AND BABU RAJENDRA PRASAD TO ENTER INTO THE EARTHQUAKE AREA OF QUETTA.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order.

Mr. Avinashilingam Chettiar has also given notice of an adjournment motion which runs as follows :

"I propose to move a motion for adjournment of the business of this House on the opening day of the coming Session for the purpose of discussing a definite matter of urgent public importance, namely, the Government of India's refusal to give permission to Mahatma Gandhi and Babu Rajendra Prasad to enter into the earthquake area of Quetta and do relief work."

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

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, I do not want to move my motion.

#### RIOTING OF BRITISH SOLDIERS STATIONED AT JUBBULPORE.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have also received notice of an adjournment motion from Seth Govind Das in which he proposes to discuss "the situation created by the rioting of the soldiers of the King's Regiment stationed at Jubbulpore in the village of Benda near Jubbulpore, Central Provinces". Does the Honourable Member wish to move his motion ?

**Seth Govind Das** (Central Provinces Hindi Divisions : Non-Muhammadan) : Yes, Sir, I wish to move my motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inquire whether any Honourable Member has any objection to it.

**The Honourable Sir Nripendra Sircar** (Leader of the House) : Sir, we object to the motion on the ground that the subject-matter is already being examined by Court, and, therefore, it is not in order. In whatever language the motion may be couched, reference will be made to the part the soldiers took in these disturbances, and I take objection on that ground also.

**Seth Govind Das :** May I point out to the Honourable Member that I do not want to touch the details of the question. I want to discuss the matter from the broader aspect of military discipline. At the time of the Meerut Conspiracy trial, though the question was *sub judice*, yet an adjournment motion was moved and the Honourable Mr. Patel, the then President, gave the ruling that, in spite of its being *sub judice*, it could be discussed on the floor of the House from the broader point of view.

**Mr. President** (The Honourable Sir Abdur Rahim) : What is that ruling ?

**Seth Govind Das :** Yesterday the Library was closed, and, therefore, I could not find it. It was at the time when the Meerut case was going on.

**Mr. President** (The Honourable Sir Abdur Rahim) : Is not the very fact of rioting one of the issues in the case ?

**The Honourable Sir Nripendra Sircar :** Yes, Sir. Whether the soldiers committed a breach of discipline or whether they were justified to do what they did, are matters for the Court.

**Seth Govind Das :** But, as I have said, I want to discuss it from the broader aspect. Sir, now I have got the gist of Mr. Patel's ruling.

The following words are on page 36 of the book, named "Decisions from the Chair" in this respect :

"It was, however, contended for the motion that the Court had nothing to do with the policy underlying the action taken by the Government."

**Mr. President** (The Honourable Sir Abdur Rahim) : Is there any question of policy here ?

**Seth Govind Das :** Certainly, Sir, as I have twice said, I do not want to discuss whether the soldiers committed any offence or not, but I want to discuss whether it was proper on the ground of military discipline, because such offences are committed by soldiers every now and then.

**The Honourable Sir Nripendra Sircar :** May I say a word in reply ? What happened then was that "Pandit Motilal Nehru sought to move the adjournment of the House in order to discuss the policy of the Government in sanctioning wholesale raids and arrests in different parts of India". That is to say, it was the "policy" which he was going to discuss. My friend has not suggested that it is the policy of the Government that he wishes to discuss. He is referring to a riot which is now being tried in a Court, and it has nothing to do with the present situation. As a matter of fact, all these raids were not the subject-matter of investigation by the Court when the riot was going on. It cannot be said that every single raid was then being investigated by the Court. So, the Honourable the President then rightly ruled that those cases were not *sub judice*. There, the Honourable Member wanted to discuss the policy of wholesale raids and arrests. I submit, therefore, that the position then was absolutely different from the present one.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : The point which my Honourable friend, Seth Govind Das, wants to raise has nothing to do with the facts of the case, which are now being placed

before a Court of law. What he wants to discuss is the lack of discipline in this regiment.

**Mr. President** (The Honourable Sir Abdur Rahim) : But the rioting by the soldiers is a point at issue.

**Mr. S. Satyamurti :** The lack of discipline is admitted by the fact that these soldiers are being arrested by the army authorities themselves and are handed over for trial. They may be convicted or acquitted, that is quite a different matter. But, so far as the Government are concerned, they admit the facts and have proceeded on them. (*Voices of "No, no" from Official Benches.*)

**Mr. President** (The Honourable Sir Abdur Rahim) : Is not rioting a point at issue in this case ?

**Mr. S. Satyamurti :** I admit that it is ; but the point my Honourable friend wants to raise by means of this adjournment motion is the lack of discipline.

**The Honourable Sir Nripendra Sircar :** How is the lack of discipline proved ?

**Mr. S. Satyamurti :** It is admitted by Government.

**The Honourable Sir Nripendra Sircar :** No.

**Mr. S. Satyamurti :** They have arrested these men, and have placed them for trial before the Court.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member wants to discuss the question of rioting and the situation created by the rioting, and I have no hesitation in ruling that this adjournment motion is out of order, because a principal issue at the trial must be whether there was rioting or not. The ruling which has been referred to and which is No. 33 of the "Selection from the Decisions from the Chair" has no bearing on this matter. There the question was whether the House should be allowed to discuss the policy of the Government in sanctioning wholesale raids and arrests in different parts of India. In this case, there is no question of any policy of Government.

REFUSAL OF PERMISSION TO MAHATMA GANDHI AND BABU RAJENDRA PRASAD TO ENTER INTO THE EARTHQUAKE AREA OF QUETTA.

**Mr. President** (The Honourable Sir Abdur Rahim) : Mr. Satyamurti has given notice of a motion for adjournment of the House which runs thus :

"The prohibition of Mahatma Gandhi and Babu Rajendra Prasad, President of the Indian National Congress, and other Congress leaders, from entering Quetta, for helping in relief operations to those who suffered on account of the Earthquake."

**Mr. S. Satyamurti :** Sir, I do not want to move it.

PROHIBITION OF THE CONVENER OF THE CONGRESS ASSEMBLY PARTY COMMITTEE *re* DETENUS TO ENTER CERTAIN PLACES IN BENGAL.

**Mr. President** (The Honourable Sir Abdur Rahim) : Mr. Satyamurti has given notice of another motion for adjournment of the House to consider the following definite matter of urgent public importance, namely :

"The prohibition of the Convener of the Committee appointed by the Congress Assembly Party to investigate and report on the condition of the detenues and their families in Bengal, from entering certain places in the province."

Does the Honourable Member want to move it ?

**Mr. S. Satyamurti** : Yes, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then I have to inquire whether any Honourable Member has objection to it.

**The Honourable Sir Nripendra Sircar** : We object to the motion, but I am not asking you to rule it out. It requires 25 Members standing up.

**Mr. President** (The Honourable Sir Abdur Rahim) : As an objection has been taken, I would like to know how many Members are in favour of the leave being granted.

As not less than 25 Members are in favour of leave being granted, the motion will be taken up for discussion at 4 P.M. today.

#### GOVERNOR GENERAL'S ASSENT TO BILLS.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform Honourable Members that the following Bills which were passed by both Chambers of the Indian Legislature during the Delhi Session, 1935, 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 Naturalization (Amendment) Act, 1935,
- (2) The Indian Tariff (Amendment) Act, 1935,
- (3) The Indian Tea Cess (Amendment) Act, 1935,
- (4) The Salt Additional Import Duty (Extending) Act, 1935, and
- (5) The Indian Mines (Amendment) Act, 1935.

#### PANEL OF CHAIRMEN.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform the House that under rule 3 (1) of the Indian Legislative Rules, I nominate Pandit Govind Ballabh Pant, Mr. Abdul Matin Chaudhury, Mr. G. Morgan and Mr. M. S. Aney on the Panel of Chairmen for the current Session.

#### COMMITTEE ON PETITIONS.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to announce that under Standing Order 80 (1) of the Legislative Assembly Standing Orders the following Honourable Members will form the Committee on Petitions :

- (1) Pandit Govind Ballabh Pant,
- (2) Syed Ghulam Bhik Nairang,
- (3) Dr. F. X. DeSouza, and
- (4) Mr. Lalchand Navalrai.

According to the provision of the same Standing Order the Deputy President will be the Chairman of the Committee.

#### AGREEMENT BETWEEN THE RESERVE BANK OF INDIA AND THE IMPERIAL BANK OF INDIA.

**The Honourable Sir James Grigg** (Finance Member) : Sir, I lay on the table a copy of the Agreement between the Reserve Bank of India and the Imperial Bank of India.

An Agreement made the fifth day of April 1935, between the Reserve Bank of India (hereinafter called the "the Reserve Bank") of the one part and the Imperial Bank of India (hereinafter called "the Imperial Bank") of the other part WHEREAS the Imperial Bank was constituted and incorporated by the Imperial Bank of India Act, 1920 (being Act No. XLVII of 1920) and WHEREAS the Reserve Bank was constituted and incorporated and is regulated by the Reserve Bank of India Act, 1934 (being Act No. II of 1934) hereinafter called "the Act" and WHEREAS by section 45 of the Act it is *inter alia* provided that the Reserve Bank should enter into an agreement with the Imperial Bank which should be subject to the approval of the Governor General in Council and should be expressed to come into force on the date on which Chapter III of the Act should come into force and should remain in force for 15 years and thereafter until terminated after 5 years' notice on either side and should further contain the provisions set forth in the Third Schedule to the Act subject nevertheless to the proviso that the agreement should be conditional on the maintenance of a sound financial position by the Imperial Bank, and that if, in the opinion of the Central Board of the Reserve Bank, the Imperial Bank failed either to fulfil the conditions of the agreement or to maintain a sound financial position, the said Central Board should make a recommendation to the Governor General in Council and the Governor General in Council after making such further enquiries as he thought fit might issue instructions to the Imperial Bank with reference either to the agreement or to any matter which in his opinion involved the security of the Government monies or the assets of the Issue Department of the Reserve Bank in the custody of the Imperial Bank and in the event of the Imperial Bank disregarding such instructions might declare the agreement to be terminated and WHEREAS the agreement contemplated by the Act is the agreement hereinafter set out to which the Governor General in Council has already expressed his approval.

NOW IT IS HEREBY MUTUALLY AGREED AND DECLARED by and between the parties hereto as follows, that is to say :—

1. This agreement shall be deemed to have come into force on the 1st day of April 1935 being the day on which the Governor General in Council by notification in the Gazette of India appointed that Chapter III of the Act should come into force and this agreement shall remain in force for the term of twenty years from the aforesaid day and thereafter unless and until determined as hereinafter provided.

2. The Reserve Bank shall during the subsistence of this agreement employ the Imperial Bank as its sole agent at every place in British India where there is a branch of the Imperial Bank which was in existence at the date on which this agreement comes into force and where there is no branch of the Banking Department of the Reserve Bank.

3. The general banking business of the Governor General in Council which may be entrusted by the Reserve Bank to the Imperial Bank as sole agent of the Reserve Bank as aforesaid shall be managed by the Imperial Bank subject to the provisions of this agreement and with and to such orders and directions as may from time to time be given to the Imperial Bank by the Reserve Bank and for this purpose all such accounts shall be maintained by the Imperial Bank as shall be necessary or convenient or as the Reserve Bank shall from time to time direct :

Provided however that in conducting such business the responsibility of the Imperial Bank shall be solely to the Reserve Bank and shall be that of a Banker to an ordinary customer.

4. The Reserve Bank shall not maintain a balance with the Imperial Bank for the management of the accounts of the Governor General in Council, but all sums due to or from the Governor General in Council in the management of the aforesaid accounts shall be adjusted by the Imperial Bank by book transfer with the balances



[Sir James Grigg.]

which it holds with the Reserve Bank at such place or places at which there is a branch of the Banking Department of the Reserve Bank and in such manner as may be agreed upon between the Reserve Bank and the Imperial Bank from time to time.

5. (a) In consideration of the performance at the places and in the manner specified in this agreement by the Imperial Bank on behalf of the Reserve Bank of the functions which the Imperial Bank was performing on behalf of the Governor General in Council before the coming into force of this agreement with the exception of functions relating to the management of the public debt, the Reserve Bank shall pay to the Imperial Bank as remuneration a sum which shall be for the first ten years during which this agreement is in force a commission calculated at one-sixteenth of one per cent. on the first 250 crores and one-thirty-second of one per cent. on the remainder of the total of the receipts and disbursements dealt with annually on account of Government by the Imperial Bank on behalf of the Reserve Bank. At the close of the said ten years the remuneration to be paid by the Reserve Bank to the Imperial Bank for the performance of these functions shall be revised and the remuneration for the ensuing five years shall be determined on the basis of the actual cost to the Imperial Bank, as ascertained by expert accounting investigation, of performing the said functions. The remuneration so determined shall thereafter be subject to revision in like manner at the end of each period of five years so long as this agreement remains in force. The amount of the said remuneration shall be arrived at by discussion in advance between the Reserve Bank and the Imperial Bank so that the new arrangements may come into force at the beginning of each such period :

Provided that if any dispute arises between the Reserve Bank and the Imperial Bank as to the amount of the said remuneration, the matter shall be referred for final decision to the Governor General in Council who may for the purpose of arriving at such decision require from the Imperial Bank such information and may order such accounting investigation as he thinks fit.

(b) The Reserve Bank shall pay to the Imperial Bank for acting as agent in matters other than that for which the Imperial Bank is remunerated under clause 5 (a) such remuneration as shall be agreed between the parties from time to time and failing agreement as shall be determined by the Governor General in Council whose decision shall be final and binding on the parties.

6. The Imperial Bank shall maintain branches not less in number than those existing at the time this agreement comes into force and in consideration thereof the Reserve Bank shall until the expiry of 15 years from the coming into force of this agreement make to the Imperial Bank the following payments, namely

- (a) during the first five years of this agreement—nine lakhs of rupees per annum ;
- (b) during the next five years of the agreement—six lakhs of rupees per annum ; and
- (c) during the next five years of the agreement—four lakhs of rupees per annum.

7. The Imperial Bank shall not without the approval of the Reserve Bank open any branch in substitution for a branch existing at the time this agreement comes into force.

8. If the Imperial Bank so desires, the Reserve Bank shall maintain a chest of its Issue Department and a small coin depot at each branch of the Imperial Bank managing the Government account situated at a place in British India where there is no office of the Banking or Issue Department of the Reserve Bank, and at any local head office or other branch of the Imperial Bank in India if the two Banks so agree and the Imperial Bank shall provide sufficient accommodation for such chests and small coin depots as may be required for the deposit of notes or coin. The Reserve Bank shall supply the said chests and depots with the necessary currency whether notes or coin, and the Imperial Bank shall, subject to any general or special directions received from the Reserve Bank in that behalf, exchange notes for coin

and coin for notes and make deposits and withdrawal of notes and coin at such chests and depots and shall supply the Reserve Bank with such information as it may from time to time require as to the transactions at such chests and depots and the composition of the balances held thereat. The Imperial Bank shall be responsible for the safe custody in its strong rooms of the said chests and depots and their contents and the responsibility of the Imperial Bank in respect of the said chests and depots and their contents shall be that of a bailee as prescribed by section 151 of the Indian Contract Act (Act IX of 1872). The Imperial Bank shall allow the Reserve Bank to have access to the said chests and depots at all reasonable times for the purpose of inspecting the contents and the arrangements made for their safe custody. The Imperial Bank shall also be responsible for the examination and correctness of coin or notes at the time of deposit in or withdrawal of the same from the said chests or depots.

9. The Imperial Bank shall be at liberty for the purpose of the transfer of its funds from any of its local head offices or branches in India to any other or such offices or branches to make payments into and withdrawals from its account with any office or branch of the Banking Department of the Reserve Bank or any office or chest of the Issue Department of the Reserve Bank or any small coin depot in its custody free of charge.

10. The Imperial Bank shall give to all banks included in the Second Schedule of the Act such facilities for remittances as may be prescribed from time to time by the Reserve Bank and shall also as far as practicable give the public every facility for the transfer of money at rates not exceeding such rates as the Reserve Bank may by special or general direction approve.

11. The Imperial Bank shall not be at liberty to close any of its offices or branches at which it performs agency functions for the Reserve Bank except on Sundays and on public holidays as defined by the explanation to section 25 of the Negotiable Instruments Act (Act XXVI of 1881).

12. The Imperial Bank shall forthwith supply the Reserve Bank with any information which it may by special or general direction from time to time require, regarding the security of the Government monies or the assets of the Issue Department in the custody of the Imperial Bank and the Reserve Bank shall be entitled to issue instructions to the Imperial Bank in respect of any matter which in its opinion vitally affects either of these matters provided that nothing in this clause shall operate to affect the obligations in regard to the supply of information imposed on the Imperial Bank as a Scheduled Bank under section 42 of the Act and the regulations framed under section 58 (2) (o) of the Act.

13. If in the opinion of the Reserve Bank the Imperial Bank has failed either to fulfil the conditions of this agreement or to maintain a sound financial position or has wilfully disregarded or failed to comply with the provisions of clause 12 of this agreement, the Reserve Bank shall be entitled to make a recommendation to the Governor General in Council and the Governor General in Council after making such further enquiry as he thinks fit may issue instructions to the Imperial Bank with reference either to this agreement or to any matter which in his opinion involves the security of the Government monies or the assets of the Issue Department of the Reserve Bank in the custody of the Imperial Bank and in the event of the Imperial Bank disregarding such instructions may by notification in the Gazette of India declare this agreement to be terminated and on such notification being issued this agreement shall forthwith be determined accordingly but without prejudice to any rights acquired or liabilities incurred by either party prior to such determination.

14. This agreement may be determined at or at any time after the expiration of the said term of twenty years by notice in writing given in manner hereinafter mentioned, that is to say, that if on or after the expiration of fifteen years from the date on which this agreement comes into force either of the parties hereto shall give to the other party a notice in writing expressing its desire to determine this agreement such notice if given by the Reserve Bank to be addressed to and served upon the Managing Director of the Imperial Bank and if given by the Imperial Bank to be addressed to and served upon the Governor of the Reserve Bank, this agreement shall immediately upon the expiration of five years from the day of such service absolutely cease and determine save as to rights or liabilities acquired or incurred prior to such termination.



[Sir James Grigg.]

IN WITNESS whereof the Common Seals of the Reserve Bank of India and the Imperial Bank of India have been hereunto affixed in the presence of their respective subscribing officials the day and year first above written.

The Common Seal of the Reserve Bank of India was hereunto affixed pursuant to a resolution of its Central Board in the presence of Sir Osborne Arkell Smith, K.C.I.E., the Governor and Sir Edward Charles Benthall, Kt., and Sir Badridas Goenka, Kt., C.I.E., two of the Directors of the Reserve Bank of India who in token of their presence have hereupon signed their names.



(Sd.) OSBORNE A. SMITH,  
Governor.

(Sd.) BADRIDAS GOENKA,  
E. C. BENTHALL,  
Directors.

The Common Seal of the Imperial Bank of India was hereunto affixed in the presence of William Lamond, the Managing Director and Evelyn James Bunbury and Harry Harrison Burn, two of the Directors of the Imperial Bank of India who in token of their presence have hereupon signed their names.



(Sd.) W. LAMOND,  
Managing Director.

(Sd.) E. J. BUNBURY,  
H. H. BURN,  
Directors.

# AGREEMENT BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL AND THE RESERVE BANK OF INDIA.

The Honourable Sir James Grigg (Finance Member) : Sir, I lay on the table a copy of the Agreement between the Secretary of State for India in Council and the Reserve Bank of India.

AN AGREEMENT made this fifth day of April 1935, BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL acting by and through THE GOVERNOR GENERAL IN COUNCIL (hereinafter called "the Secretary of State") of the one part and THE RESERVE BANK OF INDIA (hereinafter called "the Bank") of the other part WHEREAS the Bank was constituted and incorporated and is regulated by the Reserve Bank of India Act, 1934 (being Act No. II of 1934) (hereinafter called "the Act") with and subject to the various powers, provisions and restrictions in and by the Act set forth and it was thereby *inter alia* particularly provided as follows, *viz.*,

- (1) by section 20 of the Act that the Bank should undertake to accept monies for account of the Governor General in Council and to make payments up to the amount standing to the credit of his account and to carry out his exchange, remittance and other banking operations including the management of the public debt, and

## AGREEMENT BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL AND THE RESERVE BANK OF INDIA. 133

- (2) by section 21 (1) of the Act that the Governor General in Council should entrust the Bank on such conditions as might be agreed upon with all his money, remittance, exchange and banking transactions in India and in particular should deposit free of interest all his cash balances with the Bank provided that nothing in that sub-section should prevent the Governor General in Council from carrying on money transactions at places where the Bank has no branches or agencies and that the Governor General in Council might hold at such places such balances as he may require, and

- (3) by section 21 (2) of the Act that the Governor General in Council should entrust the Bank on such conditions as might be agreed upon with the management of the public debt and with the issue of any new loans.

NOW IT IS HEREBY MUTUALLY AGREED AND DECLARED by and between the said parties hereto as follows, that is to say :—

1. This agreement shall come into force on the execution of these presents.

2. The general banking business of the Governor General in Council (in which business is included the payment, receipt, collection and remittance of money on behalf of the Governor General in Council and of such Local Governments as may not have the custody and management of their own provincial revenues) shall be carried on and transacted by the Bank in accordance with and subject to the provisions of this agreement and of the Act and with and to such orders and directions as may from time to time be given to the Bank by the Governor General in Council through any Government officer or officers authorised by him in that behalf and at any of the offices, branches or agencies of the Bank for the time being in existence as may from time to time be so directed and for this purpose such accounts shall be kept in the books of the Bank and at such offices, branches or agencies of the Bank as shall be necessary or convenient or as the Governor General in Council shall from time to time direct in the manner aforesaid.

3. The Secretary of State shall employ the Bank as the sole Banker in India of the Governor General in Council who shall deposit or cause to be deposited with the Bank or allow the Bank to receive and hold as banker the whole of his cash balances at any places at which for the time being the Bank shall have an office, branch or agency and the Bank shall subject to such orders as may from time to time be given by the Governor General in Council in the manner aforesaid receive and hold for the Governor General in Council all such monies as may be or become payable to him or on his account and the Bank shall transact at its offices, branches and agencies for the time being existing respectively all such business for the Governor General in Council regarding the receipt, collection, payment and remittance of money and other matters, as is usually transacted by bankers for their customers. The Bank shall make the said monies at the said offices, branches and agencies available for transfer to such places and at such times as the Governor General in Council may direct. No interest shall be payable to the Governor General in Council on any of the monies for the time being held by the Bank.

4. The management of the public debt and the issue of new loans by the Governor General in Council and the performance of all the duties relating thereto respectively including the collection and payment of interest and principal and the consolidation, division, conversion, cancellation and renewal of securities of the Governor General in Council and the keeping of all registers, books and accounts and the conduct of all correspondence incidental thereto shall be transacted by the Bank at its offices in Bombay, Calcutta and Madras and at any of its offices, branches or agencies at which respectively the administration of any portion or portions of the public debt is for the time being conducted or interest thereon is for the time being payable and the Bank shall also keep and maintain such registers, books and accounts in respect of the said public debt as the Governor General in Council may from time to time direct and shall audit all payments of such interest and act generally as agents in India for the Secretary of State and for the Governor General in Council in the management of the said public debt and shall conduct such agency subject to such orders and directions with regard to the general management thereof as may from time to time be given to the Bank by the Governor General in Council.

5. The Bank shall not be entitled to any remuneration for the conduct of the ordinary banking business of the Governor General in Council other than such advantage as may accrue to it from the holding of his cash balances free of obligation to pay interest thereon.

[Sir James Grigg.]

6. As remuneration to the Bank for the management of the public debt as aforesaid the Bank shall be entitled to charge to the Governor General in Council half-yearly a commission at the rate of Rs. 2,000 per crore per annum on the amount of the public debt as aforesaid at the close of the half-year for which the charge is made. In calculating this charge the following amounts shall be excluded from the amount of public debt, viz. :—

- (a) The amounts of loans discharged outstanding after one year from the date of a notice of discharge.
- (b) The amount of stock certificates for Rs. 50,000 and upwards held by the Governor General in Council or by a Local Government or by any officer or officers of the Government of India or of a Local Government authorised in that behalf.
- (c) The amount of the Government of India rupee securities held in the issue department of the Bank.
- (d) The amount of stock and notes outstanding in the London register.

And in addition to the charge of Rs. 2,000 per crore per annum the Bank shall be entitled to charge to the Governor General in Council a fixed sum of Rs. 2,000 a year on account of the stock certificates referred to in head (b) of this clause and the Bank shall be also entitled to charge the public (but not the Governor General in Council or a Local Government) all such fees and charges as are now or may hereafter from time to time be prescribed by the Governor General in Council under the powers conferred upon him by the Indian Securities Act, 1920 (Act No. X of 1920) for duplicate securities and for the renewal, consolidation, division or otherwise of all Government Securities which the Bank issues.

7. The Bank shall maintain currency chests of its issue department at such places as the Governor General in Council may prescribe and the Governor General in Council shall provide sufficient accommodation for such chests as may be required for the deposit of notes or coin and shall be responsible to the Bank for the safe custody of the said chests, notes and coin. The Bank shall keep the said chests supplied with sufficient notes and coin to provide currency for the transactions of the Governor General in Council and reasonable remittance facilities to the public at the said places. The Governor General in Council shall supply the Bank with such information and returns as the Bank may from time to time require as to the composition of the balances in the said chests and the amount and nature of the transfers to and from the said chests. The Bank shall have access to the said chests at all reasonable times for the purpose of inspecting and checking the contents. The Governor General in Council shall be responsible to the Bank for the examination and correctness of coin or notes at the time of deposit in or withdrawal from the said chests.

8. The Bank shall not be at liberty to close any of its offices or branches except on Sundays, New Year's Day, Christmas Day, Good Friday and on any other day declared to be a public holiday by any notification published in pursuance of the Negotiable Instruments Act (Act XXVI of 1881) subject nevertheless and notwithstanding the provisions of that Act to any special orders or directions which may be issued by the Governor General in Council and the Bank shall be responsible that no one of its agencies doing Government business for the time being existing shall be closed except on Sundays and on public holidays authorised by the Local Government within whose jurisdiction such agencies may be respectively situated.

9. The responsibility for all loss or damage to the Secretary of State and the Governor General in Council which may result from any act or negligence or omission of the Bank in conducting the business of the public debt aforesaid or the payment of interest or discharge value thereon or the renewal, conversion, consolidation, subdivision or cancellation of any Government security shall rest with and be borne by the Bank provided however that it shall not be incumbent on the Bank to verify signatures and endorsements on Government securities which *prima facie* appear to be in order and in the acceptance of which the Bank shall not be guilty of any negligence and in such cases no liability shall be incurred by the Bank in respect thereto PROVIDED ALSO that in regard to the ordinary banking business at the offices, branches and agencies of the Bank of receiving and realising money and securities for money on account of the Governor General in Council and paying cheques, orders, draft bills and other documents whether negotiable or not in the Bank's capacity of bankers for the Governor General in Council and whether such

# AGREEMENT BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL 135 AND THE RESERVE BANK OF INDIA.

business be done by the Bank or by agencies on its behalf the responsibility to the Secretary of State and the Governor General in Council shall be that of the Bank and such responsibility shall be that of a banker to an ordinary customer.

10. The Bank shall remit on account of the Governor General in Council between India and London such amounts as may be required by him from time to time at the market rate of the day for telegraphic transfers, subject to the proviso that if a large transfer has to be effected in connection with the floatation or repayment of a sterling loan or analogous operation, and if it is considered by either party to be inappropriate to apply the rate of a single day, an average rate based on a longer period may be fixed by agreement between the two parties.

11. This agreement may be determined by either party giving to the other party one year's notice in writing expiring on the 31st day of March in any year, such notice if given by or on behalf of the Secretary of State to be addressed to the Governor of the Bank and to be served by being left at the Head Office of the Bank and if given by the Bank to be served by leaving the same with or addressing the same by registered post to the Secretary to the Government of India in the Finance Department and immediately upon the expiration of such notice this agreement shall absolutely cease and determine save as to rights or liabilities acquired or incurred prior to such termination.

12. Nothing in this agreement shall operate to affect in any way the obligations imposed either on the Governor General in Council or on the Bank by or under the Act or any subsequent amendment or amendments of the Act.

13. The Bank shall be entitled to perform all or any of the matters contained in this agreement through such agency or agencies as may be prescribed by the Act or any amendment thereof or as may be approved by the Governor General in Council.

## IN WITNESS WHEREOF

Secretary to the Government of India in the Finance Department by the order and direction of the Governor General in Council acting for and on behalf of the Secretary of State for India in Council has hereunto set his hand and the common seal of the Reserve Bank of India pursuant to a Resolution of its Central Board has been hereunto affixed in the presence of its subscribing officials the day and year first above written.

Signed by the said the Honourable Mr. Philip Cubitt Tallents, C.S.I., C.I.E., I.C.S., Secretary to the Government of India in the Finance Department for and on behalf of the Governor General of India in Council acting in the premises for and on behalf of the Secretary of State for India in Council in the presence of

(Sd.) H. S. STEPHENSON,  
Additional Under Secretary  
to the Government of India.

The Common Seal of the Reserve Bank of India was affixed hereto in the presence of Sir Edward Charles Benthall, Kt., and Sir Badridas Goenka, Kt., C.I.E., two of its Directors and Sir Osborne Arkell Smith, K.C.I.E., its Governor.

Common seal  
of the  
Reserve Bank  
of India

(Sd.) E. C. BENTHALL,  
BADRIDAS GOENKA,  
Directors.

(Sd.) OSBORNE A. SMITH,  
Governor.

STATEMENT (LAID ON THE TABLE) SHOWING THE OBJECTS  
ON WHICH THE PETROL TAX FUND WAS EXPENDED  
DURING 1934-35.

The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) : Sir, I lay on the table the statement promised in reply to part (b) of short notice question No. 146 asked by the Honourable Mr. E. Miller in the Council of State on the 28th August, 1934, showing the objects on which the Petrol Tax Fund was expended during 1934-35.

| Object.                                                                                                        | Expenditure. |
|----------------------------------------------------------------------------------------------------------------|--------------|
| 1. Installation of an Illuminated Wind Indicator at the Karachi Air Port .. .. .                               | 2,768        |
| 2. Extra Expenditure in connection with the installation of a fixed floodlight at the Karachi Air Port .. .. . | 785          |
| 3. Experimental consolidation of ground at the Civil landing ground at Bassein .. .. .                         | 613          |
| 4. Purchase of an accelerometer for carrying out research in atmospheric turbulence. .. .. .                   | 777          |
| 5. Financial assistance and Scholarships to Indians for training in England in Civil Aviation .. .. .          | *16,000      |
| Total .. .. .                                                                                                  | 20,943       |

ELECTION OF A MEMBER TO SERVE ON THE STANDING COMMITTEE FOR ROADS.

The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) : Sir, I move :

“ That this Assembly do proceed to the election, in such manner as may be approved by the Honourable the President, of a member to serve on the Standing Committee for Roads, in place of the late Mr. Fakir Chand, during the remaining months of the financial year 1935-36.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly do proceed to the election, in such manner as may be approved by the Honourable the President, of a member to serve on the Standing Committee for Roads, in place of the late Mr. Fakir Chand, during the remaining months of the financial year 1935-36.”

The motion was adopted.

\* This is the revised estimate ; actual expenditure is not yet known.

ELECTION OF ONE MUSLIM MEMBER TO SIT ON THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I move :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one Muslim Member to sit on the Standing Committee on Pilgrimage to the Hejaz, *vice* Mr. Ahmed Ebrahim Haroon Jaffer whose election to the Assembly has been declared void.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one Muslim Member to sit on the Standing Committee on Pilgrimage to the Hejaz, *vice* Mr. Ahmed Ebrahim Haroon Jaffer whose election to the Assembly has been declared void.”

The motion was adopted.

ELECTION OF TWO MEMBERS FOR THE CENTRAL ADVISORY BOARD OF EDUCATION.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I move :

“ That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, two persons from among their own numbers to be members of the Central Advisory Board of Education constituted by the Government of India.”

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, two persons from among their own numbers to be members of the Central Advisory Board of Education constituted by the Government of India.”

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, as experience grows on me about the fabrications and labyrinths of the Government of India, I feel more and more impressed that the Department of Education, Health and Lands happens to be the dustbin of the Government of India. (Hear, hear.) Only the other day, I found my Honourable friend, Mr. Clow, a great authority on labour, arguing in the role of the head of the Ecclesiastical Department, and I called him Bishop Clow in the Public Accounts Committee.

Mr. President (The Honourable Sir Abdur Rahim) : Is the Honourable Member objecting to this motion ?

Mr. B. Das : What I submit, Sir, is that this is a new proposal, and, as I proceed with my speech, I shall bring to the notice of the Government as to how they are trying to revive an old measure, and then I will leave it to the House and to you, Sir, whether the Government of India are justified in bringing forward this motion and in reviving a thing which was dead as long ago as 1922 or 1921. I would have preferred my Honourable friend, Sir Girja Shankar Bajpai, being Bishop Bajpai and being placed in charge of the Ecclesiastical Department which my Honourable friend, Sir Muhammad Zafrullah Khan, has disowned.

The genesis of this Central Advisory Board of Education is in a Resolution of the Department of Education, Health and Lands, where—to be fair to the Department

—they have stated their case. What did the Government of India Act of

[Mr. B. Das.]

1919 bring about? It brought decentralization and gave the provinces full authority in the matter of education. The Government of India had and still have an Educational Commissioner. They want to give some work to that excellent officer on list of no work. The Incheape Committee came in 1925 and strongly recommended that the post of Educational Commissioner should be abolished; and I must give credit to my Honourable friend, Sir Girja Shankar Bajpai, that he has mentioned that fact in this Resolution that it was the Incheape Committee that recommended the abolition of the post of Educational Commissioner. Now, Sir, my friend,.....

**Sir Girja Shankar Bajpai :** Sir, I wish to correct my Honourable friend. I have nowhere stated in this Resolution that the Incheape Committee recommended the abolition of the post of Educational Commissioner.

**Mr. B. Das :** It is said here in this Resolution :

"But, as a result of the recommendations of the Indian Retrenchment Committee, which was presided over by Lord Incheape, they were abolished in 1923 in the interest of economy."

**Sir Girja Shankar Bajpai :** That was the Advisory Board that was abolished, and not the Educational Commissioner.

**Mr. B. Das :** I stand corrected. Then, the other part of the story my friend, Sir Girja Shankar Bajpai, has not cared to mention in his Resolution. One of the recommendations was that the Educational Commissioner's post should be abolished. And, Sir, in the old days, older Members like myself exercised pressure on Government to abolish that post. But Government, in their self-denying mood, must nourish and foster old antiquated jobs under them; and, so, in the year 1935, when, according to the Government, the country is supposed to envisage a new Constitution, they revive something that was dead so far as we are concerned.

**Mr. President (The Honourable Sir Abdur Rahim) :** But this motion is only for filling up two places in the Committee.

**Mr. B. Das :** No, Sir; this Committee has not functioned for the last 15 years. The moment the House appoints these two persons they will authorise the Educational Commissioner with the Government of India to be the Chairman of the Central Advisory Board and they will authorise also, according to this Resolution, the appointment of a Secretary to the Board which will be a new post to be created. I do not know if my Honourable friend, Sir James Grigg, has sanctioned money for these idle deliberations of the Department of Education, Health and Lands.

**The Honourable Sir James Grigg (Finance Member) :** I do not agree that they are idle.

**Mr. B. Das :** Thank you! I am glad I have a valued friend on the other side! So, Sir, why this hurry! If the Government of India want to create a Central Education Board, they ought to have waited till that Federal Assembly, that they are dreaming of in three or four years' time, came in, and then brought forward this proposal. I have read cursorily the J. P. C. Report and the Government of India Act, and I have never seen that anywhere such power has been given to the new Education Minister, whoever he might be, under the Government of India. Sir, I

would point out that the Government of India should pause at this moment and not create further jobs like the Education Commissioner's post which was recommended by the Incheape Committee to be abolished and create an Education Board to co-ordinate the educational movement in India. As I understand the system of education in India, as soon as provincial autonomy comes in, the provinces will try to evolve their system of education in their own way. Why should there be any control by the Education Department or the Education Minister who may be here in the Federal Assembly and why should there be any dictation as to the system of education they will give in particular provinces? The provinces must build up their own systems of education.

Sir, one particular line which this Resolution contains is this :

"The intention is that the Board should be a live organism."

I know the activities of the Department of Education, Health and Lands, and how it is a *live organism* in the Government of India! The treatment that Indians are receiving in South Africa, Kenya, Tanganyika and Zanzibar shows how lively the Department of Education, Health and Lands is! In creating this live organism today, I do not know whether it will be a live organism or a *dead tissue*. There are many eminent doctors here who will say whether it will be a dead tissue of the Department of Education, Health and Lands. I would strongly ask the Government of India to reconsider at this late hour this new mad scheme of theirs and allow the provinces to develop their own system of education without being controlled by the Government of India.

**Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) :** Sir, it is rather surprising that this particular motion should be made in this House without, first of all, giving an opportunity to this House to say whether we really are anxious to have a Central Advisory Board of Education at all. This is, to put it shortly, short-circuiting the debates as well as the intentions of this House. To quietly bring it here as a matter of election of two members, and, then, merely because the House elects these two members, to come forward again for a grant for the maintenance of this particular Board, is really not a fair way of dealing with this House. Then, again, if you look to the constitution of this particular Board, you will find that only certain unimportant interests are to be represented on this, and, really, the most vital interests, commercial, industrial and agricultural, are not to have any place at all on this particular Board. I do not know how this Board can be expected to benefit these interests, especially when their representatives are not put on it at all. If only Sir Fazli Hussain had been in charge of this particular Department now, I am quite sure, he would have certainly thought many times before he committed this particular blunder. I have drawn the attention of Government again and again during the last Session to the absolute necessity of seeing that the representation of agricultural classes and peasants as well as the commercial interests is provided for on the constitution of this Board when it came to be constituted; and I was then given an assurance by Sir Girja Shankar Bajpai that certainly the Government of India would take every possible opportunity of trying to give representation for as many interests as possible. And yet I do not know why agricultural interests are not given any place at all.

**Mr. President** (The Honourable Sir Abdur Rahim) : The motion is for the filling up of two places on the Committee. Even supposing the motion is not carried, the only result will be that the Central Advisory Board will be without two members.

**Prof. N. G. Ranga** : The motion is for the acceptance of this particular Resolution that has been circulated to us and also the election of two persons to the Central Advisory Board of Education.

Then, again, coming to the functions of this particular Board, I find that it is.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair really cannot allow the policy to be discussed on this motion, because, even, if the motion is lost, the Central Advisory Board, the Chair takes it, will function without two members.

**Prof. N. G. Ranga** : The necessity for the establishment of the Central Advisory Board has not been placed till now before this House for discussion.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is not in question.

**Sir Girja Shankar Bajpai** : May I just mention one fact for the information, both of Mr. B. Das and my Honourable friend, Mr. Ranga ? Both of them have been saying that Government are anticipating in some way the decision of the Standing Finance Committee and the decision of the Assembly. As a matter of fact, this proposal for creating a Central Advisory Board was put before the Standing Finance Committee in January, 1935, and funds have been actually voted by the Assembly as part of the annual budget for 1935-36.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair will not allow the discussion to proceed beyond the limits of the motion.

**Prof. N. G. Ranga** : All right, Sir. In view of the fact that this Central Advisory Board for Education has to deal with questions concerning the agricultural classes and also commercial interests, I think it is really wrong on the part of the Government of India not to have thought of providing any representation for these classes on this Board. I also find that out of this number—15—only two are to be elected by this House. It is this House which has to provide funds for this Board, and we know what will be the effect of electing only two members, because we have had the experience of the Imperial Council of Agricultural Research : this House is expected to elect only two members there, and we have found that we do not have a sufficient say in its counsels and we do not have sufficient control over its affairs. I, therefore, suggest that the representation of this House should, first of all, be increased—should at least be trebled if not quadrupled—and that the interests of the peasants and agricultural classes and also commercial interests should be given representation on this Board and those classes should also give their advice, so that this Board can function properly in their interests.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I was rather surprised at the speech of Mr. B. Das who claimed to be one of the oldest Members of the Assembly. May I remind him that on the 16th February, 1932, we demanded of the Government of India to set up this Advisory Board, and Sir Frank Noyce, on

behalf of the Government of India, gave us an assurance that it would be established at no distant date ? The year 1932 passed, and this Advisory Board was not there ; and the plea of financial stringency was brought forward at the time of the next budget. We again demanded it in 1933 in series of questions—in 1934, I again raised this question ; when the Demand for Grant came up for voting, I again raised the issue that we would not agree to vote for ordinary expenditure unless this that we would not agree to by the Government of India. Now, this Advisory Board was agreed to by the Government of India. Now, this year, the Standing Finance Committee and the Legislative Assembly both agreed to set up this Advisory Board. The only objection that I have is that they have taken three years to establish this Board which ought to have been established in the year 1932. As regards the constitution of the Board, I do not think my friend will have any objection that the Assembly should be represented on the Board. As regards the general constitution of the Board, I have myself some difficulties, but that can be raised either in the shape of questions or in the form of Resolutions. As far as the present issue is concerned, I think we should support that the Assembly should have representation on the Advisory Board.

**Sir Girja Shankar Bajpai** : Sir, I do not think I need detain the House very long—there are just one or two points which I should like to deal with. My Honourable friend, Mr. B. Das, evidently wants this organisation to be dead before it is born. I am quite confident that no section of this House, which is in favour of this organisation being set up, will approve of that particular suggestion. He further seemed to suspect some Machiavellian move on the part of the Government of India to restrict the powers of autonomy which already vest in the provinces. I fear he could not have studied the Resolution which I took the precaution of placing on the tables of Honourable Members this morning, because the Resolution definitely says :

“ While recognising its title—(that is, the title of the Board)—to such legitimate latitude, it is necessary to emphasise that its recommendations will be entirely advisory and will not be binding on provincial Governments and authorities.”

That should dispose of the bogey which my Honourable friend has raised of some subtle move on the part of the Government of India to restrict the liberties of the provinces. Then, my Honourable friend, Mr. Ranga, complained that there was no representation of agricultural, commercial and industrial classes on the proposed Board. I am sure, from his experience he must know that the more unwieldy a board is, the less usefully does it function. This is primarily an educational board : we want educationists on it and we have a predominance of educationists provided for in the constitution. Then, there are in this House gentlemen not professionally connected with education who have taken an interest in educational problems : we provide for their representation on the Board ; but if my Honourable friend will read the Resolution carefully, he will find that in paragraph 4 we have specified the *modus operandi* as regards the study of particular problems by *ad hoc* committees. If a problem of agricultural or commercial education or industrial education comes up before the Board and is considered to be worthy of study or investigation, that is the method by which it will be tackled.

[Sir Girja Shankar Bajpai.]

That is all I have to say, and I hope that the House, which has in the past repeatedly expressed a desire that this Advisory Body should be set up, will give support to the motion which I have moved.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, two persons from among their own numbers to be members of the Central Advisory Board of Education constituted by the Government of India.”

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 Abdur Rahim) in the Chair.

#### ELECTION OF A MEMBER TO SIT ON THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH AND ITS GOVERNING BODY.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one member to sit on the Imperial Council of Agricultural Research and its Governing Body, *vice* Maulvi Muhammad Shafi Daudi, whose seat in the Legislative Assembly has been declared vacant by the Governor General in Council.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one member to sit on the Imperial Council of Agricultural Research and its Governing Body, *vice* Maulvi Muhammad Shafi Daudi, whose seat in the Legislative Assembly has been declared vacant by the Governor General in Council.”

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform Honourable Members that for the purpose of election of members to the Standing Committee for Roads, the Standing Committee on Pilgrimage to the Hedjaz, the Central Advisory Board of Education and the Imperial Council of Agricultural Research and its Governing Body the following dates have been fixed for receiving nominations and holding elections, if necessary, namely :

|                                                                       | Nominations.              | Election.             |
|-----------------------------------------------------------------------|---------------------------|-----------------------|
| (1) Standing Committee for Roads                                      | 4th September, 1935       | 6th September, 1935.  |
| (2) Standing Committee on Pilgrimage to the Hedjaz                    | .. 4th September, 1935    | 6th September, 1935.  |
| (3) Central Advisory Board of Education                               | .. .. 5th September, 1935 | 10th September, 1935. |
| (4) Imperial Council of Agricultural Research and its governing body. | 5th September, 1935       | 10th September, 1935. |

The nominations for all the Committees will be received in the Notice Office upto 12 Noon on each day appointed for the purpose, while the elections which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, will, as usual, be held in the Secretary's Room in the Assembly Building between the hours of 10-30 A.M. and 1 P.M.

#### THE PAYMENT OF WAGES BILL.

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

**The Honourable Mr. D. G. Mitchell** (Member for Industries and Labour) : Sir, I present the report of the Select Committee on the Bill to regulate the payment of wages to certain classes of persons employed in industry.

#### THE CRIMINAL LAW AMENDMENT BILL.

**The Honourable Sir Henry Craik** (Home Member) : Sir, at this the first stage of what I fear is likely to be a protracted—and possibly a hotly contentious—discussion, I do not propose to say anything that is contentious or argumentative, as I don't think it would be in accordance with the spirit of Standing Order 37 to do so. The Statement of Objects and Reasons attached to this Bill is, I venture to think, a sufficiently full explanation of its provisions except possibly on two points where the Statement of Objects and Reasons might have been a little fuller. The first of these is in regard to sub-clause (2) of clause 2 of the new Bill which repeals sub-section (3) of section 1 of the existing Act. The effect of that is to make those provisions of the existing Act, which we intend to retain, permanent and not merely temporary. We should perhaps have inserted in the Statement of Objects and Reasons very briefly our reasons for taking that course. They are, that it is, in our opinion, impossible to foresee within any reasonable time the cessation of the terrorist movement or of communal unrest, against both of which the provisions of this Bill are intended as a safeguard ; nor it is possible for us to say definitely that there is no chance within the next few years of a revival of the Civil Disobedience Movement, possibly in another form.

There is one other point, a less important point, in regard to which the Statement of Objects and Reasons might perhaps have been fuller, that is with regard to the retention of section 5 of the existing Act, the section which penalises the publication of a proscribed document. We are retaining that section, because in this respect the permanent law of the land as embodied in the Code of Criminal Procedure is obviously defective. Government have the power to proscribe a document, but it is not a penal offence to re-publish a document or any part of it that has been proscribed. Without such provision proscription is of course a comparatively valueless weapon.

That, Sir, is all I have to say. It is my earnest hope that in the further discussions on this Bill we shall be able to differ, if we have to differ, and I have no doubt we shall have to, without bitterness. I can assure the House that we on our side will do our best to keep any bitter feeling out of the discussion. Sir, I beg to move for leave to introduce a Bill to amend the Criminal Law.



**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That leave be granted to introduce a Bill to amend the Criminal Law.”

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : Sir, on a point of order, or what I should call the privilege of the House, I should like to call your attention to a statement in the *Statesman* of today, purporting to have gone from Simla yesterday, dated the 1st September, in which the provisions of the new Criminal Law Amendment Bill, which the Honourable the Home Member has now asked leave of the House to introduce, are reproduced exactly as they appear in the Bill, which has been placed on the table this morning. I will read those paragraphs :

“ The new Criminal Law Amendment Bill differs from the existing one (which was passed in 1932 and expires next December) in that certain sections have been dropped and in that it will be permanent instead of having a limited duration. Altogether five sections will be dropped—section 2, which makes it an offence to dissuade people from joining the Army, Navy or Police Force, section 3, which makes it an offence to tamper with public servants, sections 4 and 6, which make it an offence to boycott public services and to publish or circulate false statements or rumours, and section 8, which makes fines inflicted on young persons recoverable from their parents or guardians. Apart from these five sections, the Act will be presented for permanent renewal substantially unaltered.”

Then follow a number of sentences, with which I will not trouble the House, because it is merely propaganda for this Bill. Again, it ends up by saying that there is much more of press freedom in this country than in any other country. We are not concerned with that now. That is a matter of comment.

The point to which I want to draw your attention is particularly this, that this is a gross abuse of the privileges of this House. A Bill which has been kept back from us all these days, and the contents of which we saw for the first time this morning and which my Honourable friend, the Home Member, now wants the leave of the House to introduce has already appeared in a paper, on the basis of a message sent at least twenty-four hours before this morning. I do not know if it is a mere journalistic scoop ; if that is so, I have no fault to find. If there are enterprising journalists who can divine without any help from the department concerned the main provisions of the Bill, that is another matter. But I think you will enquire of the department concerned whether there was any conference or any communication of the contents of this Bill formally or informally to certain correspondents of newspapers, and, if so, whether any discrimination, racial or otherwise, was made in the choice of the papers to whom the contents of this Bill were communicated. You have laid down, Mr. President, last Session, that even questions or Resolutions should not be sent to the press, before they are admitted by you. We have tried to respect that convention, as one of the privileges of this House, and I do suggest that the first stage of asking for leave to introduce a Bill becomes almost a farce, if the contents of the Bill are to be published in advance, and that too, in one section of the press. As for a journalistic scoop, you know as well as I do, that there are enterprising journalists here belonging to all kinds of press and they would all have done it ; but the significant fact is that the *Statesman* alone contained this information, and I do suggest that it is a matter worth enquiring into, whether this information was obtained by the journalist concerned without any kind of help from the Government, or whether the Government communicated

the contents of this Bill to the Editor or representative of the *Statesman* in Simla, and, if it is so, whether it does not constitute a breach of the privileges of this House. It is not right that the means of communication to the public and to the House, which is this platform and nothing else, should be overshadowed by pre-publication, not to the press as a whole, but to one section of the press alone.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has quoted the analogy of questions and Resolutions. But those have to be admitted by the President before they can be brought up before this House. There is no question of admitting a Bill.

**Mr. S. Satyamurti** : But there is this point, the House has got to give leave ; it may refuse to give leave to introduce the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is another matter. Before any Resolution or question is admitted, nobody can introduce that business into this House.

**Mr. S. Satyamurti** : If, at this stage, leave is refused by this House for the introduction of my Honourable friend's Bill, the Bill dies unwept, unhonoured, and unsung.

**Mr. President** (The Honourable Sir Abdur Rahim) : But are not Government entitled to ascertain beforehand public opinion,—what the attitude of the public is likely to be ?

**Mr. S. Satyamurti** : I submit, the only constitutional and legal forum in which they can ascertain public opinion is this House so far as Bills are concerned, unless there is a motion to circulate which is moved in this House and is passed, in which case Government circulates to all relevant people, public bodies, or associations or individuals.

**Mr. President** (The Honourable Sir Abdur Rahim) : Government may want to find out what the public opinion is as regards any measure.

**Mr. S. Satyamurti** : In that case, they will not ask for leave to introduce till that public opinion is obtained. They will say, we propose to legislate on the following lines and we would like to know what public bodies think. Having obtained that opinion, they will then put it in the form of a Bill. I can see, Mr. President, what is in your mind. If the Government do not make up their mind finally to ask for leave to introduce a Bill and it is in a nebulous state, I can perfectly understand their publishing proposals, not in a legislative form, but in a series of propositions, any saying, we propose to legislate on these lines, and they can publish them, by the various means open to them, such as in the Gazette or elsewhere, and then invite public opinion. In this case, my submission is they have not submitted it to public opinion impartially.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is another matter.

**Mr. S. Satyamurti** : My submission is, it is not a case of sounding public opinion before making up their mind to introduce this Bill. In this case, they have made up their mind to introduce the Bill, they have drafted the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : But are they not entitled, until the very last moment before introduction, to know what is the public opinion and derive assistance in a matter like this ?

**Mr. S. Satyamurti :** If the suggestion is that between 4 P.M. yesterday when this message was sent, and 11 A.M. this morning, they intended to consult public opinion in this huge country, and to receive public opinion and then change their mind, it would simply be ludicrous. You will notice that the agenda that was sent to us for today is dated the 30th August. That agenda contains an item, "The Honourable Sir Henry Craik to move for leave to introduce a Bill to amend the Criminal Law".

**Mr. President** (The Honourable Sir Abdur Rahim) : But they could alter it any time.

**Mr. S. Satyamurti :** But they have given no notice of any alteration, till this morning. My suggestion is that this was not a case of publication for public opinion at all. It was a case of giving news, according to some people, to one particular favoured paper, or if that is denied, it is a journalistic scoop which I hardly believe.

**Mr. President** (The Honourable Sir Abdur Rahim) : Has the Honourable Member got any authority in his favour ?

**Mr. S. Satyamurti :** It cannot happen in decent countries ; it can only happen in India, where we have got to legislate in a House which is peculiarly placed. We can get no help from the Mother of Parliaments ; they would never do it.

**Mr. President** (The Honourable Sir Abdur Rahim) : Do they not carry on a lot of propaganda before they start a new measure ?

**Mr. S. Satyamurti :** They will do it much more decently, and not in this fashion. I know Government are carrying on propaganda, but this is not right. It is an insult to this House to give to one paper the actual contents. I think we are entitled to the co-operation of the press in this House and we can hardly hope to get it, if Government set an example of this kind. That I say is a matter of privilege of this House and I would like you to take suitable action in the matter.

**The Honourable Sir Henry Craik :** I submit that there is no question of privilege involved. Nothing that I have done is irregular or in any way out of accord with what is the ordinary and regular practice in Parliament in England. A few days ago, I had a conference with a certain number of pressmen, not the representative of one newspaper, but seven or eight pressmen, but I did not give any of them a copy of the Bill. I simply informed them what the intentions of the Government were and explained to them in general conversation what were broadly our reasons for the policy that we had decided to adopt. It was a friendly discussion. There were many questions asked of me, to which I replied to the best of my ability. That is, to my personal knowledge, the regular practice of Government Departments at home. When introducing legislation, they prepare the ground in the press.

**An Honourable Member :** All the press ?

**The Honourable Sir Henry Craik :** In the friendly press. The Congress press had many speculative articles as to what the contents of the Bill were, and all of them condemned the Bill in advance. Why should we not use the press that is friendly to us to secure a favourable reception for the Bill ?

**Mr. S. Satyamurti :** That is a confession.

**The Honourable Sir Henry Craik :** That is a perfectly legitimate practice, and, so long as I am in charge of this Department, I propose to continue the practice. There is no question of breach of privilege of any kind. If I had given to any of these gentlemen a copy of any confidential communication printed by the Legislative Assembly Office, then that might possibly have been a breach of privilege. I did no such thing. I had before me only my own copy of the Bill. I submit that my conduct was completely regular and was in no sense either a breach of privilege or any disrespect to this House.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair holds that there is no breach of privilege in this case, and, as the matter is absolutely clear, it is not necessary for the Chair to go any further into it.

The question is :

"That leave be granted to introduce a Bill to amend the Criminal Law."

The motion was adopted.

**The Honourable Sir Henry Craik :** Sir, I introduce the Bill.

**Mr. Sami Vencatachalam Chetty** (Madras : Indian Commerce) : May I make a small request to you ? I request that Honourable Members of this House may be supplied with a copy of the original Act in order to find out the changes which are proposed to be made ?

**The Honourable Sir Henry Craik :** I will do my best to do so.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair thinks that a sufficient number of copies might be circulated.

**The Honourable Sir Henry Craik :** I cannot say that there are enough copies to supply one to every Member of the House, but I will try to make as many copies as possible available to Honourable Members.

#### THE PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I move for leave to introduce a Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose.

This Bill is rendered necessary by a judgment of the Madras High Court which recommends that the Act should be modified in the way in which we have proposed it. Very shortly, the position is this. The scheme and the spirit of both the Acts, the Provincial Act and the Presidency Act, is that once there is a discharge of a debtor, he is not to be bothered with any further debts provable in insolvency. That is the provision of the Presidency-towns Insolvency Act. In connection with the Provincial Insolvency Act, there have been conflicting rulings and on a recent occasion the Madras High Court recommended that the Bill should be amended. The object of the present amendment is that the debtor should be put on the same footing in the Provincial Insolvency Act as in the case of the Presidency-towns Insolvency Act, namely, that the discharge should cover all creditors. Now the position is that if one of the creditors keeps out and takes no part in the proceedings either negligently or deliberately, he gains an advantage over the other creditors. That is not the position under the Presidency-towns Insolvency Act. That is not the position



[Sir Nripendra Sircar.]

under this Act also according to certain rulings but there have been conflicting rulings and the learned Chief Justice of Madras who was one of a division bench in Madras strongly recommended that this should be brought into line with the Presidency-towns Insolvency Act, by making a change in the law. That is the object of the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose.”

The motion was adopted.

**The Honourable Sir Nripendra Sircar** : Sir, I introduce the Bill.

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

**Mr. G. R. F. Tottenham** (Army Secretary) : I move for leave to introduce a Bill further to amend the Indian Army Act, 1911, for certain purposes.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill further to amend the Indian Army Act, 1911, for certain purposes.”

The motion was adopted.

**Mr. G. R. F. Tottenham** : Sir, I introduce the Bill.

#### THE PROVINCIAL SMALL CAUSE COURTS (AMENDMENT) BILL.

**The Honourable Sir Nripendra Sircar** (Law Member) : I move for leave to introduce a Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose.

I do not think I need refer to anything further than what is stated in the Statement of Objects and Reasons. The whole object is to make the meaning perfectly clear, as we now understand that different Presidency Small Cause Courts have been construing the section in different ways.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose.”

The motion was adopted.

**The Honourable Sir Nripendra Sircar** : Sir, I introduce the Bill.

#### THE REPEALING AND AMENDING BILL.

**The Honourable Sir Nripendra Sircar** (Law Member) : I move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments.

I need not say anything more than what is contained in the Statement of Objects and Reasons. This Bill does not introduce any change in the law. What we want to do is that we want formally to repeal certain Acts which have ceased to be in operation. Also there have been small inaccuracies like omitting the word ‘ the ’ and so on, which are set out in a schedule and I can assure my Honourable friends here that this Bill does not seek to effect any important change in the law.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to amend certain enactments and to repeal certain other enactments.”

The motion was adopted.

**The Honourable Sir Nripendra Sircar** : Sir, I introduce the Bill.

#### THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

**The Honourable Sir Henry Craik** (Home Member) : Sir, I beg to move for leave to introduce a Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes.

I do not think I need add anything to the Statement of Objects and Reasons.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes.”

The motion was adopted.

**The Honourable Sir Henry Craik** : Sir, I introduce the Bill.

#### RESOLUTION RE RATIFICATION OF THE DRAFT CONVENTION OF THE INTERNATIONAL LABOUR CONFERENCE CONCERNING EMPLOYMENT OF WOMEN DURING NIGHT.

**The Honourable Mr. D. G. Mitchell** (Member for Industries and Labour) : Sir, I move :

“ That this Assembly recommends to the Governor General in Council that he should ratify the Draft Convention concerning employment of women during the night (Revised 1934) adopted at the Eighteenth Session of the International Labour Conference.”

Sir, at the first session of the International Labour Conference, which sat in Washington in 1919, a convention was adopted concerning the industrial employment of women during the hours of night. Copies of this Convention have been supplied to Honourable Members, but I may say that the gist of the Convention is that no woman worker shall work during eleven hours of the night and that those eleven hours shall cover the period between 10 p.m. and 5 a.m. The Convention was ratified by India in 1921, but, in pursuance of article 5, it has been applied to factory workers only. It was assumed when the ratification was made that the Factories Act of 1911 as it then stood was sufficient to justify the act of ratification and that no special legislation

[Mr. D. G. Mitchell.]

was required. Several years later the question was raised whether the Convention applied, or did not apply, to women in positions of supervision and management. The question was discussed by the Governing Body of the International Labour Office and was finally referred to the Permanent Court of International Justice, which ruled that the Convention did apply to women holding positions of supervision and management. This placed several nations in a difficulty, including India. Our section 29 of the Factories Act of 1911 allowed us to exempt from this particular restriction, and from other restrictions, persons holding positions of supervision or management or who are employed in a confidential position in a factory. The matter was of very small practical importance in India where very few such women exist. However, it was of some practical importance to certain other countries which pressed the point, and finally in 1934 a new Convention was adopted at Geneva. The Convention is practically the same as the old one, with the one difference that article 8 now lays down that the Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

The passing of this Convention and the ruling of the Permanent Court of International Justice has left India in somewhat of a dilemma. Section 29 of the Act of 1911 has been substantially reproduced in section 43 of the present Act of 1934. It still gives us the power to exempt women holding positions of management and supervision. To that extent, it is contrary to the Convention of 1919, the last Convention. Also the description of women given in that Convention is somewhat narrower than the description of women given in our Indian Act of 1934 and to that extent also our present legislation is inconsistent even with the later Convention. Obviously we must legislate, the only other course being the impossible one of denouncing the earlier Convention and refusing to ratify the later. The Government of India propose to take the straightforward course. They intend to adhere to the original Convention of 1919 and to ratify the new Convention of 1934. In order to do so, they propose to legislate at once, and if the House agrees to my present motion, I shall at once introduce the necessary Bill. The position of the Government of India is that they are prepared to go somewhat further than either of the two Conventions. The Bill will make an amendment in the Act which will prevent all women workers from working in factories between the hours of 7 P.M. and 6 A.M. Our reasons for this, very shortly, are two-fold. In the first place there are very few, if any, women in positions of trust and management working in factories. Secondly, if there were, then, as ordinary women workers may not work at night, these women would find themselves alone in the factory, in charge of a gang of men; and that is a position which I do not think we are required to provide for.

However, the immediate question is the ratification of this new Convention of 1934. There is no reason why we should not ratify it. It gives us a certain power to do a thing which we at present do not want to do; but if we do ratify it, and if conditions should so develop of management to work in factories at night, then we will be free to do so. Sir, I move.

# RATIFICATION OF THE DRAFT CONVENTION OF THE INTERNATIONAL LABOUR CONFERENCE CONCERNING EMPLOYMENT OF WOMEN DURING NIGHT.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

"That this Assembly recommends to the Governor General in Council that he should ratify the Draft Convention concerning employment of women during the night (Revised 1934) adopted at the Eighteenth Session of the International Labour Conference."

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, it would appear to the House perhaps a little bit surprising, when the House hears from me, that I propose to oppose the ratification of this Convention, not on the ground that I am not one of those who desire to see an amelioration of the conditions of women working in mines, but on the ground that a mandate has come from an international body situated far away in Europe and which body is controlled in all its actions by the League of Nations, which happens to be a committee of old women, now almost gasping for its breath,—a body which may perhaps be vanishing into thin air soon as World situation would seem to show.

Sir, I notice from the report in my hand that my Honourable friend, Mr. Clow, was a delegate to that Eighteenth International Conference. Sir, I have great respect for my Honourable friend, Mr. Clow, particularly his heart, as I know, melts for his friends, the workers of India, and I know he has done good service to the workers of India (Hear, hear) which my Honourable friend, Mr. Joshi, will recognize, though sometimes at the cost of the industries of India. Yet, Sir, what do we find? The Government of India send delegates. They are treating this International Conference—I must point out at this stage—with a little bit of contempt. The Government of India sent out that year four delegates to represent the Government of India. They allowed the employers of India to be represented by one delegate only—Seth Kasturbhai Lalbhai—and the workers to be represented by only one delegate—Mr. Jamnadas Mehta. Now while in the body of the report they mention that they had to do the difficult work of attending to the committees which reached the alarming total of twelve, and thus forced the Government side to distribute the three gentlemen and the one distinguished lady that formed part of that delegation into those twelve committees, it would have been humanly impossible for the employers' delegate or the workers' delegate to identify themselves with all the twelve committees that sat that year. Sir, that shows how even the Government of India treat this International Labour Conference with supreme contempt. We find now that the deliberations of these so-called International Conferences have resulted in no good. The European countries that brought into existence this League of Nations after the Treaty of Versailles have set them at naught. They do not obey the mandates of the League of Nations and why should we, in India, obey its mandate particularly when a foreign power like the Government of Italy had the audacity through its spokesman to say that the coloured people and the people of Asia are "barbarians". When the League of Nations consists of such people who now want to go back on the idea and principles of democracy, why should the British Government or their handmaids, the Government of India, compel India even to ratify a particular convention however beneficial it may be to the working classes in India. We could ourselves confer benefits on India. The representatives of industries, the representatives of workers and also the representatives of the Government of India can

[Mr. B. Das.]

devise ameliorating conditions whereby the conditions of workers will improve. There I do not think my Honourable friend, Mr. Joshi, or my Honourable friend, Mr. Giri, will find us lagging behind. We will respond to them whenever it is for the betterment of the industries and of the workers. I want my Honourable friend, Mr. Joshi, who is a member of the Governing Body of the I. L. O., to say how he likes this attitude of the League of Nations towards Asiatic nations (interruptions from Mr. Joshi)—as article 11 of this Convention says that unless the Secretary of the League of Nations writes to the Secretary General of the International Labour Conference the Convention cannot be ratified. Sir, I am opposed to the idea that India should be any more a member of the League of Nations and probably the Government of India in their supine policy wants to go on sleeping a few more months till the League of Nations is dead and buried. The other day I saw an excellent cartoon in the *Hindustan Times*. The League of Nations was shown as a serpent following another serpent, Italy. Both the serpents are trying to swallow each other's tail and in the end Italy will be smashed and so will the League of Nations.

Sir, if I have followed this unusual procedure of asking the House not to ratify a convention which will improve the conditions of the workers, it is because of the insult which Mussolini has hurled against the Asiatics and the people of Africa. What right has any European however mighty he may be to say that Asiatics are barbarians, that the coloured people have no place on this earth and that it is only the European big powers, who want to dictate terms to Asia, to Africa and to other countries, have the right of existence. As war clouds are threatening on the horizon, it may be a friendly neighbour, an Abyssinia, which may pass out as a free people and independent country.

**The Honourable Mr. D. G. Mitchell :** I rise on a point of order, Sir. Is the Honourable Member in order on the question of ratifying a convention regarding labour, to discuss the relations between two foreign powers ?

**Mr. B. Das :** Certainly I am.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is giving his reasons why this House should not ratify the Convention of a body which is connected with the League of Nations, but the Chair hopes he will not dilate on it too much.

**Mr. B. Das :** I do not wish to add to the agony by again referring to Italy, but every Indian, who is present here—be he on this side or the other side of the House—feels it very much and his heart boils and his sense of injury burns in him and he feels indignant that there should be such an old body like the League of Nations that will perpetuate such distress and will allow its principal bodies to insult Asiatic nations ! Now, Sir, my advice to my Honourable friend, Mr. Mitchell, is this : “withdraw from the League of Nations”. But if the International Labour Conference can become a real international body independent from the League of Nations and does look into the interests of workers and employers all over the world, then I would ask the Government of India to become a subscriber of that international body. But when internationalism is dead and the dictatorship is the order of the day, I

# RATIFICATION OF THE DRAFT CONVENTION OF THE INTERNATIONAL LABOUR CONFERENCE CONCERNING EMPLOYMENT OF WOMEN DURING NIGHT.

would like India to develop aggressive nationalism even with the help of that immobile bureaucratic Government which sits on the Treasury Benches opposite. Sir, I would welcome such aggressive nationalism and I will co-operate with them in the matter of legislating for the amelioration of the conditions of the workers. Therefore, I would ask the House to throw out this proposal for ratification and I will ask the Government of India to join hands with us to get out of the League of Nations.

**Mr. N. M. Joshi** (Nominated Non-Official) : Mr. President, I admit that the subject-matter of this Resolution is not of great importance to the working classes of this country. India, as the Honourable Member in charge of the Department stated, has ratified the Convention of 1919. Personally, I do not think there is any necessity for us to ratify this Convention. The Honourable Member in charge of the Department explained that the new Convention has introduced one, what I may call, a reactionary proposal. I should have said two. The proposal which he mentioned authorises women in a supervisory position to work during certain hours of the night. I admit, again, that this is not a matter of very great importance. At the same time, I do not like that we should ratify a convention which admittedly is a little reactionary one. I was unable to follow the reasons given by the Honourable Member in charge of the Department in support of his view for the ratification of this Convention. He said that India practically does not need it. He proposes to introduce legislation which will put right the position of India as regards the ratification of the Convention of 1919. I do not really see what practical advantage the Government of India will get by ratifying this Convention. The Honourable Member said that it is no use to us for the present, because they are not inclined to put in practice the proposal of the new Convention. What he said was that time may come when we can make use of this what I consider to be a reactionary power. I was wondering, Sir, why the Government were showing so much far-sightedness and forethought. Generally, I hear them saying and stating in this Legislature that they do not like to legislate ahead. They look to the present and I want to ask them why they are not content this time by looking to the present and why are they so much far-sighted when they should not be so. I, therefore, feel that nothing will be lost by the working classes in this country if the convention is not ratified. On the contrary, they will get something, if they will at all get, by not ratifying this Convention. However, Sir, I feel that the matter is not of very great consequence. If the Government of India carry this Resolution, I shall not shed many tears.

One word more about what my Honourable friend, Mr. Das, has said. I was unable to understand his attitude towards the League of Nations and the International Labour Conference. He said that India really wants internationalism. I thought he approved of internationalism, at least a real kind of internationalism. Then he said that India does not want to be a member of the League of Nations. What will happen if India does not remain a member of the League of Nations and India does not obey the mandates of the League of Nations as he wants India not to obey. I feel that not only India but the whole world will return to a condition of savagery. The whole world will begin to fight amongst one another and there will be such a continuous and constant fighting that we will not make any progress towards civiliza-

[Mr. N. M. Joshi.]  
tion, but whatever civilization we may have achieved so far will be destroyed. I am not here to make a speech in support of the League of Nations. But I feel that by even a country like India leaving the League of Nations, we shall not serve the cause of peace and internationalism, but we shall weaken whatever international organisation exists in the world for the promotion of peace.

Mr. B. Das : Does it exist ?

Mr. N. M. Joshi : One word more as regards the statement made by my Honourable friend, Mr. Das. He has some grudge against the League of Nations. Let him have it.

Mr. B. Das : Have you not got ?

Mr. N. M. Joshi : He was wrong in saying that the International Labour Organisation is controlled by the League of Nations in the passing of Conventions.

Mr. B. Das : See Article 11.

Mr. N. M. Joshi : Not even Article 11. The International Labour Conference and the International Labour Organisation have their own power to pass Conventions. I hope, Sir, the Government of India will not insist upon passing this Resolution.

Mr. A. G. Clow (Government of India : Nominated Official) : Mr. President, I must confess like Mr. Joshi that I was a little surprised at the tone of my Honourable friend, Mr. B. Das. He has received part of his reply from Mr. Joshi who has pointed out that the International Labour Organisation, although undoubtedly part of the organization of the League of Nations, is, in a sense, a separate organization. I may say at once that I have no knowledge of meetings of the League of Nations—I have never attended any—but I have attended several meetings of this organization and I can say that India there counts for much. Her views expressed there carry weight and India is there as a partner in what I regard as one of the most truly international organizations we have at present. Indeed, if my memory serves me rightly, I think my Honourable friend, Mr. B. Das, once assisted at one of those conferences which he now affects to despise. I was struck by the singular inconsistency, if I heard him rightly, in that while he seemed to be trying to pour contempt on this organization, he complained that we do not send enough advisers there. Surely he cannot have it both ways. I might add for his information that in the present year, we have sent one Adviser for every Delegate and we sent a distinguished Indian lady in addition.

As regards my Honourable friend, Mr. Joshi, I was a little surprised at the tone of his speech. Generally he complains that when we come forward we do not propose to ratify the Conventions, but when we come forward as in the present case and propose to ratify one of the Conventions, he is equally ready to complain. What I thought was the fundamental weakness in his position was that he seemed to attach no weight whatever to a convention. He took the line that we should have sound and strong reasons for ratifying. I would prefer to put it the other way and would prefer to say : here you have a Conference in

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which you have the collected wisdom of the greater part of the labour world met to devise suitable measures for labour ; and if they adopt a Convention, the least that you can do is to say that we shall consider its ratification favourably unless we find that our national conditions are such as to render it undesirable. I have a lurking suspicion that if we had brought forward a Resolution in the negative sense, namely, " That this Assembly recommends that he do not ratify, etc.," then Mr. Joshi would have come forward and said, " Why not ? "

Mr. N. M. Joshi : No, Sir.

Mr. A. G. Clow : Then I say it. Here you have a Convention : are there any sound reasons why we should not ratify ? It lays no further obligation upon India than she has already accepted and I think it is up to her to ratify the Convention.

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, Mr. Clow was saying that the International Labour Conference is really the collective wisdom of a major portion of the world and therefore it is up to this House as well as similar Houses in other countries to accept that particular wisdom and then try to ratify the conventions and accept the recommendations which they make. I should like to put one question to him and also to the Government of India. Why is it that whenever any good convention has been passed by the International Labour Conference and recommended to these Governments, then the Government of India comes forward with its own proposals that it be not ratified. Why is it, Sir, on their own admission, when a reactionary and a practically useless Convention is passed by them and is circulated among all these Governments, the Government of India comes forward in this House and says that it be ratified. I should like this paradox to be solved by this Government of India. They alone seem to be competent to solve it.

Coming to the other question of the advantages that India can derive from being a member of the League of Nations—so far as this particular International Labour Conference is concerned,—I would only like to bring to the notice of this House the insult that was meted out to India's delegates at the last International Labour Conference, when the labour delegates were constrained to walk out of that conference being also supported in their action by the representatives of employers also. Therefore it must mean that India as such and Indians as such were not treated properly and were not given as much consideration as they deserved, and the point of view they presented in the International Labour Conference was not considered as weightily and as carefully as it should have been. I am a strong and firm believer in the necessity for an International Labour Conference and I am also in favour of the present International Labour Conference although I hold just as strong views against the League of Nations as it exists today as my Honourable friend, Mr. Das.

Of course, I do not agree with Mr. Das when he said that in some cases the recommendations of the International Labour Conference had gone against the employers. It may be that because our employers simply look at their problems from their own point of view and from their own self-interest and profits that they have come to this particular conclusion on some of their recommendations that have come to be accepted by this Government and that have gone against them. But, at the same time, I must sound this note of warning that if such a conference, as the International Labour Conference, did not exist, I do not feel quite confident

[Prof. N. G. Ranga.]

that our employers would have been just as generous as they have been obliged to be in granting the few privileges that our workers have come to enjoy from this Government and also from this International Labour Conference.

In conclusion, Sir, I would like to recommend to the Government of India their own policy of not ratifying a convention which is not good and not accepting a convention which is really reactionary and reactionary in more than one sense. My Honourable friend, Mr. Joshi, has explained one sense in which it is reactionary, and I will mention the other one also for the information of this House. Sir, according to the old Convention, women were prohibited from working at night time between 10 P.M. at night and 5 o'clock in the morning. The new Convention states that they should be prevented from working between 11 o'clock in the night and 6 o'clock in the morning. To allow women to work in factories till 11 o'clock in the night is itself a dangerous thing and it is this reactionary measure which this Convention proposes and expects us to accept. And I am really glad that my Honourable friend, Mr. Mitchell, is going to come forward here with a legislative proposal to prohibit all women from working in factories during night time; and certainly his proposal is far more liberal than this particular Convention. And, therefore, if those legislative proposals were to be accepted by this House, this country and the working classes will certainly have no advantage to derive from this reactionary Convention and nothing to gain from its ratification. I, therefore, suggest that this Convention should not be ratified at all, because it is reactionary and it is bad.

**The Honourable Mr. D. G. Mitchell :** Sir, on the whole I think Mr. Joshi's reactions to this motion do not differ very much from my own. I agree with him that if the Resolution is not passed I should not shed any tears over it. As a practical measure it has very little application to India; but I would impress upon the House that the International Labour Conference is a going concern. I am not going to allow myself to be dragged into any general discussion about the League of Nations. This is not the time for it. But I would again point out,—and Mr. Joshi, I understand, agrees and I think other Members of the House who are closely connected with labour matters will also agree,—that the International Labour Conference is a going concern and it will be a very great pity indeed if India were now to take action which would virtually amount to a declaration of her intention to secede. There has been some talk about the new Convention being reactionary as compared with the old one. From the point of view that it will allow a selected class of women to work at night it is reactionary. But I would remind Mr. Joshi that he himself has several times in this Assembly advocated the cause of the emancipation of women; and it has been held, and may be held even by some Members opposite, that a condition in the Convention whereby women in a position of supervision and management may be allowed to work at night is in some ways not reactionary.

I do not wish to say very much on Mr. Das' remarks. It seemed to me that his general attitude was, "Do not do a thing, which in itself is sound and which you want to do, because somebody you do not like asks you to do it". I do not think the position is a very convincing one, and

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I would again appeal to the House not to make any breach in the walls of the International Labour Conference but to agree to this very sound Convention and to pass the Resolution.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That this Assembly recommends to the Governor General in Council that he should ratify the Draft Convention concerning employment of women during the night (Revised 1934) adopted at the Eighteenth Session of the International Labour Conference."

The motion was adopted.

## THE FACTORIES (AMENDMENT) BILL.

**The Honourable Mr. D. G. Mitchell** (Member for Industries and Labour) : Sir, I move for leave to introduce a Bill to amend the Factories Act, 1934, for a certain purpose.

This is a Bill to which I have already referred and which I understand several Honourable Members opposite will prefer to the Convention itself.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That leave be granted to introduce a Bill to amend the Factories Act, 1934, for a certain purpose."

The motion was adopted.

**The Honourable Mr. D. G. Mitchell :** Sir, I introduce the Bill.

## MOTION FOR ADJOURNMENT.

PROHIBITION OF THE CONVENER OF THE CONGRESS ASSEMBLY PARTY COMMITTEE *re* DETENUS TO ENTER CERTAIN PLACES IN BENGAL.

**Mr. President** (The Honourable Sir Abdur Rahim) : As regards the motion for adjournment standing in the name of Mr. Satyamurti, I have received a Message from the Viceroy and Governor General that he disallows the motion on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council.

## STATEMENT OF BUSINESS.

**The Honourable Sir Nripendra Sircar** (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business for the rest of the week. The list of business for Tuesday, the 3rd, is already in the hands of Honourable Members. On Thursday, the 5th, a motion will be made to take into consideration the Criminal Law Amendment Bill which has been introduced today. The discussion of this motion will be continued on Friday, the 6th September. Wednesday, the 4th, has been allotted by His Excellency the Governor General for the discussion of non-official Resolutions, and it is not proposed at present that the House should sit on Saturday, the 7th September.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 3rd September, 1935.

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## LEGISLATIVE ASSEMBLY.

*Tuesday, 3rd September, 1935.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### MEMBER SWORN.

Mr. Nirmal Chandra Chunder, M.L.A. (Calcutta : Non-Muhammaddan Urban).

### QUESTIONS AND ANSWERS.

#### PURCHASE OF ARTICLES REQUIRED BY THE MILITARY DEPARTMENT.

31. **\*Sardar Sant Singh :** What was the total amount spent by the Military Department in the year 1933-34 in making purchases of articles required by that department ? What portion was spent through the Indian Stores Department, and what portion was spent through the Stores Department, London ?

**Mr. G. R. F. Tottenham :** The total amount spent by the Defence Departments (including Military Engineer Services, Royal Air Force, Royal Indian Navy and manufacturing concerns) on stores purchased in India and England during the year 1933-34 was Rs. 5.64 crores in round figures. The value of purchases made by the Indian and London Stores Departments, respectively, is contained in the annual reports of the two Departments, copies of which are available in the Library of the House.

**Mr. Lalchand Navalrai :** May I know if only those things are purchased in London which cannot be obtained in India ?

**Mr. G. R. F. Tottenham :** Yes, Sir ; those things which cannot be purchased in India are alone purchased in London, that is to say, motor cars, aeroplanes, and in this particular case a new ship for the Royal Indian Navy.

**Mr. M. Ananthasayanam Ayyangar :** Are any articles required for the army purchased in foreign countries or only in England ?

**Mr. G. R. F. Tottenham :** There may be a few : I have not got details.

**Mr. M. Ananthasayanam Ayyangar :** Through what agency are those articles, bought in countries other than England, purchased ? Who makes the inspection ? Who negotiates for their purchase ?

**Mr. G. R. F. Tottenham :** Some of them are purchased through the Indian Stores Department and some through the London Stores Department ?

**Prof. N. G. Ranga :** Do you purchase any things directly in London without the mediation of the London Stores Department ?

**Mr. G. R. F. Tottenham :** I think there are a few things that are bought direct through the War Office.

**PURCHASE OF ARTICLES REQUIRED BY THE RAILWAY BOARD.**

**32. \*Sardar Sant Singh :** What was the total amount spent by the Railway Board in the year 1933-34 in making purchases of articles required by that Department? What portion was spent through the Indian Stores Department, and what portion was spent through the Stores Department, London?

**Mr. P. R. Rau :** The total value of all stores (both indigenous and foreign) purchased for the State-managed Railways during 1933-34 was Rs. 7.52 lakhs. Out of this, the value of stores purchased by the Indian Stores Department and the India Store Department, London, on behalf of those railways during the same year was approximately Rs. 171 lakhs and six lakhs, respectively.

**Mr. Lalchand Navalrai :** May I know if the same rule as in the military is being followed and only those articles are purchased in London which cannot be purchased in India?

**Mr. P. R. Rau :** Yes, Sir.

**VALUE OF IMPORTS FROM, AND EXPORTS TO, THE UNITED KINGDOM.**

**33. \*Sardar Sant Singh :** Since the Ottawa Agreement became operative, what has been the total value of imports from the United Kingdom into India and what is the total value of exports from India to the United Kingdom?

**The Honourable Sir Muhammad Zafrullah Khan :** I lay on the table a statement containing the information asked for as far as it is available.

*Statement showing imports from and exports to the United Kingdom from January, 1933 to July, 1935.*

|                                 | Imports.<br>(In lakhs of<br>Rs.) |
|---------------------------------|----------------------------------|
| January, 1933 .. .. .           | 3.99                             |
| February, 1933 .. .. .          | 3.87                             |
| March, 1933 .. .. .             | 4.48                             |
| April, 1933—March, 1934 .. .. . | 12.34                            |
| April, 1934—March, 1935 .. .. . | 47.59                            |
| April, 1935 .. .. .             | 53.73                            |
| May, 1935 .. .. .               | 4.53                             |
| June, 1935 .. .. .              | 4.44                             |
| July, 1935 .. .. .              | 3.60                             |
|                                 | 4.09                             |
|                                 | 16.66                            |
| Total .. .. .                   | 1,30.32                          |

|                                 | Exports.<br>(In lakhs of<br>Rs.) |
|---------------------------------|----------------------------------|
| January, 1933 .. .. .           | 2.95                             |
| February, 1933 .. .. .          | 2.67                             |
| March, 1933 .. .. .             | 2.93                             |
|                                 | 8.55                             |
| April, 1933—March, 1934 .. .. . | 47.21                            |
| April, 1934—March, 1935 .. .. . | 47.81                            |
| April, 1935 .. .. .             | 2.24                             |
| May, 1935 .. .. .               | 3.49                             |
| June, 1935 .. .. .              | 3.36                             |
| July, 1935 .. .. .              | 3.76                             |
|                                 | 12.85                            |
| Total .. .. .                   | 1,16.42                          |

**Prof. N. G. Ranga :** Is it not the fact that the imports from the United Kingdom have increased to a greater extent than our exports to the United Kingdom in the same period ever since the Ottawa Pact was concluded?

**The Honourable Sir Muhammad Zafrullah Khan :** It is a question of figures : I have supplied the figures.

**ALLEGED DISCRIMINATION AGAINST INDIAN PRODUCTS BY BRITISH CONCERNS IN INDIA.**

**34. \*Sardar Sant Singh :** (a) Has the attention of Government been drawn to the following published in the *London Times*?

“ A branch of the Tata Iron and Steel Company is obtaining an increasingly large share of the trade in hoes, axes, chisels, billhooks, pickaxes, hammer heads, except for those required by the British-managed concerns.... ”

If so, are Government aware that there is a discrimination against Indian products at the hands of British-managed concerns in India? If so, do Government propose to do anything about it?

(b) Is it a fact that the Railways in India were making such a discrimination against the local products?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Government have no information on the point.

(b) No.

**Mr. S. Satyamurti :** May I know why Government could not make inquiries after receipt of the question, part (a), especially considering this is a vital matter?

**The Honourable Sir Muhammad Zafrullah Khan :** The question is whether British firms make discrimination against Indian manufactures : if I made inquiries from the British firms, is it reasonable to expect them to tell me whether they do or do not discriminate?

**Mr. S. Satyamurti :** May I know if any inquiry was made of these concerns, and they declined to furnish any information?



**The Honourable Sir Muhammad Zafrullah Khan :** I did not make any enquiry, because the firms would at once say : " This is no business of yours, and we will not give you any information ". I did not wish to place the Government in that position.

**Prof. N. G. Ranga :** Has any attempt been made to ascertain from the High Commissioner in London with respect to the discrimination of some European firms ?

**The Honourable Sir Muhammad Zafrullah Khan :** There is no question of European firms in England : the question does not relate to them.

**Mr. S. Satyamurti :** Why was no inquiry made of the Tata Iron and Steel Company ?

**The Honourable Sir Muhammad Zafrullah Khan :** How could Tatas give me information whether this discrimination was being practised against them by any British firm or not ?

**Mr. S. Satyamurti :** Did the Honourable Member make any attempt to get the information ?

**The Honourable Sir Muhammad Zafrullah Khan :** I did not, because I knew no useful information could be supplied by them on this point.

#### OVERHAULING OF THE INCOME-TAX SYSTEM OF INDIA.

35. \***Sardar Sant Singh :** (a) Have Government taken any steps towards the fulfilment of their promise to undertake the overhauling of the Income-tax system of India ? If so, what steps have been taken so far ?

(b) Do Government propose to associate some Indian businessmen with this enquiry ?

**Mr. A. H. Lloyd :** May I answer this question on behalf of the Honourable the Finance Member who is unfortunately prevented by indisposition from attending today ?

I would refer the Honourable Member to the remarks of the Honourable the Finance Member on this subject in the Report of the Proceedings of the Assembly for the 4th of April last (pages 3650-51 and page 3667). Definite arrangements have now been made for the expert review there mentioned to begin during the coming cold weather.

**Mr. F. E. James :** I understand that memoranda may be sent by commercial associations in respect of this committee's work : is the initiative left to the associations or will Government send the usual circular inviting such memoranda ?

**Mr. A. H. Lloyd :** The position is that the procedure to be followed by the experts will not be determined until they have arrived, but I have personally no doubt that in due course these representative bodies will be invited to submit memoranda to Government.

**Mr. T. S. Avinashilingam Chettiar :** May I know the answer to clause (b) ?

**Mr. A. H. Lloyd :** The answer to that is contained in what I have already said, if the Honourable Member will refer to the proceedings of the Assembly which I have quoted.

**Mr. T. S. Avinashilingam Chettiar :** May we know that ?

**Mr. A. H. Lloyd :** I have quoted the reference—pages 3650-51 and page 3667.

**Mr. T. S. Avinashilingam Chettiar :** But the Honourable Member may be pleased to give that reply : it is a matter of " yes " or " no ".

(No answer was given.)

#### APPOINTMENTS OF SUCCESSFUL EX-APPRENTICES OF THE EAST INDIAN RAILWAY WORKSHOP, LILLOOAH, IN OTHER WORKSHOPS.

36. \***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government please state whether they took action in accordance with the procedure cited in answers to starred question No. 918 (d) of the 7th November, 1932, and unstarred question No. 23 (b) of the 5th September, 1932, regarding the appointments of successful ex-apprentices of the East Indian Railway Workshop, Lillooah, in other workshops, such as Tatanagar, Charbagh and Alambagh, which are under the Chief Mechanical Engineer ? If so, will Government please state the number of vacancies which occurred in these workshops since 1934 and the names of the ex-apprentices, if any, who have been taken in ? If not, why not ?

(b) Are Government aware that illiterate workmen, mistries, clerks, etc., who never received any technical education at all are promoted to the grade of journeymen, mechanics, chargemen and even to the grade of Assistant Foremen in those workshops, although many successful technically trained ex-apprentices of Jamalpore Technical School were available ? If so, why ?

(c) Are Government aware that a considerable amount of money is spent on the theoretical and practical training of the first grade Mechanical Bound Apprentices of East Indian Railway Technical School, Jamalpore ?

(d) Are Government aware that some outsiders are also appointed as journeymen, chargemen, etc., in those workshops in preference to the ex-apprentices who were trained under them ? If so, why ?

(e) If the answers to parts (b) and (d) above be in the negative, will Government please state whether they are prepared to make an enquiry into the matter and lay on the table of this House a statement showing the names of the supervising staff such as Assistant Foremen, chargemen, journeymen, etc., of those workshops with the following :

- (i) particulars of practical training,
- (ii) particulars of service,
- (iii) particulars of technical education,
- (iv) division in which passed from the technical school,
- (v) designations and grades of the posts,
- (vi) present salary, and
- (vii) the university examination passed ?

If not, why not ?



Engineer, East Indian Railway, since 1933, together with the following information about them :

- (i) dates of completion of apprenticeship training ;
- (ii) division in which passed in technical school ;
- (iii) workshop in which appointed ;
- (iv) designations ;
- (v) starting pay ; and
- (vi) dates of appointments ?

**Mr. P. R. Rau :** (a) I would invite the Honourable Member's attention to the information laid on the table in connection with Mr. D. K. Lahiri Chaudhry's starred question No. 1325 asked on the 2nd April, 1935.

(b) Government do not consider an enquiry necessary.

#### DEMOTION OF ELECTRICAL LINESMEN AND WIREMEN ON THE EAST INDIAN RAILWAY.

40. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state the actual number of the linesmen and wiremen in the Electrical Department on the East Indian Railway in each Division ?

(b) What was their grade of pay before the retrenchment took place in 1931, and what is their present grade ?

(c) Is it not a fact that certain electrical linesmen and wiremen have been demoted, on the plea of retrenchment, from the grade of Rs. 84 to Rs. 51 ?

(d) What is the number of such demoted persons in each Division ?

(e) Is it a fact that the persons who were demoted, were given an assurance that their grades will be restored after six months ?

(f) Will Government be pleased to state whether their grades have been restored, or not ? If not, why not ?

(g) Will Government also be pleased to state what action has been taken on the representations made by the demoted persons every now and then ? If none, will Government be pleased to state the reasons why no action was taken ?

**Mr. P. R. Rau :** (a) and (b). I lay on the table a statement giving the required information.

(c) Yes. The reduction in grade was accepted by them as an alternative to discharge.

(d) Three wiremen and two linesmen in the Lucknow Division.

(e) No.

(f) No vacancies have arisen in the higher grade for which these demoted men are suitable. Orders have been issued by the East Indian Railway Administration that when vacancies occur in the higher grade for which these demoted men are suitable they are to be restored to their original grade.

(g) A petition was received in May, 1932, from the men concerned and they were informed in reply that as they had accepted the reduced grade, they must abide by the decision.

EAST INDIAN RAILWAY.  
Statement showing scales of pay of Linesmen and Wiremen in the Electrical Department.

| Stations.                                             | Upto 31st August 1931. |                |                | From 1st September 1931. |                |                   | Revised grades for new entrants appointed on or after 16th July 1931, introduced from 1st September 1934. | Remarks. |
|-------------------------------------------------------|------------------------|----------------|----------------|--------------------------|----------------|-------------------|-----------------------------------------------------------------------------------------------------------|----------|
|                                                       | Grade I.               | Grade II.      | Grade III.     | Grade I.                 | Grade II.      | Grade III.        |                                                                                                           |          |
| JAMALPUR—<br>Linesmen and Wiremen.                    | Rs.<br>54-5-84         | Rs.<br>39-3-51 | Rs.<br>15-3-36 | Rs.<br>54-5-84           | Rs.<br>42-3-54 | Rs.<br>18/22-2-38 | Rs.<br>44-2-60                                                                                            | 22-1-28  |
| LALOOAH—<br>Linesmen and Wiremen.                     | 54-5-84                | 39-3-51        | 15-3-36        | 54-5-84                  | 40-2-55        | 22-2-26<br>2-41   | 44-2-60                                                                                                   | 22-1-28  |
| LUCKNOW—<br>(Monthly rated)—<br>Linesmen and Wiremen. | 54-5-84                | 39-3-51        | 15-3-36        | 54-5-84                  | 42-3-54        | 18/22-2-38        | 44-2-60                                                                                                   | 22-1-28  |
| LUCKNOW—<br>(Daily rated)<br>(Old O. and R. Section)  | As.                    | As.            | As.            | Annas per day.<br>As.    | As.            | As.               | As.                                                                                                       | As.      |
| Linesmen and Wiremen.                                 | 39-3-54                | 26-2-36        | 16-2-28        | 39-3-54                  | 30-2-36        | 19-2-29           | As.                                                                                                       | As.      |

Daily rates have been eliminated except for those employees at Lucknow who were appointed before the 16th July, 1931, and were daily rated.

(f) Will Government please state whether they are prepared to put a stop to promoting to such posts, persons who received no technical education at all, in all future cases and appoint time-expired apprentices of Jamalpore Technical School, who were trained under them, and issue necessary orders to the Agent, East Indian Railway to this effect? If not, why not?

(g) If the answer to part (f) above be in the affirmative, will Government please lay a copy of the orders on the table? If not, why not?

(h) Will Government please state the amount spent on the practical and theoretical training of each apprentice of Jamalpore Technical School, East Indian Railway, during the five years of training?

**Mr. P. R. Rau :** (a) The information has been called for and will be placed on the table of the House in due course.

(b) Government understand that on the Oudh and Rohilkund Railway the supervising grades were filled by promoting mechanics and mistries deserving of such promotion. Since the amalgamation of that railway with the East Indian Railway posts in the supervising grades are reserved for *ex*-apprentice mechanics. If these are not available, mistries are eligible for promotion to certain lower grade of chargemen.

(c) and (h). Government understand that approximately Rs. 3,600 is spent on each apprentice in five years.

(d) The Agent, East Indian Railway, reports that it has been necessary on occasion to appoint outsiders when *ex*-apprentices with the required training have not been available.

(e) Does not arise.

(f) Government understand that the present practice is to appoint other persons to supervisory posts only if *ex*-apprentices with the requisite training are not available. They do not, therefore, consider the issue of further orders necessary.

(g) Does not arise.

**Mr. V. V. Giri :** With reference to part (d) of this question, will the Honourable Member find out from the Agent of the East Indian Railway as to how many outsiders have been taken?

**Mr. P. R. Rau :** My Honourable friend is at liberty to put a question on the paper.

#### DIFFERENT GRADES OF PAY FOR THE SUPERVISING STAFF IN THE EAST INDIAN RAILWAY WORKSHOPS.

37. **\*Mr. Amarendra Nath Chattopadhyaya :** Are Government aware that there are different grades of pay for the supervising staff in different workshops on the East Indian Railway, although they are under one and the same head, i.e., the Chief Mechanical Engineer? If so, will Government please state the reasons for the differences? Are Government prepared to bring them on to one standard?

**Mr. P. R. Rau :** Yes. The difference in the scales of pay is due to the difference in the degree of responsibility attaching to the respective posts. The Government do not see any necessity for bringing them on to one standard.

#### APPOINTMENT OF APPRENTICES ON THE EAST INDIAN RAILWAY.

38. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Are Government aware that in spite of repeated assurances, given in answer to starred questions No. 424 (d) of the 16th September, 1931, and 1528 (c) of the 5th December, 1932, one junior *ex*-apprentice, who passed in a lower division has been appointed this year in the Alambagh workshop under the Chief Mechanical Engineer, East Indian Railway? If so, will Government please state the reasons for appointing him in preference to many seniors of 1931, who passed in the first division? Are Government prepared to take immediate action against this act of the railway administration? If so, in what way?

(b) If the answer to part (a) above be in the negative, are Government prepared to enquire into the matter?

(c) Will Government please state how the selection for the post referred to in part (a) above was made, who made the selection and what were their qualifications?

(d) Will Government please lay on the table a statement showing the name of the *ex*-apprentice referred to in part (a) above, the date of his completion of apprenticeship training, the division in which he passed from the Technical School, and starting salary?

(e) With reference to the starred questions Nos. 1014 and 1015 of the 26th March, 1935, and starred questions Nos. 1324 to 1326 of the 2nd April, 1935, regarding the appointments of the time-expired apprentices of Lillooah Workshops under the Chief Mechanical Engineer, East Indian Railway, will Government please state :

(i) whether they have received the required information from the Agent, East Indian Railway, and

(ii) whether they are now prepared to lay the statement asked for in the question referred to on the table?

**Mr. P. R. Rau :** (a) to (d). The Agent, East Indian Railway, reports that it is not clear which *ex*-apprentice is referred to but two *ex*-apprentices were engaged in the Alambagh Workshops, Lucknow, this year, one in the capacity of a chargehand on Rs. 85 per mensem and the other as a fitter on Rs. 2-6-0 a day. Both these men passed in the First Division. Government do not consider any action necessary.

(e) The statement has been laid on the table.

#### APPOINTMENT OF APPRENTICES ON THE EAST INDIAN RAILWAY.

39. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Are Government aware that in spite of the assurance given, the *ex*-apprentices of the East Indian Railway Workshop, Lillooah, are not appointed from the waiting list according to seniority, and that the result of the Technical School is not considered at the time of appointments under the Chief Mechanical Engineer?

(b) If the answer to part (a) above be in the negative, will Government please state whether they are prepared to make an enquiry into the matter, and lay on the floor of this House a statement showing the names of those who have been provided with posts under the Chief Mechanical

| Stations.                                                       | Up to 31st August 1931. |                |                | From 1st September 1931. |                |                | Revised grades for new entrants appointed on or after 16th July 1931 introduced from 1st September 1934. | Remarks.                                                                                                                                   |
|-----------------------------------------------------------------|-------------------------|----------------|----------------|--------------------------|----------------|----------------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                 | Grade I.                | Grade II.      | Grade III.     | Grade I.                 | Grade II.      | Grade III.     |                                                                                                          |                                                                                                                                            |
| LUCKNOW DISTRICT.—<br>Old O. and R. Section.<br>(Daily rated).— |                         |                |                |                          |                |                |                                                                                                          |                                                                                                                                            |
| Linesmen and Wiremen.                                           | As.<br>39-3-54          | As.<br>26-2-36 | As.<br>16-2-28 | As.<br>39-3-54           | As.<br>30-2-38 | As.<br>19-2-29 | As.<br>..                                                                                                | Daily rates have been eliminated except for those employees at Lucknow who were appointed before the 16th July 1931, and were daily rated. |
| LUCKNOW DISTRICT.—<br>(Monthly rated).—                         |                         |                |                |                          |                |                |                                                                                                          |                                                                                                                                            |
| Linesmen and Wiremen.                                           | Rs.<br>54-5-84          | Rs.<br>39-3-51 | Rs.<br>15-3-36 | Rs.<br>54-5-84           | Rs.<br>39-3-51 | Rs.<br>15-3-36 | Rs.<br>22-1-28                                                                                           |                                                                                                                                            |
| LILLOOAH DISTRICT.—                                             |                         |                |                |                          |                |                |                                                                                                          |                                                                                                                                            |
| Linesmen and Wiremen                                            | 54-5-84                 | 39-3-51        | 15-3-36        | 54-5-84                  | 39-3-51        | 15-3-36        | 22-1-28                                                                                                  |                                                                                                                                            |
| DHARBAD DISTRICT.—                                              |                         |                |                |                          |                |                |                                                                                                          |                                                                                                                                            |
| Linesmen and Wiremen                                            | 54-5-84                 | 39-3-51        | 15-3-36        | 54-5-84                  | 39-3-51        | 15-3-36        | 22-1-28                                                                                                  |                                                                                                                                            |
| COLLEBY DISTRICT.—                                              |                         |                |                |                          |                |                |                                                                                                          |                                                                                                                                            |
| Linesmen and Wiremen                                            | 54-5-84                 | 39-3-51        | 15-3-36        | 54-5-84                  | 39-3-51        | 15-3-36        | 22-1-28                                                                                                  | Staff transferred to the Colliery Department with effect from the 1st July 1933.                                                           |

AMOUNT SANCTIONED TO CONDUCT THE CASE OF MR. DORAN, LATE STAFF SUPERINTENDENT OF THE DINAPUR DIVISION.

41. \*Mr. Amarendra Nath Chattopadhyaya : (a) Is it a fact that Government have sanctioned a sum of Rs. 10,000 to conduct the case of Mr. Doran, late Staff Superintendent of the Dinapur Division, who filed a complaint against the *Mazdur*, an official organ of the East Indian Railway Union, Dinapur, under sections 500, 504 and 506, Indian Penal Code, and the accused claimed a privilege under Chapter 33, section 443, Criminal Procedure Code for jury trial consisting of the majority of Indian jurymen ?

(b) Is it a fact that the learned Session Judge of Patna accepted the application for a jury trial and gave a privilege to the accused persons under Chapter 33, section 443, of the Criminal Procedure Code and observed in his judgment on the 2nd January, 1935, that the complaint was not filed by Mr. Doran in his official capacity and the accused were entitled to trial by a jury of his countrymen, if he desired it ?

(c) Will Government be pleased to state the reasons and the grounds under which a sum of Rs. 10,000 of the public money was sanctioned to conduct the case of Mr. Doran ?

(d) Will Government also be pleased to state whether similar privileges of financing the cases of subordinates were allowed when they defended the case while they were on duty ? If not, will Government be pleased to state why this favour has been shown to Mr. Doran in this case ?

Mr. P. B. Rau : (a) Government have so far sanctioned an expenditure of Rs. 5,376-12-0 in connection with this case.

(b) The learned Sessions Judge of Patna allowed the application for a jury trial under section 443 of the Criminal Procedure Code. He observed that in lodging the complaint Mr. Doran acted not only with the approval but under the express orders of his official superiors ; but he did not consider it to be any part of Mr. Doran's normal duties to prosecute the editors of newspapers who may publish articles defamatory of him.

(c) Mr. Doran was attacked in the *Mazdur* on the subject of acts performed by him in his official capacity. The Railway Administration accordingly instructed him to prosecute the editor and printer of the *Mazdur* and undertook to pay expenses as it was considered necessary to protect its officers against such attacks.

(d) As Mr. Doran instituted the prosecution under the orders of the Railway Administration, the expenses were borne by the latter. I have not been able to trace readily any similar case of a subordinate being instructed by the Administration to institute prosecution.

Mr. V. V. Giri : Were the accused acquitted in that case ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

Pandit Krishna Kant Malaviya : With regard to the answer to part (a) of this question, may I know if the opinion of the Legal Remembrancer or of any legal adviser of the Crown was obtained before instituting this case ?

**The Honourable Sir Muhammad Zafrullah Khan :** I believe the East Indian Railway authorities did obtain advice.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member what is the practice adopted in giving assistance to a railway employé for conducting a case ? Does the Railway Board first of all decide the matter, or what is the procedure ?

**The Honourable Sir Muhammad Zafrullah Khan :** If a railway servant, as was the case in this case, is instructed to institute a prosecution, the expenses are paid by the railway administration.

**Mr. Sami Venkatachalam Chetty :** Did Government approve of the act of the Railway Administration in this case ?

**The Honourable Sir Muhammad Zafrullah Khan :** What distinction is the Honourable Member making between the Railway Administration and the Government ?

**Mr. Sami Venkatachalam Chetty :** I thought that the Government were an appellate authority. May I know if the Railway Administration has got any power to institute cases like this without the approval of the Railway Board ?

**Mr. T. S. Avinashilingam Chettiar :** Are there any rules under which orders are given for instituting such prosecutions ?

**The Honourable Sir Muhammad Zafrullah Khan :** Each question is decided on its merits.

**Mr. S. Satyamurti :** With reference to part (c), may I know whether the Government obtained any independent legal opinion as to the soundness of this prosecution, before they sanctioned this sum of public money ?

**The Honourable Sir Muhammad Zafrullah Khan :** As I said before, the prosecution was instituted by the East Indian Railway Administration, and they did obtain legal advice before instituting this prosecution. I do not know what is meant by independent legal advice.

**Mr. S. Satyamurti :** I want to know whether the Government of India, before they sanctioned this sum of public money, obtained any other legal advice ?

**The Honourable Sir Muhammad Zafrullah Khan :** Does the Honourable Member mean any other advice than that which the East Indian Railway had already obtained ?

**Mr. S. Satyamurti :** Yes.

**The Honourable Sir Muhammad Zafrullah Khan :** No.

**Pandit Krishna Kant Malaviya :** Are Government aware of the judgment in this case ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government are aware of the judgment in this case.

**Mr. Lalchand Navalrai :** May I know if the prosecution was initiated by the Railway Department or by the railway employé, Mr. Doran ?

**The Honourable Sir Muhammad Zafrullah Khan :** As the answer says, the East Indian Railway Administration directed Mr. Doran to institute this prosecution.

**Prof. N. G. Ranga :** Is it not the duty of the Railway Board to see that the prosecutions that are ordered by the various companies under them are properly conducted and taken up ? Has the Railway Board consulted its own legal adviser as to the rightness of this prosecution ?

(No reply.)

#### ENHANCEMENT OF THE BEAT OF THE KEYMEN ON THE EAST INDIAN RAILWAY.

**42. \*Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state what action they have taken in connection with the speech of Mr. N. V. Gadgil, delivered in this House on the 26th February, 1935, in connection with the cut motion on Railway Budget, regarding the enhancement of the beat of the keymen on the East Indian Railway ?

(b) Is it a fact that the Chief Engineer, East Indian Railway, Calcutta, had issued a circular letter, No. 1174, dated *nil*, to all the S. S. W.'s on the East Indian Railway and asked for their suggestions to increase the beat of the keymen on the East Indian Railway from three to six miles on double line and four miles to twelve on single lines per day ?

(c) Will Government be pleased to lay on the table the suggestions made by the P. W. I.'s, A. S. W.'s and S. W.'s of six Divisions on the East Indian Railway regarding the increase of the beat of the keymen on the East Indian Railway ?

(d) Is it also a fact that the beat of the keymen has been increased from three to six miles on double lines and from four to twelve miles on single lines per day with effect from the 15th March, 1935 ?

(e) Will Government be pleased to state the distance between two keys ?

(f) How many keys does each mile contain ?

(g) What is the average time to set one key ?

(h) Is it a fact that when the wage-cut was imposed on the railway employees, the Honourable the Railway Member gave an assurance that in future no retrenchment will be made ? If so, what is the reason for the enhancement of the beat of the keymen ?

**Mr. P. B. Rau :** (a) No action was considered necessary on the speech of Mr. Gadgil, referred to.

(b) It was decided in January, 1935, to extend the length of keymen's beats. This change was adopted after consideration of the proposals put forward by the Deputy Agent (Organisation) with a view to securing economy by a more intensive employment of permanent way staff. The increased limits represented the maximum beat prescribed for keymen under the most favourable conditions.

(c) Reports on the working of the revised orders have been received and are under consideration together with suggestions for their modification. These are administrative documents not intended for publication and Government are not prepared to lay them on the table.

(d) The beat was increased from the 15th February, 1935.

(e) The distance between two sleepers is generally between two and three feet.

(f) About four thousand.

(g) A few seconds. In any one day only a very small percentage of keys require attention.

(h) I have not been able to trace any such statement. My Honourable friend will, no doubt, realise that in the course of investigations by railways into fresh avenues of economy, it is inevitable that some staff will be found surplus to requirements from time to time.

#### PAY OF CERTAIN RAILWAY STAFF.

43. \*Mr. Amarendra Nath Chattopadhyaya : Will the Honourable Member in charge of Railways be pleased to state the pay of (i) Pointsmen, (ii) Clock-winders, (iii) Relieving Ticket Collectors, (iv) Relieving Assistant Station Masters, (v) Engine Assistants, i.e., firemen and state if they are paid any monthly allowance ?

Mr. P. R. Rau : I lay on the table a statement giving the information.

*Statement showing the pay and monthly allowances of Pointsmen, Clock Winders, Relieving Ticket Collectors, Relieving Assistant Station Masters and Firemen on the East Indian Railway.*

| Scales of pay 1934.                       |                       | Monthly allowance.                                                                                                                                                                                                                  |
|-------------------------------------------|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (i) Pointsmen—                            |                       |                                                                                                                                                                                                                                     |
| In running sheds                          | Rs. 12—1—17           | (a) (a) Local and bad climate allowances are given in certain localities in accordance with the scale shown, at page XIII of the pamphlet containing the revised scales of pay 1934 a copy of which is in the library of the House. |
| At stations                               | Rs. 14—1—19           |                                                                                                                                                                                                                                     |
| (ii) Clock Winders                        | Rs. 22—1—28           | (b) Nil.                                                                                                                                                                                                                            |
| (iii) Relieving Ticket Collectors         | Rs. 30—3—45           | (c) (c) No monthly allowance other than ordinary travelling allowance when relieving away from their headquarters.                                                                                                                  |
| (iv) Relieving Assistant Station Masters. | Rs. 30—2—45/5—60 (c). |                                                                                                                                                                                                                                     |
| (v) Firemen—                              |                       |                                                                                                                                                                                                                                     |
| Grade I                                   | Rs. 30—3—50           | (d) (d) Running allowances under the rules applicable to locomotive running staff.                                                                                                                                                  |
| Grade II                                  | Rs. 17—18             | (d).                                                                                                                                                                                                                                |
| Grade III                                 | Rs. 15—16             | (d).                                                                                                                                                                                                                                |

#### MONTHLY ALLOWANCE PAID TO THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

44. \*Mr. Amarendra Nath Chattopadhyaya : Will the Honourable Member in charge of the Railways be pleased to state if the travelling inspectors of A and B grades under Mody-Ward system on the East Indian Railway, are paid any monthly allowance ? If so, will he be pleased to state the amount ? If not, why not ?

Mr. P. R. Rau : I would refer the Honourable Member to the information laid on the table of the House in reply to part (c) of question No. 307 asked by Dr. N. B. Khare on the 9th April, 1935.

#### PURCHASE OF SCALES BY THE RAILWAYS.

45. \*Mr. Amarendra Nath Chattopadhyaya : (a) Will Government be pleased to state whether weigh-bridge scales are purchased by the Railways or by the State ?

(b) Is it a fact that T. Avery's scales are generally preferred by State Railways to B. W. Company and that the latter are cheaper than the former by not less than Rs. 500 ?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state the reason for the preference ?

(d) Will Government be pleased to state the number of Avery's scales purchased during the last five years and the rate at which they were purchased ?

(e) Will Government be pleased to state if the weigh-bridge scales are purchased by calling regular tenders from suppliers, and if so, whose tenders were lowest during all these years ?

(f) Are Government aware of the fact that B. W. Company's weigh-bridge scales are purchased by almost all the factories in India for their cheapness and durability ?

(g) Do Government propose to stop the purchase of Avery's scales in future, and start purchasing B. W. Company's scales ?

Mr. P. R. Rau : (a) Prior to the 29th January, 1935, State-managed Railways purchased their requirements of weigh-bridges and weighing machines directly. From that date such purchases are being made through the Indian Stores Department.

(b) and (c). Avery's scales have been in use on Indian Railways for many years past and have, I understand, proved generally satisfactory. There is no question, however, of giving a preference to this Company over others since the purchase is decided on quality and price. I understand the B. W. Scales Company, which has apparently started operations quite recently, have not yet tendered for railway requirements. If they do, I am sure, the Indian Stores Department will give them the same consideration as other tenderers.

(d) The information is not readily available.

(e) Weigh-bridges and scales have in the past been chiefly purchased by calling for tenders. In certain instances when a special type of machine of a proprietary nature has been required the single

tender system of purchase has been adopted. Tenders will in future be called for by the Indian Stores Department. Government have no information regarding the lowest tenders during the last five years.

(f) No.

(g) Government propose to purchase from the most suitable tenderer.

**Prof. N. G. Ranga :** Have Government ever tried to ascertain whether the B. W. Company's scales are cheaper than the Avery's scales ?

**Mr. P. R. Rau :** That will be easily found out when the tenders are received.

**Pandit Lakshmi Kanta Maitra :** Do I understand the Honourable Member to say that the Avery's scales are the very best ?

**Mr. P. R. Rau :** No.

**Pandit Lakshmi Kanta Maitra :** Has the Honourable Member ever tried to ascertain whether equally good weigh-bridges can be had at lower prices ?

**Mr. P. R. Rau :** I have never said that the Avery's scales are the very best. I have said that they have been in use on Indian Railways for many years past and they have proved generally satisfactory. I have also said that there is no question of giving preference to this Company over others since the purchase is decided on quality and price.

**Pandit Lakshmi Kanta Maitra :** Why did not the Government think it desirable to call for tenders to see if equally good scales can be had elsewhere at a lesser price ?

**Mr. P. R. Rau :** Open tenders will be called for by the Indian Stores Department in future.

**Prof. N. G. Ranga :** Have Government tried to make experiments with B. W. Company's scales and find out whether they are just as good as Avery's scales ?

**Mr. P. R. Rau :** I must leave that to the Indian Stores Department.

**Prof. N. G. Ranga :** Is it not the duty of the Indian Stores Department simply to sell the scales to the Indian Railways ?

**Mr President (The Honourable Sir Abdur Rahim) :** The Honourable Member has given an answer.

#### DIFFERENTIAL TREATMENT IN RE-EMPLOYING THE DISCHARGED TICKET CHECKING STAFF ON THE EASTERN BENGAL RAILWAY.

46. \***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state if it is a fact that in the year 1928 when transferring the Ticket Checking Staff from the control of the Audit Department to that of the Traffic Department on the Eastern Bengal Railway, all the staff of the Ticket Checking Department were medically examined as to their fitness in Class "A" ?

(b) If so, will Government be pleased to state how many of them were passed in Class "A" and how many in Class "B" ?

(c) Will Government be pleased to state if it is a fact that some of the Travelling Ticket Collectors failed to pass in Class "A" but passed in Class "B" ?

(d) If so, will Government be pleased to state if it is a fact that some of them who passed in Class "B" were discharged and subsequently absorbed as Ticket Collectors in the Traffic Department, and some were taken back to the Ticket Checking Department without break of service ?

(e) If so, will Government be pleased to state why differential treatment was meted out to the few who were discharged and subsequently taken back as new recruits ?

(f) Will Government be pleased to state if it is a fact that for the sake of economy, the representation like that of the other fortunate men, was rejected ?

**Mr. P. R. Rau :** (a) Yes.

(b) They were examined only in Class 'A' as that was the minimum standard laid down at the time for ticket checking staff. 158 passed.

(c) Those who failed to pass in Class 'A' were not at that time tested in Class 'B'.

(d) and (e). If my Honourable friend means that while some of those who failed to pass in Class 'A' and were subsequently re-appointed were treated as re-appointed after a break in service, the rest were taken back without a break, the reply is in the negative. All were treated as re-appointed after a break in service.

(f) Does not arise.

#### DETACHMENT OF BRITISH TROOPS STATIONED IN CERTAIN BIKRAMPUR VILLAGES IN DACCA.

47. \***Mr. Amarendra Nath Chattopadhyaya :** (a) Are Government aware of the facts that two detachments of British troops have been stationed in parts of Bikrampur (Munshiganj area) in the district of Dacca ?

(b) Are Government aware of the fact that a detachment of the Bedfordshire and Hertfordshire Regiment was stationed in Bikrampur in September last and that they remained there till the end of February, 1935 ?

(c) Are Government aware of the fact that the above detachments were divided into seven batches, and as many as seven military camps were set up at the following villages, namely, Taltala, Arial, Bhagyakul, Abdullapur, Baherak, Bahar and Hashara ?

(d) Are Government aware that the soldiers placed in the above places were advised to move about freely in the villages at all hours of the day and even late at night and that they thereby caused difficulty and inconvenience to the women of the villages in going about for drawing water and buying food in the market and attending *Pujahs* in the temples ?

(e) Is it not a fact that the soldiers used to enter the houses of the local people without asking for permission of the owners ?

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(f) Is it not a fact that the soldiers used to cut down trees for fuel without waiting for the consent of the owners of the trees ?

(g) Is it not a fact that these detachments were stationed in the villages where the population is predominantly Hindus and that cows were daily slaughtered in the slaughter house to supply them with beef ?

(h) If the answer to part (g) be in the affirmative, will Government be pleased to state if they are aware that this affected the susceptibilities of the Hindu population of the locality ?

(i) Is it not a fact that troops visit the houses of the young men under restraint order (sunset and curfew order) and rouse them up from sleep more than once the same night and create a row thereby by knocking at the doors and beating the corrugated-sheet roofs and disturb the peace of the household and the locality ?

(j) Are Government aware that the soldiers killed a large number of watch-dogs in the villages to the great inconvenience of the people ?

(k) Is it a fact that in spite of the prohibitory orders of Government on the young men regarding the movement in the streets between sunset and sunrise, the soldiers forced them to accompany them to be left at some distant out-of-the-way place in the darkness and shift for themselves as best as they could ?

(l) Is it a fact that detachments are placed in the interior of the villages to put down terrorism ? If so, will Government be pleased to state if there were any acts of terrorism in Bikrampur during the last five years, and when the last act of terrorism took place there ?

(m) Will Government be pleased to state if they have considered whether any further stationing of troops is required under the present peaceful situation there ? If so, are Government prepared to withdraw the regiments from these places and restore normal conditions there without delay ?

**The Honourable Sir Henry Craik :** (a), (b) and (c). Detachments of the 1st Battalion of the Bedfordshire and Hertfordshire Regiment were in Camp in the Munshiganj Sub-Division from the 7th December, 1934, to the 9th March, 1935. There were at no one time more than eight separate camps, situated at Fursail, Abdullapur, Beltali, Hasara, Telirbag, Baharak, Arial, Munshiganj and Bhagyakul ; the last camp was occupied only for a very short time.

(d) No. Troops were permitted to use the open country but resort to populated areas, tanks and places used by women for bathing was expressly prohibited, and no soldier was permitted to leave camp between sunset and sunrise, except on duty. Orders to ensure respect for the convenience and susceptibilities of the inhabitants were made in consultation with Union Boards and no complaints of the molestation of women have been received.

(e) and (f). The allegations made are untrue. Government have received no such complaints and are satisfied that none were ever made.

(g) and (h). Shelters for the slaughter of cattle were constructed in consultation with Cricle Officers and Presidents of Union Boards. No such shelter was built on land belonging to a Hindu and every shelter was constructed so as not to give offence. No complaint regard-

ing the slaughter of cattle or the position of these shelters was received.

(i) It was necessary on occasions for combined patrols of police and military to visit persons living under orders of restriction.

(j) No dogs were killed in any village. In one or two camps a few stray dogs were killed but only after the wishes of the local inhabitants had been ascertained. The action called forth the gratitude of the villagers in the neighbourhood.

(k) The allegation is entirely unfounded. On the contrary, some young men under restriction volunteered to guide patrols at night. In some instances their help was invited.

(l) No less than 17 terrorist crimes including three murders and three attempted murders were committed between 29th August, 1930 and 8th May, 1934, either in Munshiganj Sub-division, or by persons belonging to that sub-division.

(m) Troops will be withdrawn as soon as the necessity for their presence disappears.

**Pandit Lakshmi Kanta Maitra :** I could not hear the answer to part (k) of the question.

**The Honourable Sir Henry Craik :** The allegation is entirely unfounded. On the contrary, some young men under restriction volunteered to guide patrols at night. In some instances their help was invited.

**Mr. S. Satyamurti :** May I know if, after the receipt of these questions, Government made any enquiries, and, if so, of whom and in what manner ?

**The Honourable Sir Henry Craik :** We enquired of the Government of Bengal.

**Mr. Mohan Lal Saksena :** With reference to the Honourable Member's answer to part (l) of the question, may I know when the last terrorist outrage was committed ?

**The Honourable Sir Henry Craik :** In the Munshiganj sub-division, the last terrorist outrage was committed on the 14th September, 1932, and by the inhabitants of the Munshiganj sub-division the last terrorist outrage was committed on the 8th May, 1934.

**Mr. T. S. Avinashilingam Chettiar :** Knowing the character of soldiers as the Honourable Member does, does he believe the statement of the Government of Bengal that the posting of this regiment there has not caused any inconvenience to the people of the locality ?

**The Honourable Sir Henry Craik :** Knowing the character of the soldiers and having referred to the Government of Bengal, I am of opinion that, so far from causing any inconvenience to the inhabitants of the locality, the presence of the troops was of great material benefit to, and was welcomed by, the inhabitants. (Cries of " Oh, oh ! " from Congress Party Benches and " Hear, hear " from Government Benches.)

**Mr. Sri Prakasa :** The Honourable Member has said that he has received no complaints. But would he kindly inform the House if there are any avenues open for making complaints in the face of the existing



law? Are not papers prohibited from publishing any complaints? Are not people terrorised if they make any complaints?

**The Honourable Sir Henry Craik :** The Honourable Member seems to be indulging in a speech. My information is entirely different from his.

**Mr. T. S. Avinashilingam Chettiar :** What are the grounds for saying that the troops were welcomed?

**The Honourable Sir Henry Craik :** That is the information supplied to me by the Government of Bengal.

**Mr. S. Satyamurti :** Are not newspapers in Bengal being advised by a special officer not to publish any such accounts?

**Mr. Mohan Lal Saksena :** Did the Honourable Member make any enquiries of the Member of the Assembly representing that district?

**The Honourable Sir Henry Craik :** No.

**Mr. Mohan Lal Saksena :** Will he make an enquiry of him now?

**The Honourable Sir Henry Craik :** No.

**Seth Govind Das :** As the Honourable Member has just stated that no offence has been committed since 1934, does he consider that the regiment should remain there even now in spite of the fact that no offence has been committed for a year?

**The Honourable Sir Henry Craik :** That is primarily a matter for the Government of Bengal.

**Pandit Lakshmi Kanta Maitra :** Is the Honourable Member aware that there is a press officer in Bengal and rigid censorship is applied there and complaints against the lawlessness of the military cannot find a place in the papers?

**The Honourable Sir Henry Craik :** I am not aware of that. In any case, there are other avenues of making complaints besides the press.

**Pandit Lakshmi Kanta Maitra :** Do I understand from the Honourable Member that he is not aware that there is a press officer in the Government of Bengal who censors all news about the activities and lawlessness committed by the military people in the village areas?

**The Honourable Sir Henry Craik :** There is certainly a press officer in Bengal.

**Pandit Lakshmi Kanta Maitra :** Is it not a fact that this press officer immediately censors all news concerning these military people?

**The Honourable Sir Henry Craik :** I am not aware of that.

**Pandit Lakshmi Kanta Maitra :** And is it not a fact that all information about detenus and military people is rigidly banned by the press officer in Bengal?

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member has answered that question.

**Mr. Mohan Lal Saksena :** Is the Honourable Member aware that complaints were received by the convener of the committee appointed by the Congress Party and they were taken away by the police in Bengal?

**The Honourable Sir Henry Craik :** Why should I be aware of that?

**Mr. Mohan Lal Saksena :** Is the Honourable Member aware that complaints were received from this very district by the convener of the Committee appointed by the Congress Party in this Assembly, that his papers were left in Calcutta for being verified and that these papers were taken from the person with whom they were left and he was arrested?

**The Honourable Sir Henry Craik :** The Honourable Member was himself, I understand, the convener. So, he can answer the first part of that question himself. As regards the second part, all I know is this, that the person with whom these documents were left was arrested for connection with a terrorist conspiracy of some kind, and, in the search of his house, certain papers were found and the police took possession of them.

**Mr. Mohan Lal Saksena :** Will they be returned to me?

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.

#### STAFF OF THE OFFICES OF THE DIRECTOR OF WAGONS INTERCHANGE AND INDIAN RAILWAYS CONFERENCE ASSOCIATION TRANSFERRED TO DELHI.

48. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state whether the original office of the Director of Wagons Interchange was located in Allahabad?

(b) If so, will Government be pleased to state if they are aware that the removal of the said office to Delhi has proved to be convenient for the working hands in the office?

(c) Will Government be pleased to state if the office of the Indian Railway Conference has been removed from Agra to Delhi, and if they are aware that this has caused inconvenience to numerous working hands?

(d) Is it a fact that the offices of the Director, Wagons Interchange and the Indian Railway Conference, have been amalgamated and renamed "Office of the General Secretary, Indian Railways Conference Association"?

(e) Will Government be pleased to state if the proposal of the removal of the office to Delhi was made by Mr. C. V. Bliss, General Secretary of the Indian Railways Conference Association, in 1930 and was given effect to against the vote of the majority of members present, and against vehement protests from various Railway companies?

(f) Is it a fact that the majority of the staff were locally appointed men, having their dwelling houses in the station of their appointment?

(g) Will Government be pleased to state if any extra allowance has been granted to the staff on their removal to Delhi, where they have to pay house-rent and other extra expenses?

(h) Will Government be pleased to state if any sort of allowance in the shape of house allowance, increment in pay and other necessary expenses for removal, has been granted to this staff as is customary with other offices?

(i) Is it a fact that the staff is given a meagre salary—Rs. 60 being the maximum?



(j) Is it a fact that living at Delhi is more costly than at Allahabad, and will Government be pleased to state if they are aware that in consequence of this shifting and of there being no increase in their pay or no grant of any allowance in any shape, these poor people in the department are hit hard ?

(k) Will Government be pleased to state how many representations were made by the aggrieved staff to the General Secretary for the redress of their grievances and why they have not received any consideration ?

(l) Is it a fact that the officers getting fat salaries get house allowance also, while clerks drawing small salaries get no such allowance ?

(m) Is it a fact that most of the clerks who have been shifted from Allahabad and Agra are suffering from malaria and other epidemics in Delhi, and are Government aware that this has added to their expenses on account of extra medical help ?

(n) Are Government aware that these clerks have to suffer from pay-cuts which, along with their poor income, do not enable them to make both ends meet ?

**Mr. P. R. Rau :** (a), (b) and (c). Both the offices mentioned were transferred to Delhi in 1930. Some complaints that this transfer has caused inconvenience to the staff have been received.

(d) Yes.

(e) No. The Association decided on the transfer of headquarters in 1927.

(f) The staff have been recruited from railways and locally at the headquarters of the Association.

(g) Government have been informed that prior to and in view of the proposed transfer of the headquarters of the Association from Allahabad to Delhi the scales of pay of the staff were revised and a considerable increase was made in the maximum rates of pay, particularly in the lower grades.

(h) At the time of the transfer, an advance (recoverable in instalments) of two months pay (which was extended to four months' pay in special cases) was granted to the staff in addition to the travelling concessions usually admissible.

(i) Rs. 60 is only the maximum of the lowest grade of the subordinate staff

(j) I am unable to verify these statements.

(k) I understand that since the transfer to Delhi, eleven complaints have been received from the staff from time to time and have received the consideration of the Association.

(l) Two of the junior officers of the Association were granted a fixed personal allowance.

(m) Government have no information.

(n) The emergency cut in pay was imposed on the staff of the Association in the same way as on railway employees generally and has been withdrawn similarly.

# NON-OBSERVANCE OF CERTAIN HOLIDAYS IN THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION, DELHI.

49. **\*Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that the office of the Indian Railways Conference Association, Delhi, is kept open even on *Holi* and *Dewali* festival days of Hindus, and their religious susceptibilities are not respected by the authorities concerned ?

**Mr. P. R. Rau :** With your permission, Sir, I propose to deal with questions Nos. 49 and 50 together. The Indian Railways Conference Association is an autonomous body, not under the control of Government in these matters, and the Fundamental Rules and other similar orders relating to Government servants do not apply to them.

**Pandit Lakshmi Kanta Maitra :** What are the rules which govern these railway associations in the matter of leave, and so on.

**Mr. P. R. Rau :** They have their own rules.

**Mr. N. M. Joshi :** Who finances these railway conference associations ?

**Mr. P. R. Rau :** It is financed by contributions from the members of the Association.

**Mr. N. M. Joshi :** May I ask whether the members pay from their personal salaries or from the different railways.

**Mr. P. R. Rau :** The members are the railways concerned.

**Mr. N. M. Joshi :** May I ask whether Government cannot have any control over this conference in this matter ?

**Mr. P. R. Rau :** Government do not propose to have any control over the minor domestic affairs of this association.

**Mr. N. M. Joshi :** May I ask, when the Government of India spend the whole amount of money for this purpose, why they should not control the association in the matter of securing fair conditions for the employees ?

**Mr. P. R. Rau :** The Honourable Member seems to be under a misapprehension. This is not a branch of the Government. There are a number of railways that are members of the association who have nothing to do with Government.

# NON-OBSERVANCE OF FUNDAMENTAL RULES IN THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION, DELHI.

†50. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Is it a fact that Fundamental Rules are not strictly observed in the office of the Indian Railways Conference Association, Delhi ?

(b) Is it a fact that the clerks do not get facilities for leave also ?

# REMOVAL OF THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION TO ALLAHABAD.

51. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state if the Railway Board propose to purchase the Secre-

†For answer to this question, see answer to question No. 49.

tariat building at Allahabad, which will fall vacant on the removal of the secretariat to Lucknow ?

(b) If so, will Government be pleased to state if the office of the Railways Conference Association will be removed from Delhi to Allahabad again ?

**Mr. P. R. Rau :** (a) No.

(b) Does not arise.

#### RECRUITMENT OF TEMPORARY ASSISTANT EXECUTIVE ENGINEERS ON THE EASTERN BENGAL RAILWAY.

52. \***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state if it is a fact that two temporary Assistant Executive Engineers are going to be appointed on the Eastern Bengal Railway during the year 1935-36 ?

(b) If so, will Government be pleased to state if it is a fact that there are a large number of Sub-Engineers on the Eastern Bengal Railway, who have been acting for a long time as Sub-Divisional Officers ?

(c) If so, will Government be pleased to state if the Eastern Bengal Railway Administration is going to promote them to the newly created posts of Assistant Executive Engineers, or to recruit direct from outsiders ?

**Mr. P. R. Rau :** (a) The Government are not aware of such a proposal.

(b) Three Sub-Engineers have officiated from time to time as Sub-Divisional Officers.

(c) In filling any vacancies that may occur in the Lower Gazetted Service of the Eastern Bengal Railway, I have no doubt the Administration will consider the claims of Sub-Engineers along with those of others.

#### FILLING UP OF THE POSTS OF SUB-DIVISIONAL OFFICERS ON THE EASTERN BENGAL RAILWAY.

53. \***Mr. Amarendra Nath Chattopadhyaya :** Will Government be pleased to state if it is a fact that the cases of Sub-Engineers were not considered in filling up the posts of Sub-Divisional Officers in the Engineering Department of the Eastern Bengal Railway ? If so, why ?

**Mr. P. R. Rau :** With your permission, Sir, I propose to reply to questions Nos. 53 and 54 together.

Government have no information, but are making enquiries and will lay a reply on the table in due course.

#### FILLING UP OF THE POSTS OF SUB-DIVISIONAL OFFICERS ON THE EASTERN BENGAL RAILWAY.

†54. \***Mr. Amarendra Nath Chattopadhyaya :** Are Government aware that on the Eastern Bengal Railway, men from the rank of Permanent Way Inspectors have been promoted to the posts of Sub-Divisional

\*For answer to this question, see answer to question No. 53.

Officer ? Had they any practical knowledge in roads and building construction or had they received any education from an Engineering College ? If not, why were they so promoted ?

#### NON-FILLING UP OF VACANCIES IN THE ENGINEERING DEPARTMENT OF THE EASTERN BENGAL RAILWAY.

55. \***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state if it is a fact that the ministerial staff of the Engineering Department on the Eastern Bengal Railway submitted a representation to the Chief Engineer, Eastern Bengal Railway, complaining that the existing vacancies in the Department were not filled up for a long time ?

(b) If so, will Government be pleased to state what action has been taken on the representation ?

**Mr. P. R. Rau :** (a) Yes.

(b) The vacancies have been filled.

#### VENDING CONTRACTS ON THE EAST INDIAN RAILWAY.

56. \***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to lay on the table a statement showing the names of the contractors who were allowed to vend all sorts of food-stuffs, stationeries, toys and fruits, drinks and tea, and other miscellaneous articles up to the 31st March, 1934, on the East Indian Railway up to Dinapore Division and the loopline up to Kiul ?

(b) Will Government be pleased to lay on the table the complaints received from the passengers against supply of articles of food, drinks, such as tea, (i) as to quality of food-stuff, or (ii) quality of other things sold at the Railway stations, (iii) prices of food-stuff and drink, (iv) behaviour of vendors, (v) acts of dishonesty on the part of vendors, and (vi) indifference on the part of contractors or any negligence on their part for which passengers suffer ?

(c) Will Government be pleased to lay on the table a copy of the agreement between the Railway Company, and the contractors, who were allowed to arrange for vending on platform up to the 31st March, 1934, in the above two divisions ?

(d) Will Government be pleased to state whether it is a fact that the contractors who were supplying food-stuff and drinks and other articles have been given notice of the termination of their contract ? If so, why ?

(e) Will Government be pleased to state if it is a fact that one, Ballavdas Issardas, has been given contract for vending all sorts of things and food-stuff for Hindus and Mussalmans under the new agreement since 1934 ?

(f) Will Government be pleased to lay on the table a true copy of the aforesaid agreement ?

(g) Will Government be pleased to state if there are any complaints against the vendors of all these things, such as food-stuffs, drink and other articles regarding (i) price, (ii) conduct of vendors, or (iii) dishonesty on the part of vendors, under the present system of contract in Howrah and Dinapore Divisions ?

(h) Will Government be pleased to state if the contractors who catered up to the 31st March, 1934, belonged to the retired Railway Staff ?

(i) Will Government be pleased to state, if by giving a monopoly of this vending on Railway platforms in the Howrah Division, i.e., up to Jamalpore (East Indian Railway) to Ballavdas, several contractors have been thrown out of employment ? If so, why has this been done and how many men have been thrown out of employment and deprived of their income ?

**Mr. P. R. Rau :** I assume that the Honourable Member's question refers to the Howrah and Dinapore Divisions. If this is correct,

(a) On the Howrah Division, petty vendors were displaced in 1932 by an area contractor, i.e., Messrs. Ballavdas Issardas at stations Bandel to Syaria, and Burdwan to Jamalpur, including the Barharwa Bandel loop and branches. I am placing on the table a statement showing the names of those who held vending contracts during 1933-34.

On the Dinapore Division, petty vendors were displaced by area contractors during the months of March and April, 1934. The names of the vendors displaced are not readily available.

(b) Government regret that they cannot collect the information required as this would involve an exhaustive investigation into past records.

(c) and (f). I am placing in the Library of the House a copy of the agreement which was being executed by petty vendors and of those that have been executed by Messrs. Ballavdas Issardas for contracts on the Howrah and Dinapore Divisions. The agreements with other area contractors were drawn up on similar lines.

(d) and (i). The vendors who were displaced by area contractors were given notice. It was found difficult to obtain the required standard of cleanliness and catering with petty vendors. The number displaced was 97.

(e) Messrs. Ballavdas Issardas have contracts for vending Hindu food-stuffs and other articles in the Moghalsarai and Gaya areas of the Dinapore Division and for vending Hindu and Muslim food-stuffs and other articles at the stations referred to in my reply to part (a) of this question, and also for a sweetmeat and tea stall at Howrah station.

(g) The Agent states that there have been some complaints.

(h) Some of the petty vendors who were displaced were ex-railway employees.

VENDING ARRANGEMENT OF HOWRAH DIVISION FOR 1933-34.

| Name of Vendor or Contractor.                                        | Station.                      | Articles sold.                                                                                                                                                                                                        |
|----------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hindu Refreshment Room. (Proprietor M. M. Das).                      | Howrah .. ..                  | Indian refreshment of all kinds for Hindus.                                                                                                                                                                           |
| Mohd. Refreshment Room (Pro. Isa Bros.)                              | Do. .. ..                     | Indian refreshment of all kinds for Mohammadans.                                                                                                                                                                      |
| G. C. Chakrabarty. (Cancelled—Now taken over by Ballabhadashwardas). | Do. .. ..                     | Sweetmeat, curd, milk, zilabi, gaja, balusai, laddoo, dalpuri, (cooked in oil) cheera, puri, battasa, chatoo, bhujia, murki, khau, cigarettes.                                                                        |
| Ballabhadashwardas                                                   | Do. .. ..                     | Biscuits, cake, tea, etc.                                                                                                                                                                                             |
| Ali Hossain Khan .. ..                                               | Do. .. ..                     | Tea, cakes, mutton, fowl preparation, parata, pherni, bread, butter, betel and cigarettes.                                                                                                                            |
| Saroda Prosad .. ..                                                  | Do. .. ..                     | Ground nuts, roasted rice, betel, cigarettes and fans.                                                                                                                                                                |
| M/S Dutta Bros. .. ..                                                | Do. .. ..                     | Tea, biscuits, bread and butter.                                                                                                                                                                                      |
| Rahamat Khan .. ..                                                   | Do. .. ..                     | Tea, biscuits, cakes, cigarettes, biri and matches.                                                                                                                                                                   |
| N. N. Das & Son. .. ..                                               | Do. .. ..                     | Fruits, betel, biri, cigar, cigarettes, matches and punkhas.                                                                                                                                                          |
| Ishar Singh & Son .. ..                                              | Do. .. ..                     | Betel, pan, cigarettes, matches, and fruits on platform; betel, pan, cigarettes, and matches in south concourse; tea, sweets, fruits, betel, biri, oilcooked food on for shore pavement, the cab and the Lorry stand. |
| Ballabhadashwardas                                                   | Howrah (Clerks' Tiffin Room). | All kinds of Indian food.                                                                                                                                                                                             |
| Basanta Kumar Ghose                                                  | Belur .. ..                   | Sweets, fruits, betel, cigarettes and matches.                                                                                                                                                                        |
| K. S. Banerjee .. ..                                                 | Dankuni .. ..                 | Betel, biri and matches.                                                                                                                                                                                              |
| U. N. Santra .. ..                                                   | Begumpur .. ..                | Sweets, fruits, betel, cigarettes and cigar.                                                                                                                                                                          |
| Sudhir Ch. Paul .. ..                                                | Manirampur .. ..              | Fruits, betel, biri and cigarettes.                                                                                                                                                                                   |
| N. L. Modhak .. ..                                                   | Chandanpur .. ..              | Sweets, fruits, betel, biri, cigarettes and matches.                                                                                                                                                                  |
| K. P. Modhak .. ..                                                   | Belmuri .. ..                 | Betel, biri, matches and sweets.                                                                                                                                                                                      |
| M. N. Ghose .. ..                                                    | Mosagram .. ..                | Sweets, betel, biri, cigarettes.                                                                                                                                                                                      |

| Name of Vendor or Contractor.  | Station.                                                                                                | Articles sold.                                                                                                                                                                                                                                                   |
|--------------------------------|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| J. N. Shaw .. ..               | Serampore ..                                                                                            | Tea, coffee, fruits, betel, biri, cigarettes, oilcooked food.                                                                                                                                                                                                    |
| K. D. Chatterjee .. ..         | Sheoraphuli ..                                                                                          | Sweets, tea, fruits, betel, cigarettes and punkhas.                                                                                                                                                                                                              |
| C. M. Banerjee .. ..           | Do. ..                                                                                                  | Fruits, beguni, ghoghni, jhalbara, dalpuri, bhujia (cooked in oil), pan, biri, and cigarettes.                                                                                                                                                                   |
| A. C. Dutta .. ..              | Kamarkundu ..                                                                                           | Sweets, fruits, betel, cigarettes and matches.                                                                                                                                                                                                                   |
| K. M. Muherjee .. ..           | Do. ..                                                                                                  | Tea, biscuits, toasts, cigarettes and biri.                                                                                                                                                                                                                      |
| Panchanan Das .. ..            | Haripal ..                                                                                              | Fruits, betel, cigarettes and matches.                                                                                                                                                                                                                           |
| S. C. Das .. ..                | Do. ..                                                                                                  | Tea, breads, biscuits and cakes.                                                                                                                                                                                                                                 |
| Khedan Shaw .. ..              | Tarakeswar ..                                                                                           | Betel, cigar, cigarettes and matches.                                                                                                                                                                                                                            |
| Badri Shaw .. ..               | Do. ..                                                                                                  | Sweets, oilcooked articles, biri, milk, fruits and tobacco.                                                                                                                                                                                                      |
| Dwarka .. ..                   | Bhadreswar ..                                                                                           | Fruits, betel, cigarettes and matches.                                                                                                                                                                                                                           |
| Khuban Mistry .. ..            | Chandernagore ..                                                                                        | Fruits, betel, cigarettes, biri and matches.                                                                                                                                                                                                                     |
| Aghornath Ghose .. ..          | Do. ..                                                                                                  | Fruits, betel, cigar, biri, cigarettes, matches and punkhas.                                                                                                                                                                                                     |
| Jamuna .. ..                   | Chinsurah ..                                                                                            | Fruits, sweets, betel, cigarettes, matches, cigar, golapi biri.                                                                                                                                                                                                  |
| M/S. Ballabhadras Ishwardas .. | Bandel to Oyaria both inclusive, Burdwan to Jamalpur both inclusive including BAK Section and Branches. | (1) Hindu and Mohamedan Refreshment Room at Burdwan.<br>(2) Tea for Hindu and Mohamadan in the area.<br>(3) Vending of Indian sweets, food-stuff and fruits over the area.<br>(4) Sale of pan, biri and cigarettes over the area.<br>(5) Miscellaneous articles. |

**Pandit Lakshmi Kanta Maitra :** May I ask the Honourable Member whether the whole question of contracts has not been hanging fire for some time past, and that the Honourable Member was put several questions during the Delhi Session, and he promised that the whole subject of contractors would be looked into and decided? Is the Honourable Member in a position to say when these old food-stuff vendors will be re-instated, without calling for tenders?

**Mr. P. R. Rau :** As the House is aware, we had asked all the railway administrations to let us have reports on the system of vending

contractors in each railway together with the advice of their local advisory committees in this matter. I understand that the replies have since been received and they consist of about 398 pages. The Railway Board are considering the whole question now and will probably place the matter for advice before the Central Advisory Council for Railways?

**Pandit Lakshmi Kanta Maitra :** I hope the Honourable Member knows it as a fact that the Advisory Council of the East Indian Railway has decided that the contracts should be given to the old vendors?

**Mr. P. R. Rau :** The views of the Advisory Committee members are very divergent.

**Pandit Lakshmi Kanta Maitra :** The majority favour the re-instatement of the men who have been displaced?

**Mr. P. R. Rau :** I am afraid I cannot verify that statement.

**Pandit Lakshmi Kanta Maitra :** Will the Honourable Member take pains to verify whether it is a fact or not that the majority of the members of the Advisory Council of the East Indian Railway had decided that the old contracts should be let out to the old people now displaced?

**Mr. P. R. Rau :** Certainly, Sir, all the views expressed by members of these local Advisory Committees will be taken into consideration when the question is being decided.

**Pandit Lakshmi Kanta Maitra :** And I am sure the Honourable Member realises that the travelling public as well as the contractors and vendors are concerned in this matter, that there is a keen feeling over it, and that the matter is not a very light one?

**Mr. P. R. Rau :** I quite realise, Sir, that a keen feeling exists among the displaced vendors, but I am not aware that such a keen feeling exists among the travelling public. (Laughter.)

#### ALLEGATIONS AGAINST ONE BALLAVDAS ISSARDAS, VENDING CONTRACTOR FOR RAILWAY STATIONS FROM HOWRAH TO BANDEL.

57. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state whether there were any complaints against those contractors who had been supplying tea and confectionary for the past 18 years to the public and passengers at stations from Howrah, East Indian Railway, up to Bandel? If not, why has the contract for the same area now been given to one Ballavdas Issardas?

(b) Is it a fact that the old contractors, Messrs. Dutta Brothers, had been catering tea and confectionaries all these years and had to invest several thousand rupees in this business?

(c) Did they not approach the Railway authority with their petition to the Divisional Superintendent, Howrah, on the 24th July, 1934?

(d) Did the Agent receive the application? If so, what action did he take thereon, and what was his reply?

(e) Was the price of tea and confectionaries, supplied by Messrs. Dutta Brothers, high and quality of tea and confectionaries bad?

(f) Did Government get any complaints from the passengers or public against Messrs. Dutta Brothers?

(g) Is it a fact that the District Medical Officer, Gaya, after receiving several complaints against food-stuff, specimens of which were supplied to him for examination by the Assistant Station Master, C. Blanchette, on the 10th August, 1934, reported that the sweet-meats sent for examination were not fit for human consumption ?

(h) Is it not a fact that in spite of the assurance from the manager of the contractor, Ballavdas Issardas, sweet-meats taken for examination on the 25th August, 1934, by the same Medical Officer, were declared to be unfit for use ?

(i) Is it a fact that the same Medical Officer stated that the vendors of Ballavdas Issardas and others' managers were persistently ignoring the warning of the station staff and Medical Department, and that some sort of adequate action is necessary to bring to their notice that this will not be allowed to be a cause of an out-break of cholera in their colony which had up to that time practically escaped it, *vide* minute sheet No. 1f(Lab.)| 2 of the 28th February, 1935 ?

(j) Will Government be pleased to state whether the same Medical Officer gave a bad report on milk supply in his minute sheet No. 1f(Lab.)| 3 of the 7th September, 1934 ?

(k) Will Government be pleased to state if the same Medical Officer complained against vendors in his minute sheet No. 1f(Lab.)| 2 of the 11th September, 1934 ?

(l) Will Government be pleased to lay on the table a copy of the complaints against the vendor of the said contractor, Ballavdas Issardas, by the crew staff, the Government Railway Police, Gaya, as contained in their diaries, D. S. Office and public ?

(m) Will Government be pleased to state what steps have been taken against the vendors and the contractor on account of such complaints ?

(n) Will Government be pleased to state what steps have been taken to redress the grievances and complaints regarding deterioration in quality, and enhancement of price, of food-stuff supplied by the present contractor, on the complaints by Mr. R. C. Pandit, General Manager, Bank of Behar ?

(o) Is it not a fact that four of the Indian Members out of the six of the Railway Advisory Committee were of the opinion that the present system of contract should be abolished and licence should be granted to different vendors under different contractors, as was the arrangement previously, and that the licence for refreshments for Hindus should be given to Hindus and for refreshments for Muslims to Muslims ?

(p) Is it not a fact that the Railway Advisory Committee recommended that one man should not be given the licence for several stations, or several articles ?

(q) Will Government be pleased to state why in spite of such complaints against Ballavdas and Issardas, the Railway authorities are allowing their contract to continue ?

**Mr. P. R. Rau :** (a) The Agent states that there were frequent complaints. Messrs. Ballavdas Issardas have, however, not been given the contracts for this section.

(b) Messrs. Dutta Brothers have been contractors for tea, etc., at Howrah station since July, 1917, and still hold the contract. The Administration have no information as regards the amount invested by the contractors in this business.

(c) and (d). The Agent states that there is no trace of any such petition.

(e) The prices were fixed by the Administration who do not consider that they were high, and are not able to trace any complaints.

(f) No.

(g) to (k). Yes.

(l) No complaints by the crew staff can be traced, but the Agent has sent me a copy of the correspondence with the Government Railway Police which I can show to the Honourable Member at any time convenient to him.

(m) No action was taken at the outset, as, in the opinion of the Agent, it was desirable to give the Area Contractors an opportunity to settle down to their work. It was also considered likely that most of the complaints were being engineered at the instance of those vendors who had been displaced. Government are informed, however, that when complaints were substantiated, punishments were inflicted.

(n) Two complaints were made by Mr. Pandit, and in both cases punishments were inflicted.

(o) to (q). I am placing on the table an extract from the minutes of the discussion on this subject which took place at a meeting of the Calcutta Advisory Committee on the 24th November, 1933, where it is stated that the meeting agreed generally with the proposed policy of the administration.

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*Single contract for refreshments and other articles at stations :*

Maulvi Abul Kasem had complained that the system of granting the monopoly on a division for the sale of refreshments and other articles at stations was unsatisfactory and furthermore, it was objectionable to give the Mohammedan Refreshment Rooms to a Hindu for management. It was explained to the meeting that it was proposed to continue to grant extended contracts but to a much more limited extent than has been done on the Howrah Division. It was proposed that the contract would be for all sales at a large station and would include an area of say 25 to 30 miles from this station, and stations would have separate Hindu and Mohammedan food vendors.

The Chairman further explained that the Administration was not in favour of throwing such contracts open to tender. It was, however, agreed that applications should be called for by the Divisional Superintendent so as to ensure that all suitable contractors were given the opportunity of being able to apply for such contracts. The meeting agreed generally with the proposed policy of the Administration.

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**Prof. N. G. Ranga :** When reviewing this whole question of the sale of food-stuffs, will Government consider the advisability of selling these food-stuffs through their own railway authorities ?

**Mr. P. R. Rau :** I do not think, Sir, that that is really a thing which will be financially in the interests of the railways.

## SUB-LETTING OF VENDING CONTRACTS ON THE EAST INDIAN RAILWAY.

58. \*Mr. Amarendra Nath Chattopadhyaya : (a) Is it a fact that it is stated in the agreement of the vending contract for food and other stuff at Railway stations that the contractors cannot sublet their contracts ? If so, will Government be pleased to state if the following persons are sub-contractors at the stations standing against their names :

| Station.       | Contractors.                                           |
|----------------|--------------------------------------------------------|
| Moghalsarai .. | .. Mangal Chand, Hanuman, Mangroo, Mahadeo ;           |
| Buxar ..       | .. Thakon, Chauroo, Babuameah, Chakan ;                |
| Behea ..       | .. Dasrath ;                                           |
| Arrah ..       | .. Dihopuaran ;                                        |
| Dinapore ..    | .. Mangal, Bansai and others ;                         |
| Patna Junction | .. Bhoomoon, Nathuni, Mangal, Yusuf, Habib Omar Meah ; |
| Kiul ..        | .. Baijnath, Ghasita, Girdhari, Jugal, Faudar Rosan ;  |
| Jhajha ..      | .. Baijnath Shew ;                                     |
| Jehanabad ..   | .. Khedaran and others ;                               |
| Gaya ..        | .. Lahori, Somaroo and others ;                        |
| Palmergunge .. | .. Bishnu ;                                            |
| Rafigunge ..   | .. Dewa ; and                                          |
| Sasaram ..     | .. Raghunandan ?                                       |

(b) Was Mr. Pandey's contract cancelled on the grounds of giving sub-contract at Kiul Junction in the Dinapore Division, East Indian Railway, on the report of Mr. Stoon, D. L., in 1930 ?

(c) Is it a fact that previously a contractor's term could be terminated at a month's notice, and that it requires six months' notice at present ? If so, will Government state the reasons for this privilege ?

(d) Is giving sub-contract a condition for the termination of contract ? If so, is it not necessary that the agreement of the contractor, who has given sub-contract, should be terminated without any notice ?

(e) Is it not a fact that sub-letting by the contractor Ballavdas Issardas, has been proved beyond any shadow of doubt ? If so, do Government propose to take immediate steps to terminate the contract of Ballavdas Issardas and revert to the former practice in the matter of giving out contracts ?

(f) Will Government be pleased to lay on the table the opinions and statements of the Agent of the East Indian Railway on the petitions made by the old contractors and on complaints made by the passengers and also by the public and the Medical Officers ?

(g) Will Government be pleased to state who was Mr. Marriot who made all these new arrangements for contracts ?

(h) Is it a fact that he is going to be the Divisional Superintendent at Allahabad and, simultaneously with his appointment at Allahabad, it is rumoured that the same policy of giving out contracts monopoly is in contemplation ? If so, do Government propose to take steps to stop such an evil process ?

Mr. P. R. Rau : (a) The reply to the first part is in the affirmative. As regards the second part, enquiries are being made.

(b) Yes, on the report of a Transportation Inspector in 1927.

(c) Yes, as it is considered desirable where considerable capital is involved and elaborate arrangements made at a large number of stations that the contractors should have reasonable notice to enable them to liquidate their stock-in-trade, fittings, etc.

(d) The reply to the first portion is in the affirmative. As regards the second, discretion vests in the Administration.

(e) The Administration state that they have no evidence to show that Messrs. Ballavdas Issardas have sub-let their contract. Prices are fixed in consultation with the local civil authorities. Government see no reason to interfere with the Administration's discretion in this matter.

(f) Government are not prepared to call for opinions or statements recorded on their office files by administrative officers on railways.

(g) and (h). Mr. Marriot was formerly Divisional Superintendent at Dinapore and is now Divisional Superintendent at Allahabad. Government have no knowledge of the rumour referred to.

Prof. N. G. Ranga : Have Government made experiments anywhere on their railways to ascertain whether it is not in the financial interests of the railways that a departmental supply of food-stuffs should be made ?

Mr. P. R. Rau : Sir, the business of the railways is transport, and not providing refreshments. (Laughter.)

Prof. N. G. Ranga : Sir, is it not part of that transport business that a supply of food-stuffs also should be made ?

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member cannot discuss the details of the railway administration.

## SETTING UP OF COMMITTEES TO WATCH THE FLUCTUATIONS IN THE PRICES OF ARTICLES OF FOOD AND PURITY OF THEM ON RAILWAY STATIONS.

59. \*Mr. Amarendra Nath Chattopadhyaya : Are Government prepared to set up different committees of five or seven members consisting of local public and the Railway Station Masters, Superintendents and Medical Advisers, at all big stations to constantly watch the fluctuations in the prices of the articles and purity thereof, and see that the individual contractors do not create difficulties in the supply of food, drink and other articles to the passengers ?

Mr. P. R. Rau : The suggestion is under consideration.  
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FACILITIES GIVEN TO THE NEW VENDING CONTRACTORS AT RAILWAY STATIONS ON THE EAST INDIAN RAILWAY.

60. \***Mr. Amarendra Nath Chattopadhyaya** : (a) Is it a fact that new vending contractors at railway stations on the East Indian Railway are given passes of all classes, while old contractors were never allowed any such concession ? If so, why ?

(b) What is the amount the new contractors pay to the Railway on account of the contract ? Is it higher than the old rate ?

(c) Is it a fact that the new contractors have not got to pay any freight on their luggage of food-stuffs carried from station to station ? If so, why ?

(d) Will Government be pleased to state the difference in incomes derived under the new system of contracts and the old system ?

(e) Is it a fact that the new contract agreement has expired on the 31st March, 1935 ? Do Government propose to discontinue it ? If not, are Government prepared to terminate the contract by a month's notice and invite fresh tenders of the old contractors and start again the old system ?

**Mr. P. R. Rau** : (a) The Agent explains that Area Contractors are given passes, as they have to supervise catering arrangements at a number of stations within the areas allotted to them.

(b) Government are informed that no licence fee is paid, but if hawkers are employed hawking fees, which vary at different places, are paid.

(c) A certain number of passes are allowed for the carriage of *bona fide* provisions within a specified weight limit. I am obtaining from the Agent, East Indian Railway, particulars of what these limits are, and am enquiring why it has been considered desirable to issue such passes.

(d) The information is being obtained.

(e) Contracts were entered into on different dates for a period of one year, and automatically continue thereafter subject to six months notice of termination. The Agent, East Indian Railway, states that the present arrangement has not been a failure and he does not propose to alter it at present.

TRANSFER OF OFFICES OF THE DIRECTOR OF WAGONS INTERCHANGE AND THE INDIAN RAILWAYS CONFERENCE ASSOCIATION TO DELHI.

61. \***Mr. Amarendra Nath Chattopadhyaya** : (a) Is it not a fact that the office of the Director of Wagons Interchange was located at Allahabad, as it was considered to be a central place and close to the colliery areas, apart from the consideration that the office of the Indian Railways Conference Association was already there ?

(b) Is it not the fact that the Agent, Bengal Nagpur Railway, as well as certain Mining Associations of Bengal, put in a vehement protest against the move of the Indian Railways Conference Association office from Allahabad to Delhi, on the ground that they will be adversely affected by this move, and the Railway Board also discouraged the move

for the reason that, Delhi, being a thickly populated and expensive place, the staff will badly suffer for want of housing accommodation ?

(c) Is it a fact that the United Provinces Secretariat is to be transferred from Allahabad to Lucknow shortly ? If so, will there be accommodation available at Allahabad for Indian Railways Conference Association in the Secretariat building ? If so, will Government please state whether they have considered the question that the Indian Railways Conference Association office may be sent back to Allahabad, instead of erecting a new building for the office and quarters for the staff in Delhi, and thus effecting a great saving ?

**Mr. P. R. Rau** : (a) When the office was originally created, it was decided, on the recommendation of the Indian Railway Conference Association that the headquarters should be at the headquarters of the Association.

(b) The Agent, Bengal Nagpur Railway, and the Bengal Chamber of Commerce advocated the transfer of the office of the Director of Wagon Interchange to Calcutta. They opposed the transfer of the office to Delhi, but not for the reasons suggested.

(c) The question of the location of the headquarters of the Association is one for the Association itself to decide, and Government see no reason to interfere. The fact that there may be accommodation available at Allahabad cannot be the sole consideration.

PAY OF THE STAFF IN THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION.

62. \***Mr. Amarendra Nath Chattopadhyaya** : Is it a fact that in the office of the Indian Railways Conference Association, Delhi, there is one subordinate who is getting Rs. 600 and that nearly 70 per cent. of the staff get a meagre salary of Rs. 60 each ?

**Mr. P. R. Rau** : Government are informed that the Office Superintendent is in receipt of a salary of Rs. 600 per mensem.

Fifty-eight per cent. of the staff are in the grade of Rs. 39—3—60 and 25 per cent. are in the grade of Rs. 65—5—100.

PAY OF THE STAFF IN THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION.

63. \***Mr. Amarendra Nath Chattopadhyaya** : (a) Is it a fact that in the office of the Indian Railways Conference Association, Delhi, clerks with ten to twelve years' service at their credit are getting only Rs. 60 and have been blocked at the same pay for several years ?

(b) Is it also a fact that there actually exist vacancies in the upper grades of that office ? If so, what is the reason for the blockade mentioned in part (a) above ?

**Mr. P. R. Rau** : (a) Yes. This is inevitable as in a small office chances for promotion do not occur often.

(b) Government are informed that the clerks in the grade Rs. 39—3—60 are doing work for which the maximum pay is Rs. 60 per mensem and that the vacancies in the Rs. 65—5—100 grade cannot be



filled until the work of the office justifies the filling of the more responsible posts.

**Mr. V. V. Giri :** Sir, would Government recommend special allowances being granted for those who are blocked in the grades ?

**Mr. P. R. Rau :** Government do not consider that this is a time for the grant of special allowances.

PERSONAL ALLOWANCE GIVEN TO THE OFFICERS OF THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION.

64. **\*Mr. Amarendra Nath Chattopadhyaya :** Will Government please state why officers of the office of the Indian Railways Conference Association are paid house allowance, in the shape of personal allowance, and why poor clerks are not paid the allowance ?

**Mr. P. R. Rau :** The officers have been given an allowance to compensate them for the higher rents for accommodation prevailing at Delhi. Their pay was not revised when the office was moved to Delhi. Government understand that no allowance is granted to clerks because of the fact that prior to and in view of the proposed transfer of the Headquarters of the Association from Allahabad to Delhi, the scales of pay of the subordinate staff were revised and a considerable increase was made in the maximum rates of pay, particularly in the lower grades. Clerks belonging to the local railway offices draw no house allowance.

STAFF OF THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION, DELHI.

65. **\*Mr. Amarendra Nath Chattopadhyaya :** Will Government be pleased to lay on the table a list of subordinate staff of the headquarters office of the Indian Railways Conference Association at Delhi showing their grades, present pay and date of appointment ?

**Mr. P. R. Rau :** A copy of the seniority list of the staff has been kept in the Library of the House.

STAFF OF THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION, DELHI.

66. **\*Mr. Amarendra Nath Chattopadhyaya :** Will Government be pleased to lay on the table a list, certified by the District Medical Officer, North Western Railway, Delhi, of the staff of the office of the Indian Railways Conference Association, Delhi, who have been suffering from malaria and other epidemic diseases ever since their transfer to Delhi ?

**Mr. P. R. Rau :** No, Sir, Government do not consider that such statistics are worth the labour and expense involved in collecting and publishing them in the debates of this House.

TRANSFER OF THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION TO DELHI.

67. **\*Mr. Amarendra Nath Chattopadhyaya :** Will Government be pleased to state why the Indian Railways Conference Association was

moved from Allahabad to Delhi, and in what respect the Association has benefited since its transfer to Delhi ?

**Mr. P. R. Rau :** The office of the Association was moved for administrative convenience. Agents of Railways have frequently to visit Delhi, as the headquarters of Government and the Railway Board, and consequently the General Secretary of the Association, if located at Delhi, is able to keep in closer personal touch with the railways. Considerable saving of expenditure was also anticipated by having the Director of Wagon Interchange in close touch with the Clearing Accounts Office.

GRIEVANCES OF THE STAFF OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION, DELHI.

68. **\*Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that out of 32 per cent. of the staff of the Indian Railways Conference Association, Delhi, occupying Government quarters, the majority is paying scheduled rent which almost comes to 20 per cent. of their salaries ? If so, will the Member in charge of Railways be pleased to state if any grievance in any shape from any of the staff had been put in ? If so, was any action taken to redress the grievance ?

**Mr. P. R. Rau :** Government are informed that 32 per cent. of the staff of the Indian Railways Conference Association are occupying Government quarters and are paying under ordinary rules the scheduled rent which ranges from 1.8 to 12.5 per cent. of their salaries. Representations have been made that the rent chargeable should be limited to 10 per cent. of pay as for Government servants but this recommendation was not accepted as the staff are not Government servants.

NON-GRANT OF TRANSFER CONCESSIONS TO THE STAFF OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION.

69. **\*Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that the staff of the Railway Clearing Accounts Office were granted two advance increments, *plus* two months' salary as bonus (*i.e.*, establishment breaking charges) and also expenses for shifting their luggage and family on their transfer from Lahore to Delhi ? If so, why were the same privileges not given to the staff of the Indian Railways Conference Association, in spite of their repeated request for the same, in view of change of province and increased expenses caused by their transfer ?

**Mr. P. R. Rau :** The reply to the first part of the question is in the negative. An advance of two months pay and travelling allowance were granted to the staff of the Railway Clearing Accounts Office. A personal pay of ten per cent. to be absorbed in future increments was also allowed to those who elected the Clearing Accounts Office scales of pay. Government understand that the staff of the Indian Railways Conference Association were also granted an advance of two months pay generally, and four months pay in special cases. They were granted, in addition, the usual travelling concessions.

NON-REVISION OF THE PAY OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION STAFF.

70. **\*Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that the grades of subordinate staff of Railway Clearing Accounts Office and



Divisional Superintendents' Office, Delhi, have recently been revised and raised from Rs. 60 to Rs. 90 with effect from 1st January, 1935, but nothing has been done in the case of the Indian Railways Conference Association staff ?

**Mr. P. R. Rau :** The Railway Clearing Accounts Office, classes III and II of clerks on scales Rs. 40—4—80 and Rs. 60—5—90, respectively, were amalgamated into a single class on a scale of Rs. 40—4—80—5—90 with an Efficiency Bar at Rs. 80. I am not aware of any recent change in scales of pay in the office of the Divisional Superintendent.

#### GRANT OF CERTAIN FACILITIES TO THE INDIAN RAILWAYS CONFERENCE ASSOCIATION STAFF.

71. **\*Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that the majority of the staff of the Indian Railways Conference Association have to take loan after loan to meet their hardships caused by the move of this office, as well as due to the emergency cut being enforced soon after their transfer to Delhi ? If so, are Government prepared to waive the recovery of the money advanced to them under "relaxed rules", which they had to borrow during their hardships and emergency cut period, and compensate those who had not taken a loan to that extent in order to reduce their losses to a certain extent ? If not, why not ?

**Mr. P. R. Rau :** Government understand that loans from balances at their credit in the Provident Fund have been granted from time to time. Waiving recovery of these amounts will not help the staff in any way, the amounts recovered are credited to their accounts.

#### SALARIES OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION STAFF.

72. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Is it a fact that prior to the move of the Indian Railways Conference Association from Allahabad to Delhi the majority of the staff were getting a poor salary, Rs. 52 being the maximum, and it was raised to Rs. 60 by annual increments of Rs. 2 to 3 in view of this move ?

(b) Is it a fact that lacs of rupees are sanctioned every year for the establishment expenditure of the Indian Railways Conference Association, but only a meagre portion of the amount goes towards the salaries of the poor clerks, and the rest goes towards the salaries and travelling allowance of the officers ?

**Mr. P. R. Rau :** (a) I would invite the Honourable Member's attention to the reply which I gave to part (g) of question No. 48. Government are informed that prior to the move of the Indian Railways Conference Association from Allahabad to Delhi there were five grades in the lowest cadre of the three branches of the Association's office as under :

Rs. 44—4—52.

35—4—55.

42—4—50.

34—3—40—4—44.

30—4—38

and these were amalgamated into one grade, viz., 39—3—60.

(b) The total expenditure in 1934-35 on establishments was about Rs. 3,68,000 of which about Rs. 1,02,000 was on officers.

**Seth Govind Das :** Do Government publish the detailed accounts of this Department every year ?

**Mr. P. R. Rau :** Government do not publish the detailed account, because it is not a Government Department.

#### APPLICATION OF FUNDAMENTAL RULES TO THE INDIAN RAILWAYS CONFERENCE ASSOCIATION STAFF.

73. **\*Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that Fundamental Rules are not applied to the staff of the Indian Railways Conference Association, Delhi, where it is considered that their application would be beneficial to them, i.e., in the matter of officiating allowance, etc. ?

**Mr. P. R. Rau :** As I have explained to an earlier question, the Fundamental Rules are not applicable as the staff of the Association are not Government servants.

#### APPLICATION OF FUNDAMENTAL RULES TO THE INDIAN RAILWAYS CONFERENCE ASSOCIATION STAFF.

74. **\*Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that the office of the Indian Railways Conference Association is not considered to be a Government Department ? If so, why were the staff subjected to emergency cut and why were the Fundamental Rules applied in the matter of travelling allowance, etc. ?

**Mr. P. R. Rau :** I have already explained that the emergency cut in pay was made applicable to the staff of the Association in the same way as to railway employees generally. It is open to the Association to adopt rules on the same lines as Government rules.

**Mr. V. V. Giri :** Will Government recommend to the Association to restore the wage cut ?

**Mr. P. R. Rau :** It has been restored.

**Mr. N. M. Joshi :** In view of the fact that most of the money required for this Conference comes from, what I may call, State Railways, why should not Government treat this body as a Government body ? May I know what are the reasons for treating this body as a private body ?

**Mr. P. R. Rau :** It is not a Government body, because quite a number of the members of the Association belong to private railways with which Government have no concern. Secondly, my Honourable friend must be aware that even the State-owned but Company-managed Railways have got their own rules with regard to leave and travelling allowances and Government do not interfere with them.

**Mr. N. M. Joshi :** Is it not a fact that the Government of India have got some control over the servants even of the State Railways which are managed by Companies ?

**Mr. P. R. Rau :** Government determine the maxima.

## EXTRA-DEPARTMENTAL POSTAL OFFICIALS.

75. \*Mr. Amarendra Nath Chattopadhyaya : With reference to paragraph 34 of the Annual Report of the Indian Posts and Telegraphs Department, will Government be pleased to state how many of the 241 postal officials were extra-departmental ?

The Honourable Mr. D. G. Mitchell : I presume that the Honourable Member is referring to the Annual Report for the year 1933-34. Of the 241 postal officials involved, 84 were extra-departmental agents.

## SAVINGS BANK ACCOUNTS AND GOVERNMENT SECURITIES HELD IN CUSTODY OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

76. \*Mr. Amarendra Nath Chattopadhyaya : (a) Will Government be pleased to lay on the table a statement showing, (i) the number of active Savings Bank Accounts as stood on the 31st March, 1931 and on the 31st March, 1934, (ii) the value of Government securities held in custody of the Accountant General, Posts and Telegraphs, on behalf of the depositors on the 31st March, 1931, and on the 31st March, 1934, and (iii) the percentage of increase between the figures for the years 1930-31 and 1933-34 ?

(b) What amount was credited to the postal side as cost of maintenance of the Savings Banks and Government security work in the years 1930-31 and 1933-34, separately ?

(c) On what calculation have these figures been based ?

The Honourable Mr. D. G. Mitchell : (a) A statement giving the information required by the Honourable Member is laid on the table.

(b) The credits afforded to the Posts and Telegraphs Department on account of the cost of management of Post Office Savings Bank and Government security work in 1930-31 and 1933-34 were Rs. 40,61,165 and Rs. 53,72,536, respectively.

(c) The attention of the Honourable Member is drawn to the reply given to part (a) of starred question No. 776 put by Mr. S. C. Mitra in the Legislative Assembly on the 20th March, 1933.

## Statement.

|                         |    |    | No. of Active savings Bank accounts. | Value of Government Securities held in custody of Accountant General, Posts and Telegraphs, on behalf of Savings Bank Depositors. |
|-------------------------|----|----|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
|                         |    |    |                                      | Rs.                                                                                                                               |
| On the 31st March, 1931 | .. | .. | 2,478,000                            | 5,78,43,000                                                                                                                       |
| On the 31st March, 1934 | .. | .. | 3,089,000                            | 13,39,88,000                                                                                                                      |
| Percentage of increase  | .. | .. | 24.66                                | 131.64                                                                                                                            |

## INADEQUACY OF SELECTION GRADE POSTS IN THE CALCUTTA GENERAL POST OFFICE.

77. \*Mr. Amarendra Nath Chattopadhyaya : (a) Is it a fact that on the 10th March, 1934, the late Director General of Posts and Telegraphs gave an assurance that he would consider the question of inadequacy of selection grade posts at Calcutta ?

(b) Will Government be pleased to state whether they have considered the question ? If so, have they since arrived at any decision ?

(c) Is it a fact that in the Report on Time Test, Mr. G. V. Bewoor, C.I.E., I.C.S., the present Director General, Posts and Telegraphs, mentioned that 13 Supervisors were justified for the Money Order Department and six Supervisors for the Savings Bank Department of the Calcutta General Post Office ?

(d) Is it a fact that since then the number of clerks in those two departments has increased, but the number of Supervisors has not been increased, as mentioned in part (c) ?

(e) Are Government prepared to consider the question of increasing the number of selection grade posts in these two departments ?

The Honourable Mr. D. G. Mitchell : (a) The fact is not exactly as stated by the Honourable Member. The statement made by the late Director General was as follows : " The principal point made by my Honourable friend, Mr. Mitra, regarding the disparity between Bombay and Calcutta (with regard to selection grade posts) is being examined although I do not necessarily admit that there must be an equality ".

(b) The question has been examined and some additional supervisory posts have already been sanctioned in Calcutta. Further examination of the question is still going on, and the Postmaster General, Bombay, has been asked to justify the number of selection grade posts in Bombay.

(c) Yes, on the basis of the statistics of work then performed in those departments.

(d) The number of clerks in the money order department has increased from 61 to 69 and in the savings bank department from 23 to 34. The supervisory staff in the savings bank department has been increased by two supervisors and it has been decided to increase the strength of the supervisory staff in the money order department by the creation of two supervisors' posts.

(e) In view of the reply given to part (d), Government do not consider that there is at present any necessity for increasing the number of selection grade posts in the two departments.

## SELECTION GRADE POSTS IN CERTAIN POSTAL CIRCLES.

78. \*Mr. Amarendra Nath Chattopadhyaya : (a) Will Government be pleased to lay on the table a statement giving the following information :

(i) the number of selection grade posts of officials in the grade of Rs. 250—350 in Bombay, Bombay Circle (excluding Bombay), Calcutta, and Bengal and Assam Circle (excluding Calcutta), separately ;

(ii) the number of selection grade posts in the grade of Rs. 160—250 (including Inspectors of Post Offices) in Bombay, Bombay Circle (excluding Bombay), Calcutta, and Bengal and Assam Circle (excluding Calcutta), separately ; and

(iii) the number of upper division time scale clerks in Bombay, Bombay Circle (excluding Bombay), Calcutta, and Bengal and Assam Circle (excluding Calcutta) ?

(b) Is it a fact that for the purpose of promotion in the grade of Rs. 250—350, all officials in the grade of Rs. 160—250 (including the Inspectors) are treated as one unit ?

(c) Is it a fact that the Inspectors who are promoted to the grade of Rs. 160—250 after completing eight to ten years of service, are always at an advantage ?

(d) Is it a fact that in Calcutta and Bombay most of the vacancies in the grade of Rs. 250—350 have been filled up by the officials working outside those cities ?

(e) If the answer to part (d) be in the negative, will Government be pleased to lay on the table a statement showing the number of officials promoted to the grade of Rs. 250 to 350, either as officiating or as permanent, in the years 1933-34 and up to 28th February, 1935, in the year 1934-35, in Bombay and Calcutta, separately, as well as the position they held before their promotion in the grade ?

(f) Are Government aware of the fact that the officials working in Calcutta have got practically no chance to get promotion to the grade of Rs. 250—350, even in Calcutta ?

(g) If the answer to part (f) be in the negative, will Government be pleased to state how many officials in the grade of Rs. 160—250 working in Calcutta and *muffasil* are likely to get promotion to the grade of Rs. 250—350 during the next two years ?

(h) Is it a fact that about a year ago, officials of the Bombay General Post Office submitted a representation to the Director General, requesting him to treat Bombay as a self-contained unit for the purpose of promotion in the grade of Rs. 250—350 ?

(i) If the reply to part (h) be in the affirmative, will Government be pleased to state whether they have since arrived at any decision ?

(j) Are Government prepared to consider the hardships of the officials working in Bombay and Calcutta in this respect ?

(k) If not, will Government be pleased to state why a section of employees should get advantage over others in the matter of promotion ?

**The Honourable Mr. D. G. Mitchell :** (a) A statement is laid on the table.

(b) and (c). Yes.

(d) Recently this has been so.

(e) Does not arise.

(f) The facts are not as stated by the Honourable Member.

(g) Government are unable to give any estimate, as promotions must depend on the number of vacancies that may occur.

(h) Yes.

(i) The representations were rejected by the Director General in June, 1934.

(j) and (k). Promotions to the grade of Rs. 250—350 are made by selection from the combined list of senior officials in the grade of Rs. 160—250 whether working in a Presidency town or in the mofussil, and Government do not admit that the officials in Calcutta and Bombay have been put to any hardship.

#### Statement.

|                                                      | Number of posts in the grade of Rs. 250—350.                                        |
|------------------------------------------------------|-------------------------------------------------------------------------------------|
| (a) (i) Bombay .. .. .                               | 9                                                                                   |
| Bombay Circle (excluding Bombay) .. .. .             | 11                                                                                  |
| Calcutta .. .. .                                     | 16                                                                                  |
| Bengal and Assam Circle (excluding Calcutta) .. .. . | 14                                                                                  |
|                                                      | Number of posts in the grade of Rs. 160—250 (including Inspectors of post offices). |
| (ii) Bombay .. .. .                                  | 63                                                                                  |
| Bombay Circle (excluding Bombay) .. .. .             | 120                                                                                 |
| Calcutta .. .. .                                     | 70                                                                                  |
| Bengal and Assam Circle (excluding Calcutta) .. .. . | 149                                                                                 |
|                                                      | Number of upper division time-scale clerks.                                         |
| (iii) Bombay .. .. .                                 | 866                                                                                 |
| Bombay Circle (excluding Bombay) .. .. .             | 1,728                                                                               |
| Calcutta .. .. .                                     | 1,385                                                                               |
| Bengal and Assam Circle (excluding Calcutta) .. .. . | 2,584                                                                               |

#### SUPERVISORS AND CLERKS IN THE AMHERST STREET POST OFFICE, CALCUTTA.

79. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to lay on the table a statement showing the number of (i) supervisors and (ii) clerks, working in the Amherst Street Post Office, Calcutta ?

(b) Is it a fact that there is no other supervisor, except the Deputy Sub-Postmaster, who is required to look into the working of all branches of the office ?

(c) Is it a fact that according to the standard laid down by Government, one additional supervisor is justified to look into the working of the Registration, Parcel, and Sorting Branches of the office ?

(d) If the reply to part (b) be in the negative, will Government be pleased to state who is required to supervise the work of those branches ?

**The Honourable Mr. D. G. Mitchell :** (a) (i) and (ii). There are two whole time supervisors, viz., the sub-postmaster and the deputy sub-

postmaster and one part time supervisor, viz., the head clerk. The number of clerks excluding the head clerk is 22.

(b) and (c). No.

(d) The deputy sub-postmaster and the head clerk of the office.

#### EXPORT DUTY ON RAW JUTE.

80. \***Mr. Amarendra Nath Chattopadhyaya** : (a) Has Government's attention been drawn to the fact that the export duty on raw jute and manufactures, since the depression of the jute trade commenced in 1930, has been very high according to the calculation of Mr. N. C. Choudhury, late of Provincial Agricultural Services of Bengal and Bihar and Orissa, in his well-known work "Jute and Substitutes" ?

(b) Is it a fact that the export duty on raw jute is about three annas per rupee, and one and a half annas on hessian, equivalent to twenty per cent. on raw jute and ten per cent. on hessian ?

(c) Is it not a fact that prior to 1930, the duty was about one anna per rupee on raw jute and nine pies on hessian when the prices of raw jute and manufactures were much higher ?

(d) Are Government prepared to reduce the duty to about five per cent. of the value of the exports of both raw jute and manufactures, in order to relieve both the *raiya*s and the manufacturers ?

(e) Will Government be pleased to state if the rates of railway freight on raw jute for carrying it from districts to Calcutta are different on different Railways, Bengal-Nagpur Railway and East Indian Railway charging 0.1 pie per maund per mile, in wagon loads, while the Eastern Bengal Railway charges at 0.42 pie per maund per mile, usually, although the Eastern Bengal Railway carries the largest quantity of jute to the extent of 90 per cent. ?

(f) Do Government propose to spend a considerable portion of the duty on jute for direct benefit of the cultivators of Bengal, e.g., on improvements of traffic and opening of *golas* or marts at different centres for selling jute and other commercial crops ?

(g) Is it a fact that the I. G. S. N. and R. S. N. Companies charge steamer freights for carrying jute to Calcutta from different places at the same rate of Rs. 1-14-10 per bale of 3½ maunds each, coming to about Rs. 15 per ton, distance from Seraiganj to Calcutta being 544 miles, from Narainganj 492 miles, from Chandpur 455 miles, and from Madaripur 415 miles ?

(h) Do Government propose inducing the Railways and the Steamer Companies concerned to reduce the fares on this most important commercial crop of the Bengal Province ?

(i) Are Government prepared to appoint a committee to suggest improvements in the dying country boat traffic system (*vide* page 145, "Jute and Substitutes") ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) Government have seen the reference quoted by the Honourable Member.

(b) and (c). The export duties on raw jute and hessians are specific duties based on weight and the *ad valorem* incidence of the duties has naturally varied with changes in prices.

(d) No. The financial position does not permit of the duty being reduced at this stage.

(e) The rate for wagon loads over the Bengal Nagpur Railway is 0.42 pie per maund per mile for jute, pressed, and 0.62 pie per maund per mile for jute, unpressed ; whereas on the East Indian Railway the scale is on a telescopic basis as follows :

| Miles.            | Pie per maund per mile. |
|-------------------|-------------------------|
| First 100 .. ..   | 0.38                    |
| + 101 — 300 .. .. | 0.22                    |
| + 301 — 600 .. .. | 0.13                    |
| Over 600 .. ..    | 0.11                    |

On the Eastern Bengal Railway the maximum rate permissible is 0.83 pie per maund per mile but a large number of special rates are quoted for traffic to Calcutta on a lower basis than the maximum permissible.

(f) Half the export duty on jute is handed over to the jute growing provinces and it is for them to consider the point.

(g) No.

(h) No.

(i) Honourable Member will appreciate that if there is a reduction in the steamer fares, as suggested by him, it is likely to press hardly on the country boats themselves. No Committee has been suggested at page 145 of the publication referred to by him and in any case Government do not propose to appoint any Committee.

#### WILLINGDON BRIDGE OF THE CALCUTTA CHORD RAILWAY.

81. \***Mr. Amarendra Nath Chattopadhyaya** : Will Government please state the amount of tolls collected for the year 1934, over the road traffic on the Willingdon Bridge of the Calcutta Chord Railway and the number of vehicles and pedestrians which passed over this bridge ?

**Mr. P. R. Rau** : I am endeavouring to ascertain if the information is readily available ; if it is, I shall place it on the table of the House on receipt.

#### OPENING OF THE CALCUTTA CHORD RAILWAY FOR REGULAR TRAIN TRAFFIC.

82. \***Mr. Amarendra Nath Chattopadhyaya** : (a) Will Government please state when the Calcutta Chord Railway will be opened for the regular train traffic, both for passenger and goods ?

(b) What is the cause of this unusual delay when the bridge over the river Hooghly and the line have long been completed ?

(c) Are Government aware that this delay has caused heavy loss, as there is no return yet on the huge capital outlay on the project ?

(d) Is the line open to goods traffic ? If so, is it a regular traffic, or only a few trains pass as a trial ?

(e) Are goods booked from stations on the Burdwan-Howrah Chord section of the East Indian Railway for Calcutta stations on the Eastern Bengal Railway, sent through this Calcutta Chord route, or are they still sent by the roundabout route, *e.g.*, *via* Burdwan, Bandel and Naihati ?

(f) How is it that goods booked from these stations take more than two to three weeks to reach Calcutta stations, though the distance is less than 50 miles ?

(g) Do Government propose to enquire into the matter and ask the Railways concerned to expedite that traffic ?

**Mr. P. R. Rau :** (a) and (b). The Calcutta Chord Railway was opened to goods traffic on the 1st February, 1932 ; but as the passenger traffic existing at present can be handled without passing over the Chord line there is no intention at present of opening the line to passenger traffic.

(c) No.

(d) Yes : the average number of trains run daily in each direction is nine during the busy season and six during the slack season.

(e) This traffic is sent *via* Howrah, Bandel and Naihati, as this routing is found to be more economical, the traffic being comparatively small. To arrange for its carriage over the Calcutta Chord Railway would necessitate interfering with the loads of through trains running from or to Burdwan over the Calcutta Chord Railway.

(f) The East Indian Railway Administration deny the allegation that goods take so long a time in transit.

(g) Does not arise.

#### ABSENCE OF OVERBRIDGES AND RAISED PLATFORMS ON THE BURDWAN-HOWRAH SECTION OF THE EAST INDIAN RAILWAY.

83. \***Mr. Amarendra Nath Chattopadhyaya :** (a) Are Government aware of the dangerous conditions of the stations on the Burdwan-Howrah section of the East Indian Railway, as there are no raised platforms and over-bridges in these sections ?

(b) Is it not a fact that every year several accidents take place on this section of the line for the absence of these over-bridges and raised platforms ?

(c) Is it not a fact that most of these stations are entitled to have these necessities in consideration of the passenger as well as goods traffic they have ?

(d) Do Government propose to take up these works ?

**Mr. P. R. Rau :** (a) Government do not consider that the absence of a high level platform can be described as resulting in the stations being in a dangerous condition.

(b) No.

(c) Not in preference to other stations. The volume of passengers dealt with at a station is always taken into account in considering where such facilities should first be provided.

(d) There is already a raised platform and over-bridge at Dankuni and the East Indian Railway are providing platforms at Begumpur and Kamarkundu and over-bridges at Chandanpur and Jaugram this year.

#### SHORT NOTICE QUESTIONS AND ANSWERS.

##### ITALO-ABYSSINIAN DISPUTE.

**Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they are being kept informed from time to time, as the British Dominions are, about the developments in the Italo-Abyssinian dispute, and the attitude of Great Britain towards the same ;

(b) whether the despatch of Indian troops to Ethiopia was on the initiative of the Government of India, or under orders from the British Government, or on their suggestion ;

(c) what the cost of sending these Indian troops is, and who is bearing the same ;

(d) what are the purposes for which the Indian soldiers are being sent, and for what period ; and

(e) whether Government will be consulted before Britain takes any decisive step in this matter ?

**Mr. J. G. Acheson :** (a) Yes.

(b) The initiative in the discussions regarding the protection of Indians in Abyssinia, the outcome of which was to strengthen the Legation Guard at Addis Ababa, was naturally taken by the Government of India. There is of course no question of the detachment being sent under orders from His Majesty's Government.

(c) The cost of the voyage from India to Jibuti in French Somaliland will be about Rs. 20,000 and the pay and allowances of the troops approximately Rs. 13,000 a month. I regret that it is not possible at such short notice to give details of further incidental expenditure. His Majesty's Government have agreed to pay the entire cost.

(d) As stated in the communiqué issued by the Government of India on the 22nd August, the object of the sending of this detachment is to facilitate the protection of British and Indian subjects of His Majesty in Abyssinia in the event of an emergency. The reinforcement will remain as long as is necessitated by the situation.

(e) Government of India will naturally be consulted regarding any further measures affecting the safety of British Indian subjects in Abyssinia, a matter which is engaging their close and constant attention.

**Mr. Satyamurti :** With reference to part (a), may I know what is the latest information in the possession of the Government of India, as regards the stage of the dispute and the attitude of Great Britain ?

**Mr. J. G. Acheson :** I think this supplementary question substantially repeats the portion of the original question which has already been disallowed by the Honourable the President, if I remember correctly.

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LEGISLATIVE ASSEMBLY.

[3RD SEP. 1935.]

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the question ?

**Mr. S. Satyamurti** : I understood the Honourable Member to say "yes" in reply to part (a) of my question. My supplementary question is, if the Government of India are being kept informed, from time to time, as the British Dominions are, about the developments in the Italo-Abyssinian dispute and the attitude of Great Britain towards the same, what is the latest information in the possession of the Government on this matter, if they are being consulted ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Do Government choose to answer this supplementary question ?

**Mr. J. G. Acheson** : I think perhaps the Honourable the President has not heard my objection. My objection was that this supplementary question of the Honourable Member substantially repeats the portion of the original question to which I took objection on the ground that it affected the relations between His Majesty's Government and a Foreign State, and that objection was upheld by the Honourable the President.

**Mr. President** (The Honourable Sir Abdur Rahim) : Does the Chair take it that the Honourable Member does not wish to answer the supplementary question because it affects foreign relations ?

**Mr. J. G. Acheson** : Yes, Sir.

**Mr. S. Satyamurti** : With regard to the reply to part (b), do I understand the Honourable Member to say—I am sorry I did not hear him quite plainly—that the entire action was taken on the sole responsibility of the Government of India and not under the orders of the Government of Great Britain ?

**Mr. J. G. Acheson** : I think I had better repeat the answer I gave to part (b). I said :

"The initiative in the discussions regarding the protection of Indians in Abyssinia, the outcome of which was to strengthen the Legation Guard at Addis Ababa was naturally taken by the Government of India. There is of course no question of the detachment being sent under orders from His Majesty's Government."

**Mr. S. Satyamurti** : With regard to part (d), may I know if the Government of India do not consider the possibility of acts of hostility being precipitated, by the presence of these troops when they are sent there ?

**An Honourable Member** : By whom ?

**Mr. S. Satyamurti** : Either by Italy or by Abyssinia ?

**Mr. J. G. Acheson** : We do not consider there is any such possibility.

**Mr. S. Satyamurti** : Are not Government aware that certain Indians have already been arrested by the Italian Government in Eretria ?

**Mr. J. G. Acheson** : I have seen notices in the Press to that effect, but there is no official confirmation.

**Mr. M. Ananthasayanam Ayyangar** : How many Indians are there in Addis Ababa for whose protection these troops are sent ?

**Mr. J. G. Acheson** : Approximately one thousand.

**Mr. M. Ananthasayanam Ayyangar** : Is it consistent with their protection to send so many troops ?

**Mr. J. G. Acheson** : I thought the Honourable Member wanted to know how many Indian subjects there are in Abyssinia. The answer to that is one thousand.

**Mr. S. Satyamurti** : May I know if, apart from the safety of Indians involved for which these troops have been sent, this Government will be consulted by Great Britain if she decides to declare War ?

**Mr. J. G. Acheson** : I object to this supplementary question on the same ground on which I objected to his previous question.

**Mr. M. Ananthasayanam Ayyangar** : What is the number of Britishers there for whose safety the regiment is sent from here ?

**Mr. J. G. Acheson** : The number of Britishers is approximately about 1,600 out of whom one thousand are Indians.

#### POSITION ON THE NORTH-WEST FRONTIER.

**Mr. S. Satyamurti** : (a) Will Government be pleased to state the latest position on the North-West Frontier ?

(b) How long this year have British and Indian troops been engaged in what may be termed guerilla warfare with the Frontier tribes ?

(c) What has been the cost on the whole, in money and in men ?

(d) What are the reasons why this miniature warfare is going on ?

(e) What is the policy of Government towards the frontier tribes.

**Mr. J. G. Acheson** : (a) The position is that a *lashkar* of Mohmands, which had attacked the Peshawar District and the Gandab Road, has been repelled from administered territory and the neighbourhood of the road by combined land and air operations. A column of troops has advanced into the Gandab valley and has effected repairs to the road which had been damaged by the tribesmen. Tribal *lashkars*, though repelled from the neighbourhood of the border, are still in being and have as yet shown no disposition to come in for settlement.

On another part of the Frontier on the border of the Hazara District there has been an incursion by armed tribesmen who have attacked and murdered villagers in the administered territory. Troops have been moved up from Abbottabad, and repelled the attack.

(b) In the earlier part of this year operations took place in the Agra salient for a period of two months. The present operations on the Mohmand border have hitherto lasted only a little over fortnight, and on the Hazara border less than a week.

(c) The cost of the current operations is not yet known. The cost of the Loe Agra operations, so far as is known at present, and including the cost of a motor road from Kot to Loe Agra, is 3½ lakhs.

The total casualties to date in all operations on the Frontier this year are :

|                          | Killed. | Died of wounds. | Wounded. |
|--------------------------|---------|-----------------|----------|
| Loe Agra .. ..           | 3       | ..              | 16       |
| Gandab Valley to date .. | 5       | 1               | 27       |
| Total .. ..              | 8       | 1               | 43       |

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These figures include Mr. Best, the Political Agent, Malakand, who was killed during the Loe Agra operations.

(d) The reason for the operations on the Mohmand border is that in defiance of Government's agreement with the Mohmands of 1933 a tribal *lashkar* attacked and broke up the Gandab Road, and sent gangs to fire on constabulary posts in the Peshawar District. The main object of the *lashkar*, which was led by the eldest son of the Haji of Turangzai, was to bring pressure to bear on Government to release certain tribal hostages held as security for the presence of a number of outlaws and murderers taking sanctuary with the Safi tribe. The Hazara rising is communal in inspiration.

(e) The Honourable Member is referred to the reply given to question No. 880 put by Mr. M. Maswood Ahmad on the 12th September, 1933.

**Mr. S. Satyamurti :** With reference to the answer to clause (a), may I know if these operations include air raids, specially on women and children in their houses, dropping bombs ?

**Mr. J. G. Acheson :** No, Sir.

**Mr. S. Satyamurti :** With reference to the answer to clause (e), may I know if, since 1933, the policy has remained unchanged, and, if so, why Government pursue this cat and mouse policy towards these Frontier tribes ?

**Mr. J. G. Acheson :** The answer to the first part of the question is in the affirmative. As regards the second, I would point out that it contains an innuendo.

**Mr. S. Satyamurti :** May I know why Government do not either make peace with these tribes, or settle with them in the manner known to Great Britain ?

**Mr. J. G. Acheson :** Government do all in their power to make peace with these tribes and have succeeded to a very large extent. The cases referred to are isolated cases covering only a small portion of the Frontier.

#### STATEMENTS LAID ON THE TABLE.

*Information promised in reply to starred question No. 160 asked by Mr. V. V. Giri on the 12th February, 1935.*

#### RE-EMPLOYMENT OF GREAT INDIAN PENINSULA RAILWAY STRIKERS.

The Agent, Great Indian Peninsula Railway, reports :

(a) The number of *ex*-strikers on the first and second waiting lists was on 1st February, 1935, 154 and two, respectively.

(b) 2,184.

(c) Only 7 transfers have so far been effected as from experience it is found to be most difficult to exchange *ex*-strikers re-employed on other railways with men newly engaged on the Great Indian Peninsula Railway during the last strike for the reasons that men between whom the exchange is to take place must be on somewhat equal salaries and possessing knowledge and experience to suit each other's duties and also as men are required to be willing to accept the posts offered as such transfers could not be enforced upon either the *ex*-strikers employed on other railways or on men engaged on the Great Indian Peninsula Railway.

*Information promised in reply to unstarred question No. 28 asked by Mr. Sham Lal on the 13th February, 1935.*

#### AMOUNT GIVEN TO THE SADAR BAZAR MUNICIPAL COMMITTEE FROM THE CASH BALANCE IN THE CANTONMENT FUND, AMBALA.

(a) (i) Rs. 85,013-12-0 with contingent liabilities of Rs. 52,994 consisting of—

Rs. 12,825 for payment of outstanding bills in connection with Water Works, Rs. 10,615 as an advance received from Messrs. Herman and Mohatta for the part purchase of Electric Distribution and Stores,

Rs. 11,925 contribution for the construction of the Tangri Bund,

Rs. 6,700 due to the Military Engineer Services for water supply,

Rs. 3,072 due to the Military Engineer Services for Duct water and electricity,

Rs. 258 Government share of rents from land under the management of the Cantonment Authority, and

Rs. 7,599 securities deposited by private persons for the supply of electric current.

The balance left for distribution between the two local bodies was Rs. 32,019.

(ii) Rs. 17,052 were paid in cash. Bills amounting to Rs. 11,312 were also paid from the cantonment fund being part of the liabilities to which the Municipality was committed.

Rs. 3,738-12-3 were subsequently paid to the Municipality from the unspent balance of the amount set apart for the construction of the Tangri Bund.

(iii) The assets were divided into equal parts by a committee consisting of the Executive Officer, the Secretary, Municipal Committee, and a First Class Magistrate appointed by the Government of the Punjab with the concurrence of the Government of India. In case of any difference of opinion either party had the option of appealing to the Commissioner, Ambala Division. No appeal was made against the division made by the committee and the inference is that both parties were satisfied with the decision.

(b) No. The population of the sadar bazar is 27,596 approximately and that of the Cantonment, 18,516.

(c) Yes. The terminal tax is divided with the concurrence of the Government of India and the Local Government on a population basis in the proportion of 60 per cent. to the municipality and 40 per cent. to the cantonment. The Sadar Bazar Separation Committee appointed by the Local Government in March, 1934, recommended that the terminal tax should be divided equally between the two bodies.

(d) No. In addition to cash the municipality also received more than half a lakh of rupees in the shape of water works.

(e) No.

*Information promised in reply to starred question No. 311 asked by Prof. N. G. Ranga on the 18th February, 1935.*

#### CONTEMPLATED RETRENCHMENT IN THE MADRAS DEAD LETTER OFFICE.

(a) to (i). The proposal to retrench the clerks in question has been abandoned and the rest of the question does not therefore arise.

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*Information promised in reply to Dr. P. N. Banerjee's supplementary question to starred question No. 332 asked by Sardar Sant Singh on the 20th February, 1935.*

ANNUAL COST OF EMPLOYMENT OF TROOPS IN BENGAL TO SUPPRESS THE  
TERRORIST MOVEMENT.

The incidental charges paid by the Local Government in connection with the acquisition of land, etc., are as follows:

| Year.                                                                                         | 1932-33.  | 1933-34.  | 1934-35.  | 1935-36.  |
|-----------------------------------------------------------------------------------------------|-----------|-----------|-----------|-----------|
|                                                                                               | Rs. a. p. | Rs. a. p. | Rs. a. p. | Rs. a. p. |
| Compensation to Saidpur Station Committee for loss of grazing rights within the station area. | 80 ) 0    | 160 0 0   | 160 0 0   | 160 0 0   |
| Rent of land for location of troops.                                                          | 110 2 0   | 100 0 0   | 384 8 3   | ..        |
| Compensation for occupation of lands or private individuals.                                  | ..        | 59 0 0    | 79 0 0    | ..        |
| Compensation for rights, etc. ..                                                              | ..        | 1,075 9 0 | ..        | ..        |
| Grazing rights .. ..                                                                          | ..        | ..        | 75 0 0    | ..        |

*Information promised in reply to parts (b) and (c) of starred question No. 497 asked by Mr. Muhammad Nauman on the 25th February, 1935.*

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF RECRUITED IN THE GOVERNMENT OF INDIA

| COMMUNAL COMPOSITION OF NON-GAZETTED STAFF RECRUITED |                                                             |                  |                 |               |                 |                        |                                 |                                                                                                              |                                                                                                              |                                 |
|------------------------------------------------------|-------------------------------------------------------------|------------------|-----------------|---------------|-----------------|------------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------|
| Name of Department or Office.                        | Recruitment made from 4th July, 1934 to 1st February, 1935. |                  |                 |               |                 |                        | Whether permanent or temporary. | Total number of permanent subordinate staff who have not passed the Public Service Commission's examination. | Total number of temporary subordinate Staff who have not passed the Public Service Commission's examination. | Remarks.                        |
|                                                      | First Division.                                             | Second Division. | Third Division. | Stenographer. | Community.      |                        |                                 |                                                                                                              |                                                                                                              |                                 |
| 1                                                    | 2                                                           | 3                | 4               | 5             | 6               | 7                      | 8                               | 9                                                                                                            | 10                                                                                                           |                                 |
| Home ..                                              | ..                                                          | ..               | 1               | ..            | Muslim          | Provisional permanent. | ..                              | 13                                                                                                           |                                                                                                              |                                 |
|                                                      | ..                                                          | ..               | ..              | 1             | Do.             | Temporary              | ..                              | ..                                                                                                           |                                                                                                              |                                 |
|                                                      | ..                                                          | ..               | 1               | ..            | Do.             | Do.                    | ..                              | ..                                                                                                           |                                                                                                              |                                 |
|                                                      | ..                                                          | ..               | 1               | ..            | Hindu           | Do.                    | ..                              | ..                                                                                                           |                                                                                                              |                                 |
|                                                      | ..                                                          | 1                | ..              | ..            | Do.             | Do.                    | ..                              | ..                                                                                                           |                                                                                                              |                                 |
|                                                      | ..                                                          | ..               | 1               | ..            | Do.             | Provisional permanent. | ..                              | ..                                                                                                           |                                                                                                              |                                 |
|                                                      | ..                                                          | ..               | 1               | ..            | ..              | Temporary              | ..                              | ..                                                                                                           |                                                                                                              |                                 |
|                                                      | 1                                                           | ..               | ..              | ..            | Muslim          | Do.                    | ..                              | 3                                                                                                            |                                                                                                              | *Exempted from the examination. |
|                                                      | ..                                                          | ..               | 1               | ..            | Sikh            | Do.                    | 2*                              | ..                                                                                                           |                                                                                                              |                                 |
|                                                      | ..                                                          | ..               | 10              | ..            | 4 Hindus        | Do.                    | 7                               | 32                                                                                                           |                                                                                                              |                                 |
|                                                      | ..                                                          | /                |                 |               | 4 Muslims.      |                        |                                 |                                                                                                              |                                                                                                              |                                 |
|                                                      |                                                             |                  |                 |               | 2 Anglo-Indians |                        |                                 |                                                                                                              |                                                                                                              |                                 |
| Director, Public Information.                        |                                                             |                  |                 |               |                 |                        |                                 |                                                                                                              |                                                                                                              |                                 |
| Foreign and Political.                               |                                                             |                  |                 |               |                 |                        |                                 |                                                                                                              |                                                                                                              |                                 |



| Name of Department or Office.                    | Recruitment made from 4th July, 1934 to 1st February, 1935. |                  |                 |                |                                                          | Whether permanent or temporary.      | Total number of permanent subordinate staff who have not passed the Public Service Commission's examination. | Total number of temporary subordinate staff who have not passed the Public Service Commission's examination. | Remarks.                                                |
|--------------------------------------------------|-------------------------------------------------------------|------------------|-----------------|----------------|----------------------------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
|                                                  | First Division.                                             | Second Division. | Third Division. | Steno-grapher. | Community.                                               |                                      |                                                                                                              |                                                                                                              |                                                         |
| 1                                                | 2                                                           | 3                | 4               | 5              | 6                                                        | 7                                    | 8                                                                                                            | 9                                                                                                            | 10                                                      |
| Military Adviser-in-Chief, Indian States Forces. | 1                                                           | ..               | ..              | ..             | European                                                 | Permanent (on probation).            | ..                                                                                                           | ..                                                                                                           |                                                         |
| Finance                                          | ..                                                          | ..               | 11*             | ..             | 4 Hindus<br>4 Muslims<br>1 Sikh.<br>2 Indian Christians. | Permanent Muslim—1.<br>Temporary—10. | ..                                                                                                           | 10                                                                                                           | * Includes 2 (Hindus) recruited prior to 4th July 1934. |
| Central Board of Revenue.                        | 2                                                           | ..               | 4               | 1              | 3 Hindus<br>1 Sikh.<br>2 Muslims.<br>1 Anglo-Indian.     | Temporary                            | ..                                                                                                           | ..                                                                                                           |                                                         |
|                                                  | ..                                                          | ..               | 7               | 1              | 4 Hindus<br>1 Muslim.<br>2 Sikhs.                        | Officiating                          | ..                                                                                                           | 7                                                                                                            |                                                         |
|                                                  | ..                                                          | ..               | 5               | 1              | 3 Hindus<br>1 Muslim.<br>1 Sikh.                         | Do.                                  | ..                                                                                                           | 5                                                                                                            |                                                         |
|                                                  | ..                                                          | ..               | 6               | 1              | 4 Hindus<br>1 Muslim<br>1 Sikh.                          | Do.                                  | ..                                                                                                           | 6                                                                                                            |                                                         |

| Month          | Day | Religion              | Age | Service   | Rank | Remarks |
|----------------|-----|-----------------------|-----|-----------|------|---------|
| October 1934.  | 5   | 4 Hindus<br>2 Muslims | 1   | Do.       | ..   | 5       |
| November 1934. | 4   | 3 Hindus<br>1 Muslim. | ..  | Do.       | ..   | 4       |
| December 1934. | 4   | 3 Hindus<br>1 Muslim. | ..  | Do.       | ..   | 4       |
| January 1935.  | 3   | 2 Hindus<br>1 Muslim. | ..  | Do.       | ..   | 3       |
|                | 1   | Anglo-Indian          | ..  | Temporary | ..   | 15      |

\*All the individuals were specially exempted by the Public Service Commission.

†Holding appointments against the quota reserved by the Home Department for the personnel recruited otherwise than through the Public Service Commission.

Military Finance Department.

Military Accountant General's Office.



| Name of Department or Office.             | Recruitment made from 4th July, 1934 to 1st February, 1935. |                  |                 |                |                                                         |                                                                                             |       | Total number of permanent subordinate staff who have not passed the Public Service Commission's examination. | Total number of temporary subordinate staff who have not passed the Public Service Commission's examination. | Remarks.                                                                                                                                                                                                                    |
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|                                           | First Division.                                             | Second Division. | Third Division. | Steno-grapher. | Community.                                              | Whether permanent or temporary.                                                             |       |                                                                                                              |                                                                                                              |                                                                                                                                                                                                                             |
| 1                                         | 2                                                           | 3                | 4               | 5              | 6                                                       | 7                                                                                           |       | 8                                                                                                            | 9                                                                                                            | 10                                                                                                                                                                                                                          |
| Judge Advocate General's Branch.          | ..                                                          | ..               | 2               | ..             | Hindus                                                  | Officiating in a leave vacancy                                                              | ..    | ..                                                                                                           | ..                                                                                                           | (a) Including (i) Soldier and ex-soldier clerks, recruited from the I. A. O. C. and units, (ii) civilian clerks recruited from the I. A. O. C. in accordance with Government orders relating to recruitment to this office. |
| Assistant Director of Supplies Provision. | ..                                                          | ..               | 6               | ..             | 3 Hindus<br>2 Muslims.<br>1 Anglo-Indian (Lady typist). | 2 Permanent (1 Hindu and 1 Muslim).<br>4 Temporary (2 Hindus, 1 Muslim and 1 Anglo-Indian). | 32(a) | ..                                                                                                           | 5 (employed in deputations vacancies).                                                                       | Does not include soldier and ex-soldier clerks, whose recruitment is not controlled by the P. S. C.                                                                                                                         |
| Assistant Military Secretary (Personal).  | ..                                                          | ..               | ..              | ..             | ..                                                      | ..                                                                                          | ..    | ..                                                                                                           | 1                                                                                                            |                                                                                                                                                                                                                             |
| Royal Air Force Headquarters.             | ..                                                          | ..               | 8               | ..             | 5 Hindus<br>2 Muslims.<br>1 Sikh.                       | Temporary                                                                                   | ..    | ..                                                                                                           | 8                                                                                                            |                                                                                                                                                                                                                             |
| Legislative                               | ..                                                          | ..               | 2               | ..             | 1 Hindu<br>1 Muslim                                     | Permanent<br>Temporary.                                                                     | 6*    | ..                                                                                                           | ..                                                                                                           | *Of this, 3 were appointed in relaxation of the rules relating to recruitment through the Staff Selection Board, 3 were appointed after getting the necessary exemption from the Commission.                                |
| Commerce                                  | 3                                                           | ..               | ..              | ..             | 1 Muslim<br>1 Do. †<br>1 Hindu †                        | Permanent<br>Temporary<br>Officiating.                                                      | 4†    | ..                                                                                                           | 8                                                                                                            | †Were in service in the Department when appointed to these posts.                                                                                                                                                           |

| Name of Department or Office.                           | Recruitment made from 4th July, 1934 to 1st February, 1935. |                  |                 |                |                        |                                        |    | Total number of permanent subordinate staff who have not passed the Public Service Commission's examination. | Total number of temporary subordinate staff who have not passed the Public Service Commission's examination. | Remarks.                                                                                                                                                                                                                                        |
|---------------------------------------------------------|-------------------------------------------------------------|------------------|-----------------|----------------|------------------------|----------------------------------------|----|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                         | First Division.                                             | Second Division. | Third Division. | Steno-grapher. | Community.             | Whether permanent or temporary.        |    |                                                                                                              |                                                                                                              |                                                                                                                                                                                                                                                 |
| 1                                                       | 2                                                           | 3                | 4               | 5              | 6                      | 7                                      |    | 8                                                                                                            | 9                                                                                                            | 10                                                                                                                                                                                                                                              |
| Railway                                                 | ..                                                          | ..               | 3               | ..             | Anglo-Indian           | One permanent<br>Two temporary.        | .. | ..                                                                                                           | 20                                                                                                           | †Of this 2 men were exempted from the Public Service Commission test, and the remaining 2 clerks were holding permanent appointments in the Q. M. G.'s Branch and in the Office of the Controller of Printing and Stationery, India, New Delhi. |
| Education, Health and Lands.                            | 2                                                           | ..               | 18              | 6              | Hindus<br>Muslims      | Do.<br>Do.                             | 4§ | ..                                                                                                           | 5                                                                                                            | §One of these holds a technical appointment in the Imperial Secretariat Library for which he was recruited through the Public Service Commission.                                                                                               |
| Director General, Indian Medical Service.               | 1                                                           | ..               | 2               | 6              | Muslim<br>Hindus       | Permanent<br>Do.                       | .. | ..                                                                                                           | 3                                                                                                            | One of these, a Muslim, has since left the Department.                                                                                                                                                                                          |
| Director General of Archaeology.                        | ..                                                          | ..               | 2               | ..             | 1 Hindu<br>1 Muslim.   | Temporary (officiating).               | 3  | ..                                                                                                           | 1                                                                                                            |                                                                                                                                                                                                                                                 |
| Industries and Labour.                                  | ..                                                          | ..               | 7               | ..             | 4 Hindus<br>3 Muslims. | Permanent on probation 1. Temporary 6. | .. | ..                                                                                                           | 3                                                                                                            |                                                                                                                                                                                                                                                 |
| Consulting Engineer to the Government of India (Roads). | ..                                                          | ..               | 3               | ..             | 1 Hindu<br>2 Sikhs.    | Temporary                              | .. | 1 (Services terminated).                                                                                     | ..                                                                                                           |                                                                                                                                                                                                                                                 |

| Name of Department or Office.             | Recruitment made from 4th July 1934 to 1st February 1935. |                  |                 |                |                                         |                                                                                                    |  | Total number of permanent subordinate staff who have not passed the Public Service Commission's examination. | Total number of temporary subordinate staff who have not passed the Public Service Commission's examination. | Remarks. |
|-------------------------------------------|-----------------------------------------------------------|------------------|-----------------|----------------|-----------------------------------------|----------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|----------|
|                                           | First Division.                                           | Second Division. | Third Division. | Steno-grapher. | Community.                              | Whether permanent or temporary.                                                                    |  |                                                                                                              |                                                                                                              |          |
| 1                                         | 2                                                         | 3                | 4               | 5              | 6                                       | 7                                                                                                  |  | 8                                                                                                            | 9                                                                                                            | 10       |
| Director of Civil Aviation.               | ..                                                        | ..               | 2               | 1 4            | Hindu ..<br>3 Hindus ..<br>2 Muslims .. | Permanent.                                                                                         |  | ..                                                                                                           | 3                                                                                                            |          |
| Controller of Printing and Stationery.    | 1                                                         | ..               | ..              | ..             | 3 Europeans and Anglo-Indians.          | Permanent (on probation for one year). Provisional permanent (on probation in the first instance). |  | 2 (excluding 1 Superintendent).                                                                              | 4                                                                                                            |          |
| Director General of Posts and Telegraphs. | ..                                                        | ..               | ..              | ..             | Do.                                     | Temporary.                                                                                         |  | ..                                                                                                           | 14                                                                                                           |          |
|                                           | ..                                                        | ..               | ..              | ..             | 1 Hindu                                 | Do.                                                                                                |  | ..                                                                                                           |                                                                                                              |          |
|                                           | ..                                                        | ..               | ..              | ..             | Muslim                                  | Temporary.                                                                                         |  | ..                                                                                                           |                                                                                                              |          |
|                                           | ..                                                        | ..               | ..              | ..             | 7 Hindus<br>2 Muslims                   | Permanent.                                                                                         |  | ..                                                                                                           |                                                                                                              |          |
|                                           | ..                                                        | ..               | ..              | ..             | 1 Hindu<br>2 Indian Christians          | Temporary.                                                                                         |  | ..                                                                                                           |                                                                                                              |          |
|                                           | ..                                                        | 1                | ..              | ..             | 1 Sikh<br>Hindu                         | Permanent.                                                                                         |  | ..                                                                                                           |                                                                                                              |          |

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| Indian Stores Department. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
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*Information promised in reply : (i) to supplementaries in connection with question No. 639 asked by Pandit Lakshmi Kanta Maitra (on behalf of Dr. Ziauddin Ahmad) on the 5th March, 1935, and (ii) to question No. 643 asked by Dr. Ziauddin Ahmad on the 5th March, 1935.*

#### CONTRACTORS AT RAILWAY STATIONS IN THE DINAPORE AND HOWRAH DIVISIONS.

639. The Agent, East Indian Railway, reports that enquiries have been made with the following result :

- (i) On the Howrah Division there were allegations against the Area Contractors having sublet the contract at two stations. The allegations were, on enquiry, found to be incorrect.
- (ii) On the Dinapore Division complaints were made against three Area Contractors. The complaints against two of them were, on enquiry, found to be incorrect. As regards the third it was ascertained that the contractors had arranged for the sale of food-stuffs at certain stations through men who were not their paid servants. The Contractors, however, maintained that the men engaged were directly under their control, wore their badges and uniform and that they (the Contractors) were responsible for any irregularities committed. The Administration, however, did not accept this contention and instructed the Contractors to discontinue the arrangement.

#### FOOD-STUFF SOLD BY VENDORS ON THE EAST INDIAN RAILWAY.

643. The Agent, East Indian Railway, states that the reply to parts (a) and (b) of the question is in the affirmative. The matter is receiving attention.

*Information promised in reply to starred questions Nos. 669 to 676 asked by Mr. Fakir Chand on the 5th March, 1935.*

#### ALLEGATIONS AGAINST THE PRESIDENT OF THE LAHORE CANTONMENT BOARD.

669. (a) Powers have been delegated to the Vice-Presidents of the following cantonments under the sections mentioned against each—

Allahabad—Sections 25 and 114 (1) of the Cantonments Act, 1924.

Dehra Dun—Sections 25, 114 (1), 162 (2), 166 (3), 207 (1) and 253.

Dinapore—Sections 162 (2) and 166 (3).

Fyzabad—Section 22 (1) (b), 166 (3), 207 (1) and 242.

Certain powers were delegated to the Vice-President at Lucknow under section 22 (2), in 1927, but no such powers have been delegated since the last general election in December, 1933. In most cantonments, even if there are no specific delegations of powers, Vice-Presidents act for the Presidents during their absence and exercise all their powers under the Act.

(b) Yes. The power under section 22 (2) is discretionary vested in the President and the President of the Lahore Cantonment Board, considered that the Board was not competent to pass such a resolution.

(c) The reply to the first part is in the affirmative. As regards the second part, the President invited the attention of the mover of the resolution to the provisions of section 22 (2).

#### ACTION TAKEN BY THE EXECUTIVE OFFICER OF THE LAHORE CANTONMENT UNDER SECTION 25 OF THE CANTONMENTS ACT.

670. (a) 26 times.

(b) Government have examined all the cases and find that the action in each case was taken with the sanction of the President and was subsequently confirmed by the Board. They are satisfied that in each case the action was justified on the grounds mentioned in the question.

#### APPOINTMENT OF CHAIRMEN OF VARIOUS SUB-COMMITTEES OF THE LAHORE CANTONMENT BOARD.

671. Yes. The President did not consider it necessary to appoint different elected members to be Chairmen of the different committees because, under the Regulations framed under section 44 of the Cantonments Act, the Vice-President being the senior elected member on the committees concerned, would ordinarily be the Chairman of the committee in preference to any other elected member on the same committee.

#### PRESIDING OVER THE MEETINGS OF THE LAHORE CANTONMENT BOARD BY VICE-PRESIDENT.

672. Four times.

#### ACTING MILITARY OFFICERS AS PRESIDENTS OF THE LAHORE CANTONMENT BOARD.

673. None.

#### RESIGNATION OF THE NOMINATED MEMBERS OF THE LAHORE CANTONMENT BOARD.

674. The necessity for doing so has not arisen because the acceptance of the resignation of a nominated member and the notification nominating another member in his place have occurred simultaneously.

#### ATTENDANCE OF MEMBERS AT THE MEETINGS OF THE LAHORE CANTONMENT BOARD.

675. Yes.

#### RESOLUTIONS PASSED OR REJECTED IN THE LAHORE CANTONMENT BOARD.

676. (a) and (b). Two were passed and one was rejected. All three resolutions related to the disposal of building applications, and the regulation of building does concern the health and welfare of the troops.

(c) Yes. Attention is invited to the statement laid on the table of the Legislative Assembly on the 21st November, 1932, in reply to starred question No. 834 asked by Sardar Sohan Singh on the 26th September, 1932, regarding the appointment of an elected member to perform the duties of the Executive Officer, Lahore Cantonment.

*Information promised in reply to Munshi Iswar Saran's supplementary question to starred question No. 708 asked by Mr. M. Asaf Ali on the 7th March, 1935.*

#### INDIANS AND BRITISHERS WITH KING'S COMMISSION IN THE INDIAN ARMY.

The number of King's Commissioned Indian Officers who have been called on to retire from the service or to resign their commissions cannot exceed 12. Four of these are old cases the records of which are no longer available and the correct number may be only 8.

*Information promised in reply to starred questions Nos. 809 and 811 asked by Mr. V. V. Giri on the 11th March, 1935.*

**SELECTION GRADE POSTS ABOLISHED OR CONVERTED INTO TIME-SCALE APPOINTMENTS IN THE POST OFFICES AND THE RAILWAY MAIL SERVICE.**

809. (a) The following selection grade posts in the Post Office and Railway Mail Service were retrenched or converted into time scale posts during the period from the 1st April 1932 to the 31st December 1934.

| Designation of Posts.                             | Number abolished. | Number converted. |
|---------------------------------------------------|-------------------|-------------------|
| Postmasters .. .. .                               | ..                | 1                 |
| Deputy Postmasters .. .. .                        | 1                 | 93                |
| Assistant Postmasters .. .. .                     | 3                 | 17                |
| Assistant Presidency Postmasters .. .. .          | 1                 | ..                |
| Sub-Postmasters .. .. .                           | 9                 | 13                |
| Deputy Sub-Postmasters .. .. .                    | 1                 | 9                 |
| Assistant Sub-Postmasters .. .. .                 | ..                | 4                 |
| Town Inspectors .. .. .                           | 3                 | 63                |
| Inspectors of Post Offices .. .. .                | 26                | ..                |
| Head clerks (including Joint Head clerks) .. .. . | 4                 | 25                |
| Head signallers .. .. .                           | ..                | 1                 |
| Accountants .. .. .                               | 1                 | 3                 |
| Head Assistants .. .. .                           | 2                 | ..                |
| General Supervisors .. .. .                       | 3                 | 4                 |
| Sanitary Superintendents .. .. .                  | ..                | 1                 |
| Head Record clerks .. .. .                        | 1                 | 3                 |
| Sub-Record clerks .. .. .                         | 1                 | 1                 |
| Head Sorters .. .. .                              | 4                 | 7                 |
| Inspectors Railway Mail Service .. .. .           | 11                | 3                 |
| Total .. .. .                                     | 71                | 248               |

(b) The posts which were abolished were those which on a careful examination of each case were found to be superfluous. The conversion of posts from the selection grade to the time-scale was carried out as justified by the application of the Bewoor Time Tests, read with the administrative instructions issued from time to time by the Director General or the Government of India governing the respective classes of posts.

(c) The additional selection grade posts sanctioned and the offices to which they are attached are given below :

*Bengal and Assam Circle.*

|                                      |                               |
|--------------------------------------|-------------------------------|
| Calcutta General Post Office .. .. . | 1 Inspecting Postmaster.      |
| Dum Dum Sub Office .. .. .           | 1 Selection Grade Postmaster. |
| Tinsukia Sub Office .. .. .          | Do.                           |
| Patiya Sub Office .. .. .            | Do.                           |
| Digboi Sub Office .. .. .            | Do.                           |

*United Provinces Circle.*

|                                          |                           |
|------------------------------------------|---------------------------|
| Railway Mail Service 0-8 Section .. .. . | 1 Selection Grade Sorter. |
|------------------------------------------|---------------------------|

*Punjab and N.-W. F. Circle.*

|                                               |                                    |
|-----------------------------------------------|------------------------------------|
| Rawalpindi City .. .. .                       | 1 Selection Grade Sub-Postmaster.  |
| Kasauli .. .. .                               | 1 Selection Grade Sub-Postmaster.  |
| Murree .. .. .                                | 1 Deputy Sub-Postmaster.           |
| Railway Mail Service D-4 Sub-Division .. .. . | 1 Inspector, Railway Mail Service. |

*Burma Circle.*

|                             |                               |
|-----------------------------|-------------------------------|
| Bassein head office .. .. . | 1 Selection Grade Supervisor. |
|-----------------------------|-------------------------------|

*Sind and Baluchistan Circle.*

|                                   |                                    |
|-----------------------------------|------------------------------------|
| Sukkur Head Office .. .. .        | 1 Assistant Postmaster Telegraphs. |
| Sub-Record Office, Rohri .. .. .  | 1 sub-record clerk.                |
| Sub-Record Office, Quetta .. .. . | 1 sub-record clerk.                |

**SELECTION GRADE APPOINTMENTS IN THE POST OFFICES AND THE RAILWAY MAIL SERVICE.**

811. (a) The total number of selection grade appointments in the Post Office and Railway Mail Service as it stood on the 31st March, 1935, was 1,459.

(b) The percentage of such appointments

(i) to the total number of clerical appointments, both in the ordinary and lower division time-scales in the Post Office, is 5.85 ; and

(ii) to the total number of sorters' appointments, both in the ordinary and lower division time-scales in the Railway Mail Service, is 4.43.

*Information promised in reply to starred question No. 846 asked by Mr. Satya Narayan Sinha on the 12th March, 1935.*

**ABSORPTION OF THE PERMANENT STAFF IN THE MOODY-WARD SYSTEM ON THE EAST INDIAN RAILWAY.**

(a), (b) and (d). The Agent, East Indian Railway, reports that majority of the retrenched men have been re-employed with the exception of those who refused the offers of re-employment made to them or who were found unsuitable for re-engagement. Government are unable to give any particular date by which they will all be absorbed. As regards the reference to demoted staff, Government are informed that staff, retained in lower posts an alternative to discharge at the time of introduction of the Moody-Ward System on the East Indian Railway were not given any assurance that they would be restored to their former or equivalent grades. As regards the employees who were demoted as a measure of economy, the Honourable Member is referred to the Railway Board's letter No. 1635-E.G., dated the 30th December, 1932, a copy of which is in the Library of the House.

(c) The reply to the first part is in the negative.

As regards the second part, the Honourable Member is referred to the reply given to part (d) of question No. 869 asked by Mr. Muhammad Azhar Ali on 12th March, 1935.

*Information promised in reply to starred question No. 852 asked by Mr. Muhammad Azhar Ali on 12th March, 1935.*

**PROMOTIONS TO THE POSTS IN HEADQUARTERS OFFICES OF THE TRANSPORTATION AND COMMERCIAL DEPARTMENTS.**

(a) and (b). The Agent, East Indian Railway, reports that substantive promotions to the grades of Transportation and Commercial Inspectors are decided at headquarters and not in the divisional offices. The only post to which promotion was made between the 1st June, 1934, and the 31st January, 1935, was that of a Claims Inspector.

(c) and (d). The selection board in connection with the promotion referred to above was held in the headquarters office at Calcutta on the 19th September, 1934, and consisted of the Superintendent Staff, the Superintendent Claims and the Superintendent Rates.

(e) Candidates were not called to appear before the selection board, as it was not considered necessary.

(f) Traffic Canvassers and staff with commercial training and experience were eligible.

*Information promised in reply to starred question No. 873 asked by Pandit Sri Krishna Dutta Paliwal on the 12th March, 1935.*

#### ALLEGATIONS AGAINST THE DIVISIONAL SUPERINTENDENT, ALLAHABAD.

(a) Government are informed that no travelling allowance is charged in such cases.

(b) The reply to the first part of the question is in the affirmative and the latter part does not arise.

*Information promised in reply to starred question No. 970 asked by Mr. A. K. Fazlul Huq on the 25th March, 1935.*

#### FIDELITY SECURITIES OF INSURANCE COMPANIES.

(a) The following Insurance Companies have been approved and recognised by the Posts and Telegraphs Department for the purpose of fidelity bonds :

- (1) Clive Insurance Company, Calcutta,
- (2) Guardian Assurance Company, Calcutta,
- (3) National Insurance Company, Calcutta,
- (4) Norwich Union Fire Insurance Society, Calcutta,
- (5) Royal Insurance Company, Calcutta,
- (6) Sun Insurance Office, Calcutta (does not now carry on fidelity bond business),
- (7) Ocean Accident and Guarantee Corporation, Calcutta,
- (8) Commercial Union Assurance Company, Calcutta,
- (9) Empire of India Life Assurance Company, Bombay, and
- (10) Palatine Insurance Company, Limited, Calcutta.

(b) Yes.

(c) The reply to the first part is in the negative. The second part does not arise.

(d) Does not arise in view of the reply given at (a) above.

(e) Presumably the acceptance of any class of business which Insurance Companies regard as sound will be an encouragement to the development of the Insurance system.

*Information promised in reply to starred question No. 989 asked by Mr. C. N. Mulhuranga Mudaliar on the 25th March, 1935.*

#### RETRENCHMENT IN THE MADRAS DEAD LETTER OFFICE.

(a) The reply to the first part of the question is in the negative. As regards the second part no maximum outturn has been prescribed.

|                                               |    |    |    |        |
|-----------------------------------------------|----|----|----|--------|
| (b) (i) August, 1933                          | .. | .. | .. | 26,834 |
| (ii) February, 1934                           | .. | .. | .. | 25,852 |
| (iii) Special enumeration taken in July, 1934 | .. | .. | .. | 24,091 |

(c) Particulars of figures under the sub-heads referred to by the Honourable Member are not available in respect of the enumeration weeks of August, 1933 and February, 1934. As regards the special enumeration taken in a week of July, 1934, the number of paid and unpaid unregistered articles received during the period are 9,607 and 14,484, respectively, while the number of such articles despatched are 8,873 and 11,036, respectively.

|                             |    |    |    |        |
|-----------------------------|----|----|----|--------|
| (d) (i) Registered articles | .. | .. | .. | 19,909 |
| Registered parcels          | .. | .. | .. | 1,371  |
| (ii) Registered articles    | .. | .. | .. | 18,227 |
| Registered parcels          | .. | .. | .. | 2,163  |
| (iii) Registered articles   | .. | .. | .. | 16,325 |
| Registered parcels          | .. | .. | .. | 1,618  |

(e) No.

(f) The staff in the Madras Dead Letter Office was found by actual observation by a senior and experienced officer of the Department to be excessive, a fact which was confirmed by statistics obtained by special enumeration of the articles received and despatched.

(g) and (h). No. Government are satisfied that the retrenchments, which have already been carried out, are fully justified.

*Information promised in reply to starred question No. 1043, asked by Mr. N. M. Joshi on the 26th March, 1935.*

#### BOX *Khalasies* FOR EUROPEAN AND ANGLO-INDIAN DRIVERS ON STATE RAILWAYS.

On the Great Indian Peninsula and North Western Railways box *khalasies* are provided for the carriage of boxes of all engine drivers. As already stated, on the East Indian Railway coolies are provided for the carriage of boxes of drivers in grades I and II. On the Eastern Bengal Railway box *khalasies* are provided for the European and Anglo-Indian drivers only, for the reason that the size of boxes used by the European and Anglo-Indian drivers is larger and cannot be carried without the assistance of a box *khalasi*. The Indian drivers carry small boxes which can easily be carried by hand without the assistance of box *khalasies*. To obtain uniformity Railway Administrations have been instructed that there should be no racial discrimination in this matter and that box *khalasies* should be provided for all drivers when the circumstances render this necessary.

*Information promised in reply to parts (b) and (c) of starred question No. 1220 asked by Mr. M. S. Aney on the 30th March, 1935.*

#### INCREASE IN THE QUANTITY AND VALUE OF QUININE SOLD.

(b) and (c). A statement is attached. Compared with the figures for 1932-33 there was an increase during 1933-34 in the quantity and value of quinine sold of 14.86 per cent. and 14.77 per cent. respectively, and not 14.98 per cent. and 17.6 per cent. as shown in the Annual Report of the Indian Posts and Telegraphs Department for the year 1933-34. The mistake in the Annual Report was due to inaccurate reports originally furnished by certain Circles.

## STATEMENT.

LEGISLATIVE ASSEMBLY.

3RD SEP. 1935.

| Circle.             | 1933-34. |        | 1934-35. |        | Value.   |       | Quantity sold. |        | Value.   |       | Quantity sold. |        | Increase (+) or decrease (-) in quantity. |        | Increase (+) or decrease (-) in value. |       | Remarks.                                                                                                                                                                                                                                             |
|---------------------|----------|--------|----------|--------|----------|-------|----------------|--------|----------|-------|----------------|--------|-------------------------------------------|--------|----------------------------------------|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | lbs.     | gr.    | lbs.     | gr.    | Ra.      | a. p. | lbs.           | gr.    | Ra.      | a. p. | lbs.           | gr.    | lbs.                                      | gr.    | Ra.                                    | a. p. |                                                                                                                                                                                                                                                      |
| Bengal and Assam    | 10,487   | 1,920  | 12,353   | 6,193  | 2,23,673 | 14 4  | 12,353         | 6,193  | 2,63,485 | 3 1   | 12,353         | 6,193  | +1,866                                    | 4,273  | +39,811                                | 4 9   | Increase in quantity was due to malaria.                                                                                                                                                                                                             |
| Bihar and Orissa .. | 242      | 4,254  | 285      | 1,425  | 6,369    | 5 0   | 285            | 1,425  | 7,486    | 12 0  | 285            | 1,425  | +42                                       | 4,171  | +1,117                                 | 7 0   | Increase in quantity was due to (i) malaria and (ii) increased popularity of drug.                                                                                                                                                                   |
| Bombay ..           | 1,299    | 5,570  | 1,671    | 5,630  | 24,686   | 0 0   | 1,671          | 5,630  | 31,482   | 8 0   | 1,671          | 5,630  | +372                                      | 60     | +6,796                                 | 8 0   | Increase in quantity was due to malaria.                                                                                                                                                                                                             |
| Burma ..            | 186      | 15     | 191      | 1,622½ | 2,034    | 6 5   | 191            | 1,622½ | 2,091    | 9 7   | 191            | 1,622½ | +5                                        | 1,607½ | +57                                    | 3 2   | No special reason for the slight increase in quantity.                                                                                                                                                                                               |
| Central ..          | 745      | 4,917½ | 782      | 5,430  | 14,417   | 12 7  | 782            | 5,430  | 15,237   | 11 2  | 782            | 5,430  | +37                                       | 512½   | +819                                   | 14 7  | No special reasons for the increase in quantity. The slight increase of .73% in value over the percentage of quantity is due to fluctuations in the cost of the drug.                                                                                |
| Madras              | 1,951    | 4,000  | 1,859    | 1,600  | 39,916   | 4 6   | 1,859          | 1,600  | 37,615   | 8 9   | 1,859          | 1,600  | -92                                       | 2,406  | -2,300                                 | 11 9  | Decrease in quantity was due to the free supply of quinine by the Public Health Department in several districts, and the larger decrease in value was due to the increased sale of 10 gr. packets by post offices in the Mysore State and elsewhere. |

|                       |        |        |          |      |        |       |          |      |        |         |       |         |      |         |                                                                                                                                                                                                                                                                                                                      |  |
|-----------------------|--------|--------|----------|------|--------|-------|----------|------|--------|---------|-------|---------|------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Punjab and N.W. F.    | 102    | 5,065  | 1,964    | 15 7 | 95     | 265   | 1,818    | 12 1 | -7     | -7.48%  | 4,810 | -146    | 3 6  | -7.43%  | Decrease in quantity was due to free supply by Itinerary Dispensaries.                                                                                                                                                                                                                                               |  |
| Sind and Baluchistan. | 46     | 3,330  | 994      | 3 9  | 69     | 6,265 | 1,502    | 5 0  | +23    | +50.38% | 2,935 | +508    | 1 3  | +51.10% | Increase in quantity was due to less free distribution of quinine by local bodies and a widespread epidemic of malaria. The difference in percentage was due to variations in actual and selling price of a tin of quinine supplied to the offices in Baluchistan by the Inspector-General, Civil Hospitals, Punjab. |  |
| United Provinces..    | 155    | ..     | 3,993    | 0 0  | 169    | ..    | 4,295    | 11 0 | +14    | +9.03%  | ..    | +302    | 11 0 | +7.59%  | Satisfactory reasons not given, but apparently due to (1) the drug having been supplied in 1933-34 in lieu of money received during the preceding year and (2) the drug having been supplied during the year (1933-34) by V. P. P., so that its value was received during the succeeding year (1934-35).             |  |
| Total                 | 15,217 | 1,071½ | 3,18,049 | 14 2 | 17,478 | 420½  | 3,65,016 | 0 8  | +2,260 | +14.86% | 6,349 | +45,966 | 2 6  | +14.77% |                                                                                                                                                                                                                                                                                                                      |  |

STATEMENTS LAID ON THE TABLE.



*Information promised in reply to supplementaries to starred question No. 1322 asked by Mr. S. Satyamurti on the 2nd April, 1935.*

# TREATY BETWEEN THE SULTAN OF ZANZIBAR AND GREAT BRITAIN.

(a) In 1908 a treaty was signed abrogating the treaty of 1886 between Great Britain and Zanzibar.

(b) The rights of Indian settlers and other British subjects in Zanzibar were safeguarded in certain respects by the provisions of the Treaty between Great Britain and Muscat of the 31st of May, 1839. Provision was also made in the Treaty for the reciprocal recognition of Consuls appointed by the High Contracting Parties on a most-favoured-nation footing. This treaty was abrogated as regards Zanzibar on the 3rd of April, 1911.

(c) As this Treaty is not now in force it would serve no useful purpose to table it.

*Information promised in reply to parts (b) and (d) to (g) of starred question No. 1395 asked by Mr. D. K. Lahiri Chaudhury on the 3rd April, 1935.*

# TIME TEST FOR CORRESPONDENCE WORK IN FIRST CLASS HEAD POST OFFICES.

(b) The reduction was effected on the basis of the actual reduction of work due to fall in traffic.

(d) The number of clerks who worked in the Correspondence Department of the Calcutta General Post Office in 1931-32 and the number reduced up to the 28th February, 1935, is as follows :—

|                                                                                                          |    |    |     |
|----------------------------------------------------------------------------------------------------------|----|----|-----|
| Number of clerks in the Correspondence Department of the Calcutta General Post Office on 1st April, 1931 | .. | .. | 112 |
|----------------------------------------------------------------------------------------------------------|----|----|-----|

|                                                        |    |    |    |
|--------------------------------------------------------|----|----|----|
| Number of clerks reduced up to the 28th February, 1935 | .. | .. | 18 |
|--------------------------------------------------------|----|----|----|

(of these 11 were reduced in 1932 and 7 in 1934).

(e) The facts are substantially as stated.

(f) The number of selection grade, time-scale supervisory and other clerical posts in the Bombay General Post Office, Correspondence Department, which includes the offices of the two Inspecting Postmasters, Bombay, is as follows—

|                                   |    |    |    |     |
|-----------------------------------|----|----|----|-----|
| (i) Selection grade posts         | .. | .. | .. | 4   |
| (ii) Time-scale supervisory posts | .. | .. | .. | nil |
| (iii) Clerks                      | .. | .. | .. | 26  |

(g) The entire question of the staff requirements of the Correspondence Department of the Calcutta General Post Office is being closely examined by the Postmaster-General, Bengal, and Assam Circle, and Government are not yet in a position to state what re-adjustments of staff may ultimately be found to be necessary.

*Information promised in reply to unstarred question No. 262 asked by Mr. D. K. Lahiri Chaudhury on the 3rd April, 1935.*

# CERTAIN INFORMATION IN RESPECT OF THE BOMBAY, CALCUTTA AND MADRAS GENERAL POST OFFICES.

|                                                       | Bombay<br>General<br>Post<br>Office. | Calcutta<br>General<br>Post<br>Office. | Madras<br>General<br>Post<br>Office. |
|-------------------------------------------------------|--------------------------------------|----------------------------------------|--------------------------------------|
| (i) Number of selection grade posts of Rs. 250—350    | 8                                    | 12                                     | 5                                    |
| (ii) Number of selection grade posts of Rs. 160—250   | 40                                   | 41                                     | 10                                   |
| (iii) Number of time-scale supervisors .. ..          | 12                                   | 8                                      | 2                                    |
| (iv) Number of clerks (Upper Division) .. ..          | 446(a)                               | 883(a)                                 | 187(a)                               |
| (v) Number of clerks (Lower Division) .. ..           | 98(b)                                | 174(b)                                 | 59(b)                                |
| (vi) Number of sorting postmen .. ..                  | 22                                   | 39                                     | 10                                   |
| (vii) Number of overseers .. ..                       | 12(c)                                | 6(c)                                   | 2(c)                                 |
| (viii) Number of postmen .. ..                        | 239                                  | 182                                    | 118                                  |
| (ix) Number of inferior and other miscellaneous staff | 325                                  | 391                                    | 78                                   |

(a) Operative clerks including leave reserves but excluding town Inspectors and assistant accountants.

(b) Including leave reserves.

(c) Overseer postmen.

| Name of Department.  | Bombay.                              |                                 |           | Calcutta.                            |                                 |           | Madras.                                                                                    |                                 |           |
|----------------------|--------------------------------------|---------------------------------|-----------|--------------------------------------|---------------------------------|-----------|--------------------------------------------------------------------------------------------|---------------------------------|-----------|
|                      | Seleo-<br>tion<br>grade.             | Time scale<br>Super-<br>visory. | Clerical. | Seleo-<br>tion<br>grade.             | Time scale<br>Super-<br>visory. | Clerical. | Seleo-<br>tion<br>grade.                                                                   | Time scale<br>Super-<br>visory. | Clerical. |
| 1. Staff ..          | 1                                    | ..                              | 5         | ..                                   | 1                               | 7         | ..                                                                                         | ..                              | ..        |
| 2. Accounts ..       | 5                                    | ..                              | 12*       | 2                                    | ..                              | 16*       | 1                                                                                          | ..                              | 6*        |
| 3. Correspondence .. | 3                                    | ..                              | 21        | 3                                    | ..                              | 94        | 1                                                                                          | ..                              | 30        |
| 4. Sorting ..        | 6                                    | 1                               | 119       | 4                                    | 1                               | 132       | ..                                                                                         | ..                              | 7         |
| 5. Money Order ..    | 5                                    | ..                              | 41        | 4                                    | 2                               | 69        | 1                                                                                          | 1                               | 32        |
| 6. Savings Bank ..   | 4                                    | ..                              | 23        | 3                                    | 2                               | 34        | 2†                                                                                         | ..                              | 11        |
| 7. Delivery ..       | 2                                    | ..                              | 17        | 3                                    | ..                              | 50        | 1                                                                                          | ..                              | 8         |
| 8. Deposit ..        | 2                                    | ..                              | 14        | 2                                    | ..                              | 16        | ..                                                                                         | ..                              | 5         |
| 9. Sub Account ..    | 2                                    | ..                              | 9         | 1                                    | ..                              | 8         | ..                                                                                         | ..                              | 4         |
| 10. Registration ..  | 5                                    | 6                               | 91        | 7                                    | 2                               | 125       | 3                                                                                          | ..                              | 36        |
| 11. Parcel ..        | 5                                    | 4                               | 67        | 8                                    | 1                               | 101       | 1                                                                                          | 1                               | 21        |
|                      | * Including 4 Assistant Accountants. |                                 |           | * Including 3 Assistant Accountants. |                                 |           | * Including one Assistant Accountant. † Including the Manager M. O. and S. B. Departments. |                                 |           |

Part (b) 11, 9 and 7 respectively.  
Part (c) 58, 63 and 39 respectively.

Information promised in reply to unstarred question No. 297, asked by Mr. C. N. Muthuranga Mudaliar on 3rd April, 1935.

CLOSING OF LEVEL CROSSINGS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY BETWEEN ARKANAM AND AMTATTUR.

(a) and (b). Government have made enquiries and are informed that such is not the case. Out of the 18 level crossings between Arkanam and Amtattur, only 5, at which the road traffic is insufficient to justify gatemmen during night hours, have their gates kept locked by night and the keys kept by the station master who arranges for the gates to be opened on application. Of the remainder 4 are manned both day and night and 9 are continually open for road traffic.

(c) No, the cost will be prohibitive.

(d) Government are informed that every effort is being made to reduce the time the gates are closed to road traffic.

Information promised in reply to part (b) of starred question No. 1482, asked by Mr. Ram Narayan Singh on the 4th April, 1935.

GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

Passes to Travelling Ticket Inspectors on the East Indian Railway are being given according to the pay of the individual concerned. On the Moradabad Division, however, prior to April, 1935, all Travelling Ticket Inspectors were given inter class duty passes. The procedure has since then been brought into line with that on other Divisions.

Information promised in reply to the supplementary questions to Mr. Mohan Lal Sakseena's starred question No. 1519, asked by Mr. S. Satyamurti on the 5th April, 1935.

CERTAIN PARTICULARS IN CONNECTION WITH STATE PRISONERS AT PRESENT CONFINED IN INDIA.

Statement of the number of detenus released under the Bengal Criminal Law Amendment Act, 1930.

The latest figure of releases available is that given by the Honourable Mr. R. N. Reid in reply to a question in the Bengal Legislative Council on the 31st July, 1935. In accordance with his statement ill persons were released from January to June, this year, including those who are free to move about, but have to report periodically to the police.

Information promised in reply to starred question No. 1624, asked by Mr. Ram Narayan Singh, on the 6th April, 1935.

POST AND TELEGRAPH OFFICES IN THE CHOTA NAGPUR DIVISION.

| Districts in the Chota Nagpur Division. | Number of combined post and telegraph offices. | Number of post offices. | Total. |
|-----------------------------------------|------------------------------------------------|-------------------------|--------|
| Hazaribagh .. ..                        | 14                                             | 38                      | 52     |
| Ranchi .. ..                            | 11                                             | 42                      | 53     |
| Palamau .. ..                           | 4                                              | 29                      | 33     |
| Manbhum .. ..                           | 7                                              | 43                      | 50     |
| Singhbhum .. ..                         | 15                                             | 38                      | 53     |
| Total .. ..                             | 51                                             | 190                     | 241    |

Information promised in reply to part (c) of starred question No. 1657, asked by Qazi Muhammad Ahmad Kazmi on the 8th April, 1935.

HAPUR REMOUNT DEPOT AT BABUGARH IN THE MEERUT DISTRICT.

(c) Efforts have been made to procure the information but the Local Government have reported that it would involve a prolonged search into old records, the labour and cost of which would not be commensurate with the value of the results.

## MOTIONS FOR ADJOURNMENT.

DESTRUCTION OF THE SHAHIDGUNJE MOSQUE AT LAHORE.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have received notice of a motion for adjournment from Mr. Gauba who wants to discuss a definite matter of urgent public importance, namely, the facilities afforded by the military, police and district authorities of Lahore for the destruction of the Shahidgunje mosque under cover of the plea of the exercise of legal rights. Does the Honourable Member want to move it ?

**Mr. K. L. Gauba** (East Central Punjab : Muhammadan) : I will not move the first motion standing in my name, but I propose to move the second.

LACK OF DISCIPLINE IN CERTAIN SOLDIERS AT JUBBULPORE.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have received notice from Mr. Satyamurti that he proposes to move for adjournment of the House to discuss a definite matter of urgent public importance, namely, the lack of discipline in the King's Regiment as evidenced by the conduct of some soldiers of that Regiment in the village of Benda near Jubbulpore. I understand that a prosecution has been instituted against a certain number of soldiers in that regiment with reference to the incident mentioned here. I should like to know from the Honourable Member if it is possible to discuss the question of lack of discipline in the regiment without reference to the facts of this incident.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : Sir, the only point that I want to bring before the House is the lack of discipline in the regiment. I undertake not to discuss or bring within the scope of my motion the actual facts which are now pending trial before the civil Courts of the country. I may mention in this connection certain facts which are admitted by Government. I will read from a communiqué issued from Simla on the 29th August by the Government of India. They say :

"In their communiqué of the 24th July the Government of India stated that a court of inquiry was examining the facts in the case in which it was alleged that certain soldiers in the King's Regiment had made an attack on the village Benda in Jubbulpore and the result of the inquiry must be awaited. The report of the court of inquiry has now been examined and it has been decided with the full approval of the military authority to hand the case over to the civil Court to be dealt with. Twentythree men of the battalion are being placed on their trial under the Indian Penal Code on charges of murder and rioting and the proceedings are expected to commence immediately."

I submit, Sir, that I am not discussing whether these particular men who are charged before His Majesty's Courts are actually guilty of this offence, and, if so, what the evidence amounts to, in respect of the actual

offences they are alleged to have committed. The point, I am on, is that the Government of India, on the report of the court of inquiry appointed, I take it, by the Army Department, have decided that certain incidents took place. (*Cries of "No, no" from Official Benches.*)

**The Honourable Sir Henry Craik** (Home Member) : They say an inquiry should be made.

**Mr. S. Satyamurti** : The report of the court of inquiry has now been examined by the Government of India. I presume, and it has been decided, with the full approval of the military authority, to hand the case over to the civil Court to be dealt with. What they are dealing with is whether A or B or C is guilty of certain acts, and if so what those acts amount to under the Indian Penal Code. I am not on that question now. What I am on is the preceding state of affairs in the regiment which made it possible for this incident to happen. What that incident amounts to in law, what the responsibility of A or B is in respect of that incident, are matters which are at the moment before a Court of law.

**Mr. President** (The Honourable Sir Abdur Rahim) : I understand that the Honourable Member wishes to establish the lack of discipline by the facts of this very incident.

**Mr. S. Satyamurti** : By the fact that certain men have been found by a court of inquiry, appointed by the Government of India, to have been guilty of certain offences. (*Cries of "No, no" from Government Benches.*) According to them, at least a *prima facie* case has been established for handing over these men to the civil authorities. You will notice, Sir, that in the ruling cited by Seth Govind Das yesterday this point was elaborately discussed ; and so long as I, and you as President, see that matters which are actually *sub judice* are not actually brought under discussion, it seems to me that it is eminently a matter to be discussed by this House. And I will say another thing. Assuming that this trial is over and these people are found guilty, the matter will cease to be urgent. It comes to this, therefore, that when a thing like this happens we are neither here nor there.

**An Honourable Member** : You can put down a Resolution.

**Mr. S. Satyamurti** : My Honourable friend knows or ought to know that a Resolution has to go through a hurdle race.

**Mr. President** (The Honourable Sir Abdur Rahim) : After the trial, cannot a motion for adjournment be put down ?

**Mr. S. Satyamurti** : Subject to what you say, Sir, it seems to me that they may take it up to the High Court, in which case months will elapse, and it will cease to be a matter of urgent importance. We are now in a cleft stick. We cannot discuss it, and I submit that the Court as such has nothing to do with discipline in the regiment. The Court cannot punish the regiment and cannot censure the Government. It can only find A or B guilty of assault or manslaughter or murder and hang him. The question which I want to bring up is the absence of discipline. I do not want to put it forward as a matter of argument now but you will have noticed, as any reader of newspapers has noticed, that this thing is a growing evil everywhere. This want of discipline is becoming apparent and these British soldiers take the law into their own hands. What I

[Mr. S. Satyamurti.]

want to discuss is the question of lack of discipline, which no Court can deal with.

**The Honourable Sir Nripendra Sircar** (Leader of the House) : Sir, I oppose this motion. I need hardly remind you that in a motion like this only one single specific matter can be discussed and my Honourable friend has really mentioned one single specific matter. And what is that ? The lack of discipline in the King's Regiment as evidenced by the conduct of certain soldiers of that regiment in the village of Benda. Therefore, the sole specific matter is the conduct of these soldiers in the village of Benda.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Lack of discipline.

**The Honourable Sir Nripendra Sircar** : As evidenced by the conduct of some soldiers.....

**Mr. President** (The Honourable Sir Abdur Rahim) : He puts it on the ground of lack of discipline.

**The Honourable Sir Nripendra Sircar** : True : but the lack of discipline is based on the specific matter of the conduct of some of these soldiers in the regiment in the village of Benda. He is thus including a matter which is going to be discussed in a Court of law. If I may remind you, Sir, of a previous ruling on this matter, such a motion must be restricted to a single specific matter of recent occurrence and must be of an urgent nature. I read through the notice again : it says "lack of discipline in the King's Regiment as evidenced by the conduct of some soldiers of that regiment". Therefore, the conclusion that there is lack of discipline is based on one matter only, namely, the conduct of some soldiers of that regiment in the village of Benda. There is no other ground for suggesting lack of discipline and there is nothing further which can be made really the basis of this lack of discipline.

Then I take another point. When you talk of lack of discipline it is only when the case has been tried then we will know what the facts of the case are. Surely by using the word 'discipline' nothing is advanced. What I mean is this : we must take all theoretical objections : supposing the Court finds, as a matter of fact, that there was justification for the exercise of the right of self-defence and so on,—it may not be a fact which may be ultimately proved—but if that is so, there will be no question of lack of discipline. Again, supposing these soldiers were not at the time of alleged occurrence under military orders or disciplinary orders to remain inside the barracks or inside the cantonment : they were out, they committed murder, they committed other offences : those are crimes for which anybody would be punishable, irrespective of the fact whether they are subject to military discipline or not : whether in doing that they simply broke the ordinary law of the land like committing murder or assault or so on or not has nothing to do with the question of discipline. All these matters can be discussed really after the case has been tried. Then, what is the urgency about this ? Supposing, as a matter of fact, some soldiers in the regiment did behave in an improper way, where is the urgency ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The urgency is stated here—lack of discipline in the regiment, so that the authorities may take proper action.

**The Honourable Sir Nripendra Sircar** : Is it right to expect that the authorities would take action when the matter has been taken to Court before the lack of discipline is established ? Is that right or fair ? I do not deny that it is a matter of recent occurrence, but that is not enough to carry my friend through.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The question comes to this : whether the lack of discipline can be proved in any other way excepting by what has occurred.

**The Honourable Sir Nripendra Sircar** : The notice specifically confines itself to this evidence : if he had cited no evidence whatsoever, then I could understand—but the language is perfectly clear—'lack of discipline as evidenced by the conduct of some soldiers of the regiment'. That is the whole gravamen of the charge ; that is the sole foundation for making this complaint of lack of discipline : there is no other. I submit on this motion as drafted, knowing that the conduct of these soldiers is now being investigated in Court, you should not allow this motion.

May I just say one word more in answer to my Honourable friend's arguments ? If it is not urgent now, then he says this may go on for two months and after that it may be dragged on in the High Court for a year and then when he comes here he will be told : "Too late". Whether he will be told that he is too late or not I do not know : that will be a matter for your ruling, if the occasion arises. But surely the whole fallacy of that argument is as if a motion for adjournment is the only method of discussing a grievance before this House. Unless you make that basic assumption, unless you assume that there is no other way in which a thing can be done, that argument has no force.....

**Mr. President** (The Honourable Sir Abdur Rahim) : What can be done now ?

**The Honourable Sir Nripendra Sircar** : It may be done not now, but later, by a Resolution. (Laughter from the Opposition Benches.) I am meeting the point that it is not urgent : supposing the matter comes up after a year or six months.....

**Mr. President** (The Honourable Sir Abdur Rahim) : There may be some other kind of remedy.

**The Honourable Sir Nripendra Sircar** : My friend is assuming as if he has no other remedy at any time.....

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muham-madan Rural) : But why "any time" ? We want it now.

**The Honourable Sir Nripendra Sircar** : I am meeting the argument there will be no remedy later. Before I resume my seat, I will read from page 30 of the Book of Rulings :

"The formal moving of the adjournment of the House as a tactical method of introducing new matter into the day's work has during the nineteenth century been gradually but steadily discouraged by the rules of the House", says Joseph Redlich in his Procedure of the House of Commons.

Of course, my Honourable friends may say this is the 20th century.

[Sir Nripendra Sircar.]

Further on, the same author says :

“ By the present rules such a motion for adjournment can only be permitted in case of special urgency ” ;

and I am anxious that the same principle should be established in this House.

I submit, Sir, that if this trial goes on we shall know the facts, and then it will be time for us as well as for the Government to decide what should be done.

**Seth Govind Das** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, as regards the urgency of this matter, which has been disputed, I may say that I come from the place where this incident has taken place, and I can tell you that round about the place, where the soldiers are stationed, there are many small villages.....

**The Honourable Sir Nripendra Sircar** : On a point of order, Sir, is my friend right in discussing these matters now ?

**An Honourable Member** : What is the point of order ?

**The Honourable Sir Nripendra Sircar** : My Honourable friend is referring to evidence about the conduct of these soldiers.....

**Mr. President** (The Honourable Sir Abdur Rahim) : I would like to hear what the Honourable Member, Seth Govind Das, says.

**Seth Govind Das** : I was pointing out, Sir, that the place where the soldiers live is surrounded by many small villages, and, on account of this incident, the villagers who live there are afraid of such incidents or even more serious incidents in future ; what I want to point out, therefore, is that this matter is very urgent and the discussion on it might enable the military authorities to prevent the recurrence of such offences in the near future ; it is, therefore, a matter of very great urgency.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have considered this matter carefully, and I think I must hold that this motion cannot be discussed usefully without investigating the conduct of the soldiers of the King's Regiment implicated in the incidents alluded to. The sole evidence in the notice of motion before the House, as stated here, is the conduct of those soldiers. The House cannot discuss the conduct of those soldiers without taking into consideration the incidents of this occurrence, and, as the whole matter is *sub judice*, I feel that the rules stand in the way of this motion being allowed. I, therefore, disallow this motion.

DESPATCH OF TROOPS FROM BRITISH INDIA. TO ADDIS ABBABA (ABYSSINIA).

**The President** (The Honourable Sir Abdur Rahim) : The next motion is in the name of Pandit Nilakantha Das. He proposes to ask for leave for adjournment of the House to discuss a definite matter of urgent public importance as follows :

“ The despatch of troops from British India to Addis Abbaba (Abyssinia). ”

Is there any objection to this motion ?

(No objection was taken.)

Does the Honourable Member wish to move this ?

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : Yes.

**Mr. President** (The Honourable Sir Abdur Rahim) : The motion will be taken up at 4 o'clock.

## ELECTION OF A MEMBER TO THE STANDING FINANCE COMMITTEE.

**Mr. A. H. Lloyd** (Government of India : Nominated Official) : Sir, in the absence of the Honourable Sir James Grigg, and, on his behalf, I beg to make the following motion, with your permission :

“ That this Assembly do proceed to elect, in such method as may be approved by the Honourable the President, a member of the Standing Finance Committee to fill the vacancy caused by the resignation of his seat on the Assembly by Sir Leslie Sewell Hudson. ”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly do proceed to elect, in such method as may be approved by the Honourable the President, a member of the Standing Finance Committee to fill the vacancy caused by the resignation of his seat on the Assembly by Sir Leslie Sewell Hudson. ”

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform Honourable Members that for the purpose of election of a member to the Standing Finance Committee the Notice Office will be open to receive nominations upto 12 Noon on Friday, the 6th September, and the election, if necessary, will, as usual, be held in the Secretary's Room in the Assembly Building on Wednesday, the 11th September, 1935, between the hours of 10-30 A.M. and 1 P.M. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

## THE CINEMATOGRAPH (AMENDMENT) BILL.

**The Honourable Sir Henry Craik** (Home Member) : Sir, I beg to move :

“ That the Bill further to amend the Cinematograph Act, 1918, for a certain purpose, as passed by the Council of State, be taken into consideration. ”

This Bill has been passed by the Council of State and we would have proceeded with it in this House last Session had time permitted. The Bill is designed to meet an evil which has been felt and commented on for some years, namely, the improper and suggestive form occasionally taken by certain cinematograph posters and advertisements. The evil came to notice a good many years ago when the Cinematograph Committee of 1928 reported that it was desirable that it should be checked, but the only suggestion they made to check it was that the police or the magistracy should have statutory power to remove an objectionable poster, and that disobedience to any order of removal should be made punishable. That suggestion was considered by the Government of India, but it was not thought very satisfactory, as it was felt that it would fail to achieve the object desired, that is to prevent the exhibition of objectionable posters. The bulk of the Local Governments who were

[Sir Henry Craik.]

consulted on that occasion preferred the remedy which has been embodied in this Bill, namely pre-censorship. We had many protests about cinematograph posters, and I shall quote a few of the bodies and people who have made such protests. The Association for Moral and Social Hygiene writing quite recently said that these posters do much harm, and added, "when we consider the standards of courtesy observed between the two sexes in households in India, it is difficult to see any reason for the delay in prohibiting these undesirable posters, often American in origin". Another protest was made by the All-India Women's Conference which met at Calcutta in January last year, and another one by the National Council of Women in India, a body of which Her Highness the Maharani of Baroda is the President, another one by the Bengal Welfare Association, of which Sir P. C. Ray is the President, and yet another by the Bombay Presidency Women's Council. Finally, the Municipal Corporation of Bombay, during the presidency of Dr. Deshmukh, now a Member of this Assembly, wrote in October, 1934, thus :

"It has been brought to the notice of the Corporation that posters depicting love scenes were exhibited by cinematograph companies in prominent places and that in the opinion of the Corporation there should be censors to prevent the exhibition of objectionable posters."

There were a number of other protests. I have only quoted a few of them. A large number of representations were made to Government to take legislative steps to cure this evil.

Now, Sir, the Bill which is before the House today has been prepared after consulting Local Governments and also Boards of Film Censors. Such Boards exist, I think, in five provinces, Bombay, Bengal, Burma, the Punjab and Madras,—I think I am right in saying that. The Bill provides that advertising matter of a pictorial nature should be censored by the Boards of Censors. We do not propose to extend the censorship to literary matter such as pamphlets and advertisements in newspapers unless they contain pictures, because we do not think that much harm is done by advertising matter of that kind. But posters and pictorial advertisements are sometimes indecent. If any Honourable Member is not prepared to accept my statement, I have had some examples of objectionable posters put up in the Library, and I think any Honourable Member looking at these posters will agree with me that they are, I won't say, obscene in the sense that they amount to an offence under the Penal Code, but they are I venture to hold distinctly suggestive, and in some cases it would not be an exaggeration to describe them as indecent.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : They are all foreign and not Indian.

**The Honourable Sir Henry Craik** : Most of them are foreign, but there are some Indian too.

Broadly speaking, the provisions of the Bill are that these pictorial advertisements must be exhibited for pre-censorship before the Board of Censors and the penalty provided for exhibiting publicly posters which have not been passed by the Censors is a fine of Rs. 500, and in certain cases, a recurring fine as well if the offence is repeated after warning. I

hope that the Bill will be treated as non-controversial and that the House will accept its principle. Since the Bill passed the Council of State in February or March last, we have taken the opportunity of consulting Local Governments, Boards of Censors, and through them the trade. Certain objections have been put forward by the trade, but from a great many of the trade bodies and corporations that we consulted no replies have been received, thus showing that they are indifferent in the matter. Those that have objected have had their objections considered both by the Local Governments and by the Boards of Censors who are, of course, in constant touch with the trade, and the Board of Censors report that the apprehensions which the trade entertains are in fact ungrounded and that little or no inconvenience will be caused to the trade if this Bill becomes law.

The Honourable the Deputy President suggested that there was no need to apply this law to posters of Indian films. It would be difficult to distinguish between films produced in one country and films produced in another, and although I admit that taking it by and large the Indian posters are less objectionable than those that come from abroad, it is not the case that we have not had any complaints about Indian films. That was a matter specifically considered by the Board of Censors of Bengal which is the province particularly affected, being the province where I think most of the films produced in India are made.

That is all I have to say on the general lines of the Bill. I think the Bill, as it passed the Council of State, is capable of improvement in certain respects. We have had certain definite suggestions made to us by one or two of the provincial Boards of Censors for the modification of the Bill, and I have myself given notice of one or two amendments to that effect. I see that there is an amendment to my motion, for the appointment of a Select Committee. If that is the general wish of the House, I am quite prepared that the Bill should go to a Select Committee, but I must warn the House that that may possibly mean considerable delay in passing the Bill. I doubt very much whether we shall have time to get it through a Select Committee this Session in view of the pressure of business, but I quite agree that the Bill does want amendment in its present form and I am perfectly ready to give the House, or a Select Committee if that is the general view, an opportunity of considering and adjudicating on such objections as have been made by the trade to the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

"That the Bill further to amend the Cinematograph Act, 1918, for a certain purpose, as passed by the Council of State, be taken into consideration."

Notice has been given by Mr. Gadgil of an amendment which he wishes to move.

**Mr. N. V. Gadgil** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I move :

"That the Bill be referred to a Select Committee, consisting of Dr. G. V. Deshmukh, Seth Govind Das, Mr. Samuel Aaron, Mr. Amarendra Nath Chattopadhyaya, Mr. Muhammad Nauman, Mr. H. A. Sathar H. Essak Sait, Sir Ghulam Hussain Hidayatallah, Sir Abdul Halim Ghuznavi, Mr. J. Ramsay Scott, Mr. Pradyumna Prashad Singh, the Honourable the Home Member, Rao Bahadur M. C. Rajah, Mr. A. S. Hands, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six."

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

" That the Bill be referred to a Select Committee, consisting of Dr. G. V. Deshmukh, Seth Govind Das, Mr. Samuel Aaron, Mr. Amarendra Nath Chattopadhyaya, Mr. Muhammad Nauman, Mr. H. A. Sathar H. Essak Sait, Sir Ghulam Hussain Hidayatallah, Sir Abdul Halim Ghuznavi, Mr. J. Ramsay Scott, Mr. Pradyumna Prashad Singh, the Honourable the Home Member, Rao Bahadur M. C. Rajah, Mr. A. S. Hands, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six."

Discussion will now go on on both the original motion and the amendment.

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadan Urban) : Sir, there can be no controversy over a Bill like this when we are as much interested in regulating the exhibition of pictures as the Honourable the Home Member. We have to remember that the object of this Act was to regulate the exhibition of pictures, but now I want to put before the House the other side of the shield. Under this Bill, we cannot forget that more and more power is being given to the so-called authority, the licensing authority, call it the Board of Censors—more and more power is being given, and it cannot be denied, and, I hope, it will not be denied even by the Honourable the Home Member, that this power has not always been exercised with reason. Indeed, I may say that very often this power has been exercised in an autocratic fashion, and there is a good deal of feeling in the public against the Board of Censors. To quote an instance that happened not so very long ago, some films were imported into this country as educational films. Those films were passed by the International Board as educational films. I happened to see some correspondence on them, and I believe I am correct when I say that in one of the letters from the Government of India it was asked what was the meaning of educational films ; they did not understand. If that is the position, I say, by all means give wider powers in the interests of moral hygiene if you like to the Board of Censors. But then you must be very particular as to how this Board of Censors is constituted. We find that, all over the country, the authority in many places is given to District Magistrates and Police Officers and Police Commissioners. It seems to me that this is behaving in a very backward fashion. After all, India is not such a country where, particularly in big cities like Bombay, Calcutta and Madras and other cities, you will not get public men or public bodies to associate themselves with the censors so that the films may be properly judged when they come up for inspection and there would be less of feeling amongst the merchants as well as the film importers. What I would suggest is this. I take it that the Bill is now going to the Select Committee and the Home Member has himself agreed to it. For instance, in cities like Bombay and Calcutta, where there are public bodies like the Bombay Corporation and the Senate of the University of Bombay, you would find many public spirited men perfectly willing to co-operate with the work of the Police Commissioners. In the different cities of India, you will find the same condition of things, and, if you associate them, there would be less of grievance and less of heart-burning when a film is censored. I would like that in this business of censorship educational institutions and public bodies should be more and more associated. If that is taken up in the Select Committee, I think that would be a very wise measure, and I do not suppose there would be much difficulty about passing the Bill in this House.

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : I quite appreciate the desire of the Government of India to safeguard the morals of the public by prohibiting the exhibition of objectionable posters. Having seen the samples of the posters that have been put in the Library and also the posters in the streets, I am not convinced that they are so devastating in their effect on public morals as to require the enactment of this measure. Holding as I do a rather unorthodox view regarding this matter, I am not very nervous about the consequences of exhibition of a certain type of posters. As to the question of what is objectionable, opinions differ and the opinions of the highly respectable citizens who constitute the Board of Censors are not always above criticism. When the film producers produce some film they produce also the advertising material and naturally they take care to see that these materials are of such a character as not to offend against the accepted notions of obscenity or immorality and so far as my information goes the posters produced by the Indian producers have not been found objectionable anywhere. It is only the posters that are imported from outside to which objection has been taken by the authorities. I do not understand why the posters that can be exhibited in England and America should come under ban in India. I think, Sir, it is too late in the day to suggest that Eastern people will have a wrong conception of European life from the posters that are printed in the West. Cinema has familiarised the Western life to Eastern masses and it is generally recognised that human nature is the same all the world over. I do not see any reason why if these posters are allowed to be shown and exhibited in England and America they should be banned in India. The Home Member referred to the report of the Cinematograph Committee. The Committee found that there were some tendencies to exhibit objectionable posters but they did not recommend that the cinema producers ought to be put to the inconvenience and trouble of submitting the posters to the Board of Censors. They thought that it would be sufficient if the police took away the objectionable posters. I think that no cinema producer will go to the length of spending money on printing the posters when he knows that they are likely to be snatched away by the police when exhibited in public. I think the recommendation of the Cinematograph Committee was quite a cautious one and it should meet the needs of the situation. I would again say that the Indian film producers have not been found guilty of showing objectionable posters and why should they be penalised for the sins of the European producers ?

**The Honourable Sir Henry Craik** : I said that there have been some cases which have been objectionable.

**Mr. Abdul Matin Chaudhury** : Opinions will differ. The posters held objectionable by Board of Censors may not really be objectionable. As I said, my views are unorthodox in this matter. I do not consider that the posters that I have seen on the streets are so objectionable that they should be banned. I am glad that the Home Member has accepted the motion for reference of the Bill to the Select Committee and I think the matter can be thrashed out there.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Kural) : Mr. President, like my friend, Mr. Abdul Matin Chaudhury, I am opposed to this measure, but on grounds exactly opposite to his. Before I proceed further, I should like very respectfully to con-



[Mr. Sri Prakasa.]

gratulate the Honourable the Home Member for keeping his eyes and ears open and alert at least in the matter of complaints that come on such matters as he likes, while his eyes and ears are absolutely closed to complaints of other kinds, such as those that come from Bengal. You will remember, and I am sure many Members of this House will remember, that Lord Irwin on one occasion said that the Indian people get a very wrong idea of European life owing to the cinemas. I agree with Lord Irwin. Having been myself abroad, I do not think European life is so corrupt and so utterly bad as is depicted in the cinemas that are exhibited in this country. Being a human being and not being governed by racial considerations, I feel it as hurtful to my own self-respect if any other human being is traduced or libelled; and I stand for the proper representation of European life in my country as much as I do for the proper representation of Indian life in countries abroad. It may perhaps satisfy the morbid taste of some gentlemen opposite to see to it that Indian life is traduced and painted in very evil colours abroad. It may even satisfy their lust for slander, to see that Miss Mayo's scandalous book is distributed free of cost abroad; but it does not satisfy me to see that Europeans are shown in a wrong and bad light in my country. Despite the European clothes worn by many of my countrymen in this House, I know that their homes are not European and that they do not live exactly as Europeans do. Ideas of decency and of morality differ in certain aspects, in different countries, despite all that my friend, Mr. Abdul Matin Chaudhury, may say. I am not an expert on cinemas; I am not even an expert on the posters of cinemas. If I may confess candidly, I have not been to a cinema house more than twelve times in my whole life of forty-five years. (Laughter.) I have not looked at many of the posters that are exposed; but the few posters and the few films that I have seen have given me the idea that the whole thing is seriously corrupt. If the Cinematograph Act itself were under consideration, I should be the first to propose that all cinemas in this country should be abolished (Oh! Oh!) (Hear, hear) unless decency and educational value could be ensured in the shows together with recreative pleasantness. But we are here limited by the terms of this Bill. I am one of those that do not like over-loading the Statute-book. I do not like lots of laws which are only honoured in the breach....

**The Honourable Sir Henry Craik:** "More honoured in the breach...."

**Mr. Sri Prakasa:** If the Honourable Member is correcting my English, I may say that he himself is wrong. 'More' is used when a comparison is made. I did not say: "more honoured in the breach than in the observance". If I had said that, he would have been right; but I did not use the latter expression at all. I simply said: "which are only honoured in the breach". I do not know to what university my Honourable friend belongs. I suppose he belongs to Oxford, but I belong to Cambridge (Hear, hear), and we Cambridge men yield to no one. I was just going to say that the Indian Penal Code and the police laws, as they exist in the country, are quite enough to meet the danger that the Honourable Member is afraid of. There are laws about decency, there are laws against obscenity; and I am sure the police is not doing its duty when it allows objectionable posters to be exhibited in public places. If only the police authorities look into

the laws that they are supposed to administer, they will see to it that these posters are abolished without the help of any additional laws. The reason why I am opposed to this measure is that I have no faith in the censors. As my Honourable friend, Dr. Deshmukh, has already explained, these censors behave in a funny and autocratic manner. They don't care for their duty but act according to their own notions of things. Though the Honourable the Home Member assured the House or seemed to assure the House that his purpose was to stop indecency and immorality, I may assure you, Sir, from such experience as I have had of his Government and of himself, that all this censorship is going to be used mostly for political purposes. (Hear, hear.) I will give you only one illustration. The other day, in Farrukhabad in my Province, and in my constituency, a cinema company wanted to exhibit a film showing scenes from the Bombay Congress. The District Magistrate of that place advised the manager of the cinema company not to exhibit this film. We all know what the "advice" of a District Magistrate means: if that "advice" had been disregarded, the manager and his company would have gone to pieces! This is the way the censors work here. Sir, I have no trust in these censors any more than I have any trust in this Government and its personnel (Hear, hear), and, therefore, I am most anxious that there should be no law on the subject, and no addition to the existing law. What are these posters, after all? They are only a replica, so far as I know, of the films that have been passed by the censors. In European countries they have a standard of clothing; for instance, they see nothing very indecent in a lady of rank and title appearing in a skirt not lower than her knees, but in India—we may be wrong—we regard this as indecent, and we think that women should be more clothed than this. I have no objection to European women putting on whatever clothes they like; they follow their own standards; but we do not want those standards to come here. I have seen on the few occasions that I have been in a cinema hall (Laughter) the audience indulging in ribald laughter whenever they see some scene thrown on the screen which would not have elicited even a smile from a European audience. Here they feel that it is something very amusing.

I will refer—if you will permit me to do so, Sir,—to the rather embarrassing subject of kissing. (Laughter.) Now, in India, we are not much used to being kissed or to kissing (A Voice: What?) in public. In India—I am not talking about those gentlemen who have been aping European manners (Laughter), I am talking of the vast mass of the people—I can tell you, Sir, that if you take a census, you will find that about 90 per cent of husbands have never kissed their wives (Laughter) (Voices of "What?" "What?"), and certainly 99 per cent of Indian wives have never kissed their husbands (Laughter) in public. Now, kissing in public here is almost reserved to babies; but in European countries public kissing is a very common thing. In England, for instance, men and women kiss each other without creating any confusion at railway stations. (Laughter.) On the continent of Europe, men kiss each other without creating any similar confusion. If men kiss each other in England, there would be confusion, because that is not the custom there. In England, you are only authorised to kiss ladies, and if you go beyond that, you will get into trouble. Now, whenever these films of indiscriminate kissing are exhibited, there is always ribald laughter here from those who are witnessing these scenes.



**An Honourable Member :** They are beginning to like it.

**Mr. Sri Prakasa :** They are beginning to like it, and I am sorry for them : and I wish that Government, if they mean to be a Government—I doubt if they mean to be a Government, they only mean to be a tyrant—if they really are a Government in any sense of the word, they will see to it that the immoral in human nature is not encouraged.

**The Honourable Sir Henry Craik :** Is kissing prohibited ?

**Mr. Sri Prakasa :** I ask the Honourable Member who is pretending to indulge in a moral lecture to this country, in the case of everything that a human being does in private, why should not all that be exposed on the screen, and why bring in this law ? Sir, I cannot understand the Honourable Member indulging in moral lectures ; I can understand him in the realm of politics. My clear submission to this House is that we must stand against all exhibition of immorality and indecency according to our standards and not according to the standards of Europe. I say that the whole of the cinema censorship is wrong in principle because persons who are in charge of censorship are themselves rather fond, as one of my friends said, of those things which they pass as good. And what happens in Mofussil towns ? I can give many examples from my own city of Benares. The policemen themselves are rather fond of seeing cinemas and so are the magistrates. I know of deputy collectors phoning to the police station, and asking the *thanadar* to inform the neighbouring cinema house that His Majesty the Deputy Collector with his family wants to visit the cinema ; and seats are thereupon reserved for them without any payment. When policemen and magistrates are allowed free admission to cinema houses, of course, they are very chary of running cinema men for indecency and immorality. How does the Home Member expect that this evil of his Government will be abolished ? If any wrong doing on the part of magistrates and the police are mentioned to him, he says : “ I have never heard about them. All this is absolutely false and untrue.” He was saying the same thing when informed of the actual happenings in Bengal. Any complaint that is made against his subordinates is false and untrue ; and anything that he likes to believe is true. We have seen how sensitive he was when the motion for adjournment was moved this morning. He seemed to me to be treating very lightly the life that was taken in Jubbulpore. But when it comes to his own subordinates and members of his own Government, he becomes awfully sensitive. I shall have more to say if I get an opportunity, when his infamous Bill *re* Criminal Law Amendment comes before the House. But for the present I shall be satisfied with saying that this Bill be withdrawn and that the Home Member and his Government should instruct all subordinates throughout the country to see that immoral and indecent posters are not exhibited in the public streets. I may assure the House that there is plenty of scope under the terms of the various existing laws, for example, the Indian Penal Code and the Criminal Procedure Code, for the local magistracy and the local police to take action against offenders. As I said at the beginning, I do not want to overburden the Statute-book. The larger the number of laws that you enact the lesser the possibility of their being followed in action. With these few words, I wish to appeal to both sides of the House to throw out this Bill and to depend upon the ordinary law of the land.

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 Abdur Rahim) in the Chair.

**Seth Govind Das** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I do not want to give a silent vote on this question as I am personally connected with this industry and I know its difficulties. At the very outset, I want to make it clear that I am one of those who want to censor films from a moral point of view, and the concern with which I am connected is floated to produce such films which are clean from a moral point of view. But, at the same time, I do not want that such restrictions should be imposed on this industry, which will kill the industry itself.

Now, Sir, according to this Bill, representation of every picture will have to be brought before the Board of Censors. This pictorial representation will not contain only big screens and posters, but even photographs and blocks, the number of which goes sometimes even to hundreds. Sir, to bring all this material before the Censor would be not only too difficult a job for these film concerns, but would be too expensive. In different papers, when the cinema advertisements appear, those papers also make blocks in different ways and in different combinations. These papers are published from different parts of the country. It would be very difficult, I should say, it would be practically impossible, for these papers to get their blocks censored by the Board of Censors. Then, generally, all photographs of these blocks are prepared from the material of the films which are censored. I do not see the need of censoring these things again when the film is already censored.

When this Bill was being discussed in the Council of State, the Honourable Raja Ghazanfar Ali Khan asked whether Government had received any complaint about the advertisements concerning the films which were prepared in India to which the Honourable Mr. Hallett replied, “ No, Sir, I do not think we have ”. The Honourable Raja Ghazanfar Ali Khan again asked if he would not confine this Bill to imported films alone, to which the Honourable Mr. Hallett said, “ No, Sir ”. I do not understand why, when complaints are not received as far as the Indian films are concerned, this Bill should not be restricted to the imported films only and why should this Bill be applied to indigenous films also ?

I do not want to take up much of the time of the House, but, before I sit down, I must say one thing more, and that is that I do not think this Bill is a safe one from the political point of view as well. Recently a film was produced by a film concern in Bombay, namely, Ajanta, its name was “ Mazdur ”, and the story of that film was written by a famous Hindi writer, Babu Prem Chand. This film has been banned in most of the provinces from the political point of view. This Government calls itself the Government of India, but there is no denying the fact that it is not our Government, and I shall be the last person to give any more powers in any direction in the hands of the present Government of India. Therefore, I must oppose this Bill both on principle and on its merits.

**Dr. F. X. DeSouza** (Nominated Non-Official) : Sir, although the Bill is being treated more or less as a non-controversial measure, yet I should like to intervene in this debate for a few moments to express my gratitude to the Honourable the Home Member for introducing this Bill, on behalf

[Dr. F. X. DeSouza.]

of the Indian Christian community which I represent in this House. No community, Sir, views with more concern the mischief done by obnoxious films than the Indian Christian community. Representing as these films profess to do the types of culture and modes of life prevailing in Christian countries, people in the East have a tendency to regard these films as typical of the Christian culture of the West. Therefore, we, the Indian Christians in this country, feel as if Christianity itself was on trial in the East. It is, however, unnecessary to inform this enlightened House that these films are not typical of Christian culture at all. They represent the culture which Hitler has called the Bolshevisation of culture and are no more representative of the true Christian culture than the Bolshevik State represents the ideals of a Christian State.

Sir, there is indeed a school of thought in this country which was referred to this morning by my Honourable friend, Mr. Sri Prakasa, which regards these disgraceful exhibitions of European life not without some satisfaction. They do not wholly condemn these exhibitions, because they think that they tend to lower the prestige of the Western races in the eyes of the Eastern people. I, for one, do not share these feelings. As my Honourable friend, Mr. Sri Prakasa, expressed it this morning in his best Cambridge manner, these films are a degradation of our common humanity.

As I have said the measure is being treated more or less as a non-controversial measure, there is general agreement about its being referred to a Select committee. Two types of mind were brought to light in the course of the debate this morning. One type was that of extreme conservatism which regards kissing as mischievous and short skirts as a source of great danger. There is another school of thought represented by my Honourable friend, Mr. Abdul Matin Chaudhury, who thinks that no harm can be done by a picture however bad it may be. I shall leave these two extremes aside and I think the general sense of the House is that the posters which are now advertised do contain very objectionable matter, and it is up to the Select Committee to inquire to what extent they should be stopped.

My Honourable friend, Mr. Sri Prakasa, said, after all what is a poster? A poster is merely a replica of the film and if the film is not censored, why censor the poster? Well, Sir, I do not agree with him nor did the Cinema Committee which inquired into the matter in 1928. I will use the words which the Cinema Committee used:

"Posters like other catchpenny devices are often more lurid than the goods which they advertise and at times refer to scenes which have been excised either by the censor or the exhibitor himself."

As an instance they say that they themselves witnessed an enlarged poster advertised "Kiss me Again" in too suggestive a manner but the film itself was absolutely harmless. True, the old proverb says that good wine needs no bush. Apparently, according to the experience of the Cinema Committee, a good film requires a bad poster in order to make it more alluring.

Sir, I shall not detain the House further except to mention one thing and that is that when the Select Committee comes to consider this Bill they will bear in mind one or two points referred to this morning. The

first was the constitution of the Board of Censors about which I see there is general dissatisfaction in the larger cities of Bombay, Madras and Calcutta. They consider that superannuated old gentlemen are not in touch with modern ideas and they want that the Board of Censors should be more representative by having men interested in education, social reform and other public activities to be included in them. The second point to which I should like to draw the attention of the Select Committee is that more facilities should be given to producers of films than exist at present. I understand that both in Madras and Bombay there are no decent projection boards at all provided, and the unfortunate producer has considerable expense in hiring a theatre from one of the cinema exhibitors and he has to pay the taxi hire of inspectors and incur expense before the film is passed. Third and last, I should also draw the attention of the Select Committee to the fact that the industry has now become a national industry. I hear that in Bombay nearly 20,000 men are employed in this industry and therefore a national Government which this Government is gradually becoming should feel that it is its duty to make it a national industry by abolishing the duty on raw films, by having educational films or patriotic films produced or in any other way that may suggest itself to the Select Committee. Sir, I support the motion.

**Mr. M. Ghiasuddin** (Punjab : Landholders) : Sir, I wish to draw the attention of the House to the fact that no good can come out of this measure unless a radical change is made in the type of persons who are to be appointed as film censors. How will anybody feel if a blind man were made a judge of art, or a deaf person a judge of music or a teetotaller were made a wine taster in a hotel? At present the only qualification which is required of a man to be appointed as a film censor is that he should have ultra-puritanical views and so we see some of the best pictures being slaughtered because the persons so appointed have no sense of art. I can illustrate my point by quoting what happened very recently in Lahore. A picture called "The Private Life of Henry the Eighth" which was exhibited both in America and in England and to which the critics of both countries gave very fine certificates was censored because they thought it would bring hatred and contempt on the English race here. It was shown in London where it was a great success and I suppose there are a few English people in London. It did not hurt any of their susceptibilities; yet it was thought that this picture would bring into hatred and contempt the English people over here. On the other hand, pictures which show Asiatics as villains and Englishmen as heroes and in which Asiatics are depicted in the worst colours are freely exhibited without any restraint. So I wish to submit that, before this Bill is passed into law, the Select Committee would see that provisions are made to remove these defects.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadian Rural) : Sir, I feel much concerned with this Bill. Having taken some interest in this matter, I found that there are some matters which must be attended to by the Government. On account of that I had communications with the Home Member and I drew his attention to the fact that in this Bill or in some other Bill provision should be made to checkmate the production of pictures in India which are quietly photographed here and taken to the other countries, developed there and exhibited to the detriment of Indian people. On that point I had some correspondence with the Home Member

[Mr. Lalchand Navalrai.]

and the House knows that at the last Session in Delhi two instances were brought before the House to show how attempts are being made in that direction by showing such films in countries outside India. I also suggested some remedy for that purpose but as the Home Member then stated that he would look into the question we waited to see what he would actually do in that respect. I hope I have made clear to the House what I mean. Some people come over here from America and other places and take incorrect pictures here of things which do not sometimes even exist. Thus many things manipulated are to the detriment of the Indian people and the country of India. These people take such photographs round to America and other places and exhibit them there : this is a thing that must be stopped with a strong hand, and for that purpose I hope that some method will be found out by the Government to check it. The last reply that I got from the Honourable Member showed his sympathy : it also showed that he had at his heart the question of safeguarding the interests of India in that direction, but he was not able to find out any remedy. He asked : "How can we prevent it ? There are secret ways of photographing and taking away these films." But I submit that in this matter if the Government have vision they will certainly find a way out. It cannot be that a mischief like this cannot be prevented : Government have got their own C. I. D. and their inspecting and other staff to find out whether things are being done illegally or not. At the customs offices and at the ports, inspections are always going on and so much money is being spent on inspectors' salaries and other precautions, and I am sorry to say that I get this reply. However, I do not despair—I never despair—and I hope the Government will think over this question and the Select Committee will give attention to this question and arrive at some method by which this evil could be checked.

Now, coming to the Bill itself, there are two motions before the House : one is to take the Bill into consideration and the other is to refer it to a Select Committee : and I think the Home Member has been wise in accepting the motion to refer it to a Select Committee. There is no doubt that it is not a contentious Bill ; it is also not objectionable if the provisions are worked properly. I would here submit that the original Cinematograph Act has not been worked properly, as was pointed out by Dr. Deshmukh : it is left in the hands of the District Magistrates, as so many other things are left in their hands : in many instances European District Magistrates do not know our customs and manners, our feelings and our tastes, and they give permission to show pictures, judging from the standard of their own country. I say the Censor Board should be constituted in such a manner that it should consist of Indian experts jointly though with European experts, of persons who feel themselves responsible to the people and who consult the views of the public and find out what is good and what is bad.

So far as the throwing out of the Bill is concerned, I am sorry I cannot join hands with my friend, Mr. Sri Prakasa. He has put his case very well ; but does he know that the Cinematograph Act exists today and that this Bill is only supplementary to it, adding one or two sections to it ? If it is suggested that the original Act itself should go off and that there should be no legislation in this matter at all, I for myself would not agree to it at all. Therefore, to reject this Bill will not achieve the object

in view. Our destinies and the destinies of the British have been mixed together and we cannot avoid their joining us in passing legislation for safeguarding this country and theirs. In this matter, however, the sense of morality itself is different, and I cannot agree with my Honourable friend, Mr. Abdul Matin Chaudhury, that any picture which is good in America is good here. In fact, I do not think his own community will accept what he says here : I do not know where he got those ideas from. Is it Koranic law which tells him that an obscene picture should be accepted in this country ? (Interruption.) My friend is still young and he will revise his views later on : I know from my experience of him of so many years that he is open to correction and is not incorrigible. (Laughter.) I have seen the world and I can form my own judgment....

**Pandit Lakshmi Kanta Maitra** (Presidency Division : Non-Muhammadan Rural) : Are you within the 90 per cent, or within the 10 per cent. category of Mr. Sri Prakasa ?

**Mr. Lalchand Navalrai** : As I say I do not agree with those who think that this Bill should be thrown out. I do not also agree with those who say that what is good for America or for the British people is good for India. I say we must have a good body of censors in India. Some people say we must do away with cinemas altogether : if you can have Congress rule you can certainly do it : but at present it is no use saying those things. What I say and emphatically say is that precautions must be adopted for proper censorship before the Bill passes out of the Select Committee. The Committee should consider all these views. If no provisions are to be made and no precautions taken to get a better Board of Censors, then it is no use having this legislation. I think this side of the House is agreed that the censorship now is not impartial or good. Now if you want to censor films but you do not want to censor posters and advertisements it will be an anomaly. It is said there is no such law in England ; true, but even the Royal Cinematograph Commission, considering the condition in India, recommended it for India. I think they have sense enough, in fact they have more sense than some of us have here. My Honourable friend opposite asked how to meet the differences of opinion as to the kind of posters and pictures ? Are there not differences of opinion in this House ? How are such differences got over ? Such differences of opinion are got over by a majority. Have a useful Board of Censors, and if by a majority they consider that a certain film or poster is harmless, you can pass it, but if it is considered objectionable by the majority, certainly don't pass it. Therefore, I say that this is only a supplementary Bill, and so all necessary precautions and safeguards should be taken to see that the Act itself is also worked properly. We know in India how Bills when they become an Act are worked, how their provisions are carried out in practice. The whole measure is considered very nice by this House and it becomes an Act, and when it is sent out, how does the Executive work it ? They try to whittle down everything and then tell you that it is working very well. All I want to say is this. When the Bill comes out of the Select Committee and again comes before this House if necessary precautions are not taken or if certain provisions are not embodied in it as safeguards, I for one would ask the whole House to throw it out.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I wish to say a few words in respect of this Bill. Some of us on this side are sharply divided on this Bill according to their age. Persons as they grow old find objectionable matter in everything. I would say, Sir, that this Amending Bill is not necessary. Instead of making the original Bill more and more useful so that better films may be produced, and the industry as a whole is encouraged, every kind of obstacle is sought to be placed in the way of the further progress of this film industry. Recently, Sir, in an exhibition which was opened by Sir M. Vishweshwarayya, he explained how this industry is full of promise for the future and what great potentialities it has before it. Persons of various professions are engaged in this industry,—artists, play-wrights, photographers and engineers find occupation in this industry. Again and again resolutions have been passed and representations have been made to the Government that raw films brought into this country might be let off easily without charging a heavy import duty. Far from taking action in the direction suggested by the public, unfortunately every kind of stringent measure is sought to be adopted with a view to kill this infant industry. I would submit that if the original film itself cannot be exhibited without its passing through a Board of Censors, there is no need putting before that Board the advertising matter also relating to that film. Whatever the advertisement may be, a person takes the trouble of advertising a film only for the purpose of exhibiting that film. If the film is likely to be censored, the advertiser will not be foolish enough to send up posters at a huge cost to advertise his film, and if it is to be exhibited, there is absolutely nothing objectionable in allowing pictorial representations thereof to go in advance. Already the film producers are put to an enormous cost by way of fees for inspection and they have made various representations to Government from time to time. Under the Act, 50 per cent. of those who are nominated on the Board of Censors are officials and the other 50 per cent. are non-officials. Views are changing everyday regarding decency, and they are naturally different in different countries. Recently, an M. L. A. was found to be an obnoxious being, not a fit person to be admitted to society, because he had not put on western costume. We do not know where this will end. A kind of dress that is usually adopted in one country may be objected to by persons in another country. I would, therefore, say that if you select persons of the type who recently sought to avoid or exclude an Honourable Member of this House from a club, if such persons are put on the Board of Censors, we do not know if this industry will be allowed to flourish in this country at all. We are trying to be too sensitive in this matter.

With regard to sending advertising matter before the Board of Censors, I would say there is absolutely no need for it. It is not necessary and it puts the film producers to a very great expense.

Then, Sir, as regards the restrictions. In these days, we are trying to empower the Government with certain powers which can be used adversely to the interests of this country. "Dandi March" and similar films which are exhibited in other countries are not allowed to be exhibited in this country. This Amending Bill does not restrict the pictorial advertisements to obscene pictures or pictorial advertisements alone. Anything on political grounds can be tabooed. You are placing once again too much power in the hands of the Board of Censors, 50 per cent. of which is nominated by Government. Anything, however, useful to this country,

can be tabooed by the Board of Censors. I would, therefore, request Honourable Members of this House to consider whether it is desirable to place much more power than already exists in the hands of the Board of Censors over whose nomination or appointment this House has absolutely no control.

Then, even after a film is produced and exhibited, there is the District Magistrate or the local Superintendent of Police to throttle it, who says that even if the film has passed through the fire, even if it has been passed by the Board of Censors, it is objectionable so far as a small place is concerned, as if the morals contained in a picture exhibited in a small place differ from the morals in the presidency headquarters, so that films which are passed by a Board of Censors as fit for a big place become absolutely objectionable to a small place. That is how at any stage a film which is produced at an enormous cost is likely to be banned. Under these circumstances, I suggest that this is not a measure which should receive support from this side of the House. However, as my friend has moved for reference to a Select Committee, I suggest that sufficient precautions should be taken in the Select Committee, at least with respect to this portion of the Amending Bill, to see that the Board of Censors consist of some representatives who will be free from bias or who would not be absolutely under the thumb of the Government.

Further, Sir, I would say that it is just and proper that film producers should have adequate representation on such Board of Censors. No doubt, this would mean a modification of the original Bill itself, but at least with respect to this portion,—the preamble not having been modified,—at the Select Committee stage necessary amendments should be made so that suitable provisions may be incorporated in the Bill in order to give proper representation to the film producers as also to the non-official public on the Board to ensure that proper films are not unnecessarily tabooed.

Then, as regards the difficulty which my friend, Mr. Lalechand Navalrai, raised, that films produced in this country are taken surreptitiously to other countries where we are made a laughing stock, he was at pains to find out a remedy, and it appears that in spite of repeated representations the Government also expressed its inability to remedy this evil. I would suggest that there ought to be an International convention that unless a film is certified in the place of its origin, it ought not to be allowed to be exhibited in another country. Such a convention is not hard to get, because if other countries do not accept that convention, it is easy for us to exhibit in our country films depicting damaging things about those countries. Therefore all countries should be interested in bringing about that convention if it is possible. Of course, this may be a matter foreign to the scope of the present Bill and of the Select Committee, but I would suggest that the Honourable the Mover might bring the Bill in a modified form so that it may do more justice to the industry and the public at large. You will not prevent books, you may prevent these films and advertisements. I was really surprised when I went through the posters collected and kept in the Library. I did not find much of objectionable material therein, and I wonder how they should take objection to this when we find exhibited in every railway station nude pictures in journals of the nude society and sun bathing journals containing pictures of nude sun bathers. I do not know if the Government or the Honourable Member have ever seen those pictures. Here at least there is an attempt to cover up the coverable portions, but in those pictures there is absolutely no attempt to do so.

[Mr. M. Ananthasayanam Ayyangar.]

We are unfortunately in a position in this country where we have not got the means to cover both the waist and the upper portion of the body, and a sun bath is absolutely unnecessary in those circumstances. I find that there is no censorship in the case of the nude cult and sun bathing societies. You do not prohibit that, and still you try to prohibit this branch of industry in this country when it has not yet been able to raise its head. It is full of promise and, therefore, let us not be too careful and meticulous about this and kill the industry even in its infancy. I just want to say one word more. My Honourable friend, Mr. Sri Prakasa, being quite young I thought that he would feel like a young man. But he seems to be a puritan from his birth. He, incidentally, said that 90 per cent. of our people do not know what it is to kiss. I hope that he confines his objection to kissing in public. (Laughter.)

**The Honourable Sir Henry Craik :** Most of the speeches delivered by objectors to this Bill have dealt with the censoring, not of posters, but of films, and that is a subject with which the Bill does not deal in any way whatever. The Bill is wholly confined to a proposal that pictorial posters should be pre-censored. One or two objections have been taken on the ground that the Bill would prove a serious obstacle to the film producing or film exhibiting industry, and the Honourable gentleman opposite said that if the films themselves have to be censored, what is the point in censoring the advertisements which are merely a part of the film. That is not, strictly speaking, accurate. Advertisements very often represent scenes that are not actually in the films themselves. I imagine that most of the particularly objectionable advertisements are of that description. Further, it was said that the Bill would put additional expense on the industry. But there is no proposal that any additional fee should be charged in the censoring of advertisements. It is merely proposed that the advertisements should be shown to the Board of Censors at the same time as the films to which they refer. Honestly I do not think that it would really involve any additional expense or hindrance to the development of the trade. However, that is a matter that can and will certainly be gone into if the Select Committee is appointed.

My Honourable friend, Mr. Lalchand Navalrai, introduced quite a different subject when he referred to the correspondence which he recently had with myself about films manufactured in India. He asked me, so far as I recollect the correspondence,—I have not seen it recently—he asked me whether there was not some way in which films manufactured in India could be censored before they were taken out of the country. But I am afraid that is not practicable because a staff of photographers come out here and take photographs, but they do not develop them in this country and it is impossible to show them to the censor or to any one else, even if we were aware, as we cannot always be, where they were being made and when they were being taken out of the country.

**Mr. Lalchand Navalrai :** The Honourable Member will excuse me if I interrupt him. My point was whether the Government could not have means to find out when the productions are secretly made and taken out of the country. My correspondence will show that.

**The Honourable Sir Henry Craik :** I am sorry I cannot hear the Honourable Member. I will be glad to discuss this subject with him and

to show him what the practical difficulties in the way of his suggestion are.

**Mr. Lalchand Navalrai :** My Honourable friend said that when they are secretly made and taken out they could not be censored. My point was, and I have explained it today in my speech, that those pictures are secretly made and taken out of India, and some method should be devised to see that this does not happen.

**The Honourable Sir Henry Craik :** I had better have a discussion with the Honourable Member outside the House ; if he can make any practicable suggestion I will only be too glad to consider it. But it is very difficult to discuss it on the floor of this House by way of question and answer, and after all, it has nothing whatever to do with the Bill now under consideration.

I think I am right in saying that on the whole the House is sympathetic to the object of this Bill, and I trust that it will agree that it should be further considered either by Select Committee or by a Committee of the whole House, I do not really mind which. I do not think that the views expressed by the Honourable Member from Benares, which seemed to be of a very pessimistic nature, really reflect any large body of opinion either in this House or in the country. The Honourable Member dislikes films altogether. He dislikes cinema houses, he dislikes kissing, he dislikes Government, he dislikes me.... (Laughter.)

**Mr. Lalchand Navalrai :** He is opposed to kissing in public, and not in bed.

**The Honourable Sir Henry Craik :** He dislikes nearly everything. When the Honourable Member was speaking, to me he seemed to have the outlook of a gouty, pessimistic old gentleman of 85, and I suggest that he should try to model his outlook on life slightly more closely on the lines of the bright young gentleman sitting straight in front of him. (Laughter.)

**Mr. President** (The Honourable Sir Abdur Rahim) : Before the amendment is put, the Chair would mention to the House that the Mover of the amendment wants to add the name of Babu Baijnath Bajoria to the personnel of the Select Committee. The question is :

“ That the name of Babu Baijnath Bajoria be added to the Select Committee.”

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill be referred to a Select Committee, consisting of Dr. G. V. Deshmukh, Seth Govind Das, Mr. Samuel Aaron, Mr. Amarendra Nath Chattopadhyaya, Mr. H. A. Sathar H. Essak Sait, Sir Ghulam Hussain, Mr. Muhammad Nauman, Mr. J. Ramsay Scott, Mr. Pradyumna Hidayatallah, Sir Abdul Halim Ghuznavi, Mr. Rao Bahadur M. C. Rajah, Prashad Singh, the Honourable the Home Member, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be six.”

The motion was adopted.



**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“ That the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose, as passed by the Council of State, be taken into consideration.”

This is a very simple measure, Sir, and I hope that it will prove to be non-controversial. Towards the end of April, 1934, the Court of the Aligarh Muslim University decided to recommend to the Governor General in Council through the Board of Visitors that the Aligarh Muslim University Act should be amended so as to abolish the post of Pro-Vice-Chancellor. They made that recommendation in pursuance of a recommendation of a retrenchment committee which had been appointed earlier suggesting that the post of Pro-Vice-Chancellor be abolished as a measure of economy. The Board of Visitors, Sir, forwarded the recommendation of the Court to the Governor General in Council but with a modification that, instead of abolishing the post, the power shall be left to the Court either to keep the appointment or to abolish the appointment. Their point of view, and that is also the point of view of the Government of India, is that in the case of a growing institution like the Aligarh Muslim University it is impossible to anticipate when circumstances may arise when the appointment of a Pro-Vice-Chancellor may be necessary. After all there is the sister university of Benares. The Act which constituted that University made the appointment of Pro-Vice-Chancellor there obligatory and from all that I have heard from the Vice-Chancellor and from others the business of the University has been so pressing and the functions of the Vice-Chancellor especially in an ambassadorial capacity have been so varied that they have persistently felt the need of keeping the post of Pro-Vice-Chancellor filled. What we felt was that rather than adopt the restrictive recommendation of the Court, because it would be a restrictive recommendation if the Court were deprived of the liberty to fill the post of Pro-Vice-Chancellor later on if necessary, we should so amend the Act as to leave the Court free to appoint a Pro-Vice-Chancellor when circumstances required it and to abolish that when circumstances recommended that particular course. That is the amendment which was made by the Bill as passed by the Council of State and that is the amendment, Sir, to which we now seek the support of this House. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose, as passed by the Council of State, be taken into consideration.”

There is an amendment of which notice has been given.

**Maulana Shaukat Ali** (Cities of the United Provinces : Muhammadan Urban) : I beg to propose an amendment to the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is to the second clause.

**Maulana Shaukat Ali** : My amendment would read thus....

**Mr. President** (The Honourable Sir Abdur Rahim) : Clause 2 is not yet before the House.

**Mr. Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : We have received no notice.

**Mr. President** (The Honourable Sir Abdur Rahim) : The amendment of which notice has been given by Maulana Shaukat Ali is only relating to clause 2. That is not before the House. This is the motion for consideration.

**Mr. Muhammad Yamin Khan** : We have received no copy of the amendment.

**Mr. President** (The Honourable Sir Abdur Rahim) : That will be dealt with when the time comes.

The question is :

“ That the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose, as passed by the Council of State, be taken into consideration.”

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is : “ That clause 2 stand part of the Bill.”

Notice of an amendment has been given by Maulana Shaukat Ali.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : I rise to a point of order. Is this amendment in order according to Order 46, sub-section (1) ? Notice has not been given within the prescribed time, and, therefore, it cannot be moved.

**Mr. President** (The Honourable Sir Abdur Rahim) : Does the Honourable Member want to move his amendment ?

**Maulana Shaukat Ali** : Yes, my amendment would read thus :

“ In clause 2 of the Bill, for the proposed section 41, the following be substituted : “ The office of the Pro-Vice-Chancellor shall be abolished ”.”

This was the recommendation made by the Court of the University.

**Sir Muhammad Yakub** : May I raise the point of order at this stage ? My submission is that under Order 46, sub-section (1) notice ought to have been given two days earlier, and, as that rule has not been complied with, the amendment cannot be taken up at this moment.

**Mr. President** (The Honourable Sir Abdur Rahim) : When was the notice given ?

**Maulana Shaukat Ali** : I admit that I gave notice of this motion only a few hours ago. I am very sorry for this mistake, because I am a new Member and I have been busy arranging about my accommodation and other things. If you allow my amendment, it will be more acceptable to the Muslim community. You, Sir, can use your power in my favour, Government can use their power to help me. But if that power cannot be used, then I accept the position.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would rule this amendment out of order. Objection has been taken that notice was not given in time, and no justification has been made out for not giving the notice in time.

The question is :

“ That clause 2 stand part of the Bill.”

**Maulana Shaukat Ali** : Then I want to oppose this Bill. I have my reasons for opposing it. If my amendment could have been accepted, I

am sure that it would have been in the best interests, not only of the Government, but also of the Muslim community and of Aligarh.

**Sir Girja Shankar Bajpai** : I should like to suggest to my Honourable friend that his opposition would be more appropriate at the stage when I move that the Bill be passed, and not at this stage.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would like to hear what the Honourable Member has got to say.

**Maulana Shaukat Ali** : Sir, I see it is very easy to try to thwart an honest motion. I want to put up a straightforward and honest fight. If every obstacle,—legal or otherwise, that is put in front of me, all I can say today is that I will be able to meet it when I make a careful study of the rules and regulations of this House. Today, however, on this matter, I must ask the indulgence of the House to give me a patient hearing. I am an Aligarh boy. (Laughter.) (A Voice : "Boy ?") Yes, I am an Aligarh boy, and am proud of it. I am very much younger at heart than the youngest man in this House. I know Aligarh well ; I have worked for it ; and even my worst enemy cannot say that many more people love Aligarh better than myself or better than my late brother did to the collection of funds for the Muslim University. I devoted myself, and I gave up Government service and took part in making its constitution. We took our full share and we took the greatest interest always in every aspect of life of the Aligarh University. Now, I want to tell you, Sir, and through you, the House, that the reason on account of which feelings were strained between the Government and the Muslim people, so much so that men like me and others became rebels and outlaws, was on account of Government's constant interference in the internal affairs of Aligarh dearly loved by all. It has always been our plea that we Muslims were entirely responsible for the working of the constitution. The great founder from the very beginning laid stress on the point that nobody should be a Trustee except a Muslim. On account of our feelings of resentment against the Government interference, we became rebels and outlaws. We, Muslims, know how to look after our own interests and resent others interfering in matters concerning ourselves. We have got enough capable men in our University Court, and we are perfectly alive to the best interests of the University,....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair has heard the Honourable Member's preliminary remarks, and it thinks the Honourable Member must now address himself to the clause.

**Maulana Shaukat Ali** : I want to show why the University Court unanimously recommended to the Government....

**Sir Muhammad Yakub** : Not unanimously, by a majority of two or three.

**Maulana Shaukat Ali** : I am talking of April, 1934.

**Sir Muhammad Yakub** : Then also.

**Maulana Shaukat Ali** : The Vice-Chancellor, Sir Ross Maswood, realising the position, proposed and the Court accepted it, that the post of the Pro-Vice-Chancellor should be abolished. And the Pro-Vice-Chancellor himself, who was an English gentleman and for whom we have the greatest respect, said with emphasis that this post was not really needed ; that it has caused and will cause friction and differences and intrigues. When you have got a whole-time Vice-Chancellor,—there was

no need for the post of the Pro-Vice-Chancellor carrying nearly Rs. 4,000 a month. Everybody connected with the University work accepted it. The Academic Council, consisting of responsible members of the staff, unanimously accepted it, and the gentleman concerned himself, Mr. Ransbotham, in the interests of truth, efficiency and smooth-working, said that the post was not needed and should be abolished. Then came a communication after April, 1934, to the Government of India, giving the considered decision of all these people who were intimately connected with the University. No answer was given nor any notice taken of this recommendation. There were reminders sent also but to no effect and I would very much like the Honourable Member in charge to lay on the table of the House all the correspondence that passed after the University had asked for the amendment of the Muslim University Bill, so that the House may be able to judge and form an opinion whether the recommendation of the unanimous Court was right or wrong or whether the Government Department concerned had treated them with due respect. Sir, all I want is that there should be no corruption, there should be no jobbery in our University organization. I know there had been corruption, there had been jobbery which we wanted to stop.

Here I have got a report in my hand which very few gentlemen in this House have seen. There was a Vice-Chancellor, of the type of Sahabzada Aftab Ahmed Khan,—a man who had devoted all his life to the cause of Aligarh, and then there was a Pro-Vice-Chancellor, the quarrels started between the Pro-Vice-Chancellor and the Vice-Chancellor, which ruined the work of our University. There was indiscipline, and every rule and reputation of the University was broken to further party politics, so much so that there were complaints and scandalous quarrels all round and it was openly said that money was wasted and salaries increased, in favour of partisans, while others got into trouble because they could not belong to a certain party and because the Pro-Vice-Chancellor thought that he should control and have power and they fought and the University suffered. Sahabzada Aftab Ahmad Khan, the Vice-Chancellor, is dead, but Dr. Ziauddin Ahmad, the then Pro-Vice-Chancellor, is here and he will bear me out that there was constant friction and open quarrels. This scandalous condition got so bad that the Government officials complained. After consultation between Rector Lord Irwin and Her Highness the Begum of Bhopal, the Chancellor, an impartial commission was appointed. There were no Congress people on it nor Muslim Nationalists were on it. The Commission had as President Sir Ibrahim Rahimtoola. He was formerly an Executive Councillor of the Bombay Government. Later on he became the President of the Legislative Council of Bombay, and still later he occupied the Chair that you, Sir, now occupy, and on that Commission were Sir Philip Hartog, the educational expert, and also Sir George Anderson, now Educational Commissioner with the Government of India—men responsible.

**Mr. President** (The Honourable Sir Abdur Rahim) : How is that relevant to this clause ?

**Maulana Shaukat Ali** : Because I want to tell you that the Commissioners had to look in the quarrels between the Pro-Vice-Chancellor and the Vice-Chancellor. Sir, there is a Persian proverb :

" Deh Darvesh der galimey ba khuspand,  
Do Padshah der aqlimey na gunjand."

[Maulana Shaukat Ali.]

That is "ten Faqirs can sleep under one blanket but two Sultans cannot be accommodated in a big Empire." Sir, I want to warn my Honourable friend of the danger and that we want to close the door for corruption. Any partisan can come forward with canvassed votes to have someone of his party as Pro-Vice-Chancellor to pull down the Vice-Chancellor. I hope, Dr. Ziauddin will have no objection to it because he will have no rival to interfere with his work; he alone would be responsible for the good work or the bad work, that had been done. There would be no constant friction and I want to shut the door to all intrigue,—and this impartial and powerful commission's report supports me in everything I have said. I do not want to read it all out, there is no time for it, but I do say that the Bill should be dropped now, and later on, say in the next Delhi Session it may be taken up, after consulting the Muslim public. This is my position. The recommendation of the Commission was that Dr. Ziauddin Ahmad should be made to retire and give up his Aligarh connection. He left Aligarh and after seven years he is brought back again by means of a miserable intrigue started in Delhi. I want to tell the Government in clear terms, as far as Aligarh is concerned, it is very clear to me. This Muslim University is very important, and is our future hope, I do not want that the Government of India should interfere and be connected with any underhand intrigue to rob it of its independent character.

**Mr. Muhammad Yamin Khan :** Sir, it is a matter of good fortune that I am present in this House today when this Bill comes here after my having seen this Bill through in the Council of State. (Hear, hear.) Sir, I am one of the few members of the Court of the Muslim University who are the Members of this House also. I am not going to traverse all the ground which has been covered by my friend, Maulana Shaukat Ali. I do not want to say what were the causes which made him a rebel or an outlaw or how he came over to the other side, as he himself has expressed his feelings. The question for me is what is the opinion of the Court of the Muslim University and how far has Government acted according to the wishes of that Court.

The Court considered this matter in April, 1934, when Sir Syed Ross Masood was the Vice-Chancellor and at that time there were certain persuasions made by him and there was something in the minds of the members of the Court which led them hurriedly to accept the recommendation that the post of the Pro-Vice-Chancellor be abolished. But when this proposition came again before the Court on November 25th, 1934, the members of the Court, who were not present in the meeting of April, 1934, and who now became aware of the previous decision, challenged that decision and they came in full strength in November, 1934, to reconsider that decision. At that time the decision of sticking to the former resolution of the Court was decided by 42 votes against 38. This was a very close division and, as the Honourable Members of this House are aware, this agitated the whole Muslim public in India. Members of the Court came from all parts of India, such as Hyderabad, Madras, Peshawar, Assam and other far distant places in the country simply to give expression to their views. The members voted in favour of the old decision simply because

some of them did not like to go back on their former decision. I was present throughout and I know that the opinion was closely divided. The chief thing that prevailed in the mind of the people who had voted on the side of 42 was this that as they had taken a decision only a few months back, they did not like to change it. There was other side also and members who were absent in the first meeting thought that they must hold that that decision was wrong and they must revise it. Besides, on the side of 38 votes there were people who had been subscribing greatly towards the funds of the Muslim University. Therefore, although they were in the minority by four votes only, their views certainly carried great weight. This opinion was forwarded to the Government of India and I think the Government of India could not find a better solution than to say that they left the matter entirely to the Court. Sir, up to this time it has been obligatory under the Act to have a Pro-Vice-Chancellor. That post must be filled and must continue. When the decision came up, however, by a slight majority, it was the duty of the Government of India to leave it aside and to give an option to the future Courts not to be bound by a slight majority but to revise it whenever they thought fit. Therefore the Government of India gave this power to the Court of the Muslim University by providing that in future the Court may fill up the post of the Pro-Vice-Chancellor or not as it thought fit. I think this is the best solution which the Government of India could come to and it was unanimously accepted by the Council of State. I hope that under the circumstances this House will not go beyond this because if the views of Maulana Shaukat Ali are accepted, they would be having the views of one party only which voted once in the strength of 42. But if the House accepts the proposal as contained in the Bill, then it will be giving an option to the members of the Court to have the Pro-Vice-Chancellor or not to have the Pro-Vice-Chancellor as they deem fit in the future. If we get a Vice-Chancellor who can run this show properly, we will certainly not require a Pro-Vice-Chancellor. But if we find ourselves in some difficulty in future when we have to keep a Vice-Chancellor who cannot perform the duties of the Pro-Vice-Chancellor as detailed in the Muslim University Act, then certainly the Court must have an option to appoint a Pro-Vice-Chancellor also and that is the only thing on which we, the members of the Court, would like to have the vote of this House. We will ask the House to vote simply giving an option to the future Courts of the Muslim University and not be led by the washing of the dirty linen which the Maulana has done in this House.

**Maulana Shaukat Ali :** I object to the use of that expression. Where can I get redress for this party intrigue? I say abolish the post of the Pro-Vice-Chancellor.

**Mr. Muhammad Yamin Khan :** I know, Sir, that my friend, Maulana Shaukat Ali, has got a very excitable temper and I never meant any offence to him. What I meant to say was that the House should not be led by anything of a controversial nature but be guided only by the desire of the Muslim community as a whole.

**Sir Girja Shankar Bajpai :** Sir, my Honourable friend, the Maulana, spoke with great feeling, and I have no doubt those feelings have been deeply stirred, but I shall be forgiven if I do not go into much of what he said for the very simple reason that I submit and I submit that without



[Sir Girja Shankar Bajpai.]

any idea of giving him offence that much of what he said really is not relevant to the consideration of this clause at all. He said a great deal about the Rahimatulla Committee. The only point with which I am concerned here and with which the House is concerned today is whether the Rahimatulla Committee had anything to say on the subject of the abolition of the post of the Pro-Vice-Chancellor. The Rahimatulla Committee is silent on that point. Then, Sir, my Honourable friend went on to say that there was a great deal of effort made by the Government to interfere with the affairs of the University and he challenged me to produce the correspondence that passed between us and the University or rather the Vice-Chancellor on the subject of this particular amendment, because he suspected that, if that correspondence were produced, signs of this interference would be forthcoming. Now, Sir, as a matter of convention, we do not ordinarily place correspondence that passes between us and other autonomous bodies on the table of the House, but I am quite prepared to show my Honourable friend, the Maulana, the correspondence that has passed.....

**Maulana Shaukat Ali :** May I interrupt the Honourable Member and say whether he is prepared to give me permission to expose the intrigue.....

**Sir Girja Shankar Bajpai :** I do not give way. I am merely concerned with the point which he made and I say that I am prepared to show to the Maulana himself the correspondence that passed between us and the University on the subject of this amendment and he will, I am sure, be satisfied, being a fair-minded man, that there was absolutely no question of interference or intrigue in regard to that matter.

Now, Sir, my Honourable friend might say that the amendment which we are undertaking now will give the Government directly or indirectly authority to interfere with the Court. May I draw your attention to subsection (1) of section 20 of the Aligarh Muslim University Act? Subsection (1) of section 20 says :

“ The Pro-Vice-Chancellor shall be appointed by the Court.”

We are leaving to the Court the option to appoint the Pro-Vice-Chancellor if they wish to. We are equally leaving it to the Court not to appoint a Pro-Vice-Chancellor if they do not want to. I would further point out that, unlike the appointment of the Vice-Chancellor, the approval of the Governor General in Council is not necessary to the appointment of a Pro-Vice-Chancellor, so that this matter is entirely within the jurisdiction of the Court, and has neither directly nor indirectly anything to do with the jurisdiction of the Governor General in Council over the University. That, Sir, disposes of the point which he made in regard to interference by the Governor General in Council. Then he did make a great point of the decision taken by the Court in April, 1934, and he sought to minimise the decisions of the Court taken in November, 1934. May I draw your attention to the fact that what the Court was considering in April, 1934, was not so much the merits of option versus obligation to appoint a Pro-Vice-Chancellor. What it was influenced by was the recommendation of the Retrenchment Committee to abolish the post of Pro-

Vice-Chancellor as a measure of economy. The amendment that we are proposing does not in any way fetter the discretionary power of the Court to abolish the post of Pro-Vice-Chancellor whenever they wish to. There is one further point with regard to the meeting of the Court in November, 1934. That meeting was not considering the question whether the power shall be optional or not. The resolution upon which the Court divided was this. I have got the terms of the resolution before me :

“ I beg to propose that the post of Pro-Vice-Chancellor should not be abolished and steps should be taken to appoint a Pro-Vice-Chancellor as soon as possible.”

That, Sir, was what the Court divided upon and not the question whether the Governor General in Council would be acting rightly in leaving discretion to the Court instead of statutorily abolishing the post of Pro-Vice-Chancellor.

**Maulana Shaukat Ali :** Who proposed this resolution ?

**Sir Girja Shankar Bajpai :** It was proposed by Khwaja Nizamuddin.

**Maulana Shaukat Ali :** There you are. That makes all the difference.

**Sir Girja Shankar Bajpai :** That was the decision taken by the Court. I think, Sir, that is all I have got to say in answer to the large number of charges made of an attempt on the part of the Government to interfere with the discretion of the Court. I submit that this particular amendment instead of restricting the power of the Court actually enlarges the power of the Court and is in the best interests of the University.

**Mr. President (The Honourable Sir Abdur Rahim) :** 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 Abdur Rahim) :** The question is :

“ That clause 1 stand part of the Bill.”

The motion was adopted.

Clause 1 was added to the Bill.

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

“ That the Title and the Preamble stand part of the Bill.”

The motion was adopted.

The Title and the Preamble were added to the Bill.

**Sir Girja Shankar Bajpai :** Sir, I beg to move :

“ That the Bill, as passed by the Council of State, be passed.”

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

“ That the Bill, as passed by the Council of State, be passed.”

**Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) :** Mr. President, I have also the honour of being an old boy

[Sir Muhammad Yakub.]

of Aligarh. I have also been a member of the Board of Trustees of the M. A. O. College, Aligarh, since 1913. I am also one of the foundation members of the Aligarh Muslim University. I was also a member of the Committee which drafted the constitution of the Muslim University. I am also one of those lovers of my dear *alma mater* who ran away from Moradabad to Aligarh in 1920 when a horde of rebels went to Aligarh to destroy our mother University and wanted also to set fire to the buildings that were in existence. Therefore, I can claim as much love for my *alma mater* as anybody else in this House. Sir, I am very sorry, extremely sorry indeed, that a little heat has been introduced in this purely non-controversial Bill. It is not right to say that a particular gentleman alone has the right to speak in the name of Muslims.....

**Maulana Shaukat Ali :** As if a Knight has the right to speak in the name of the Mussalmans even when he does not know the subject and even when he has done no service for the community.

**Sir Muhammad Yakub :** I do not wish to wash dirty linen in the public.

**Maulana Shaukat Ali :** They ought to be washed in the public if they are dirty and deserved to be cleaned.

**Sir Muhammad Yakub :** I am afraid that Mr. Shaukat Ali has provoked me and probably I will have to say something now before the House about this affair.

**Maulana Shaukat Ali :** Do so with pleasure.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member should not enter into personalities.

**Sir Muhammad Yakub :** Very well, Sir, I will act according to the Persian proverb :

“ *Jawab Jahelân Bashad Khamoshee.* ”

“ Silence is the proper answer to a rustic. ”

I will not produce any more heat, but I will briefly show whether the amendment that is intended to be introduced in the Bill is for the benefit of the institution or not. As has been pointed out, the idea of abolishing the post of Pro-Vice-Chancellor was mooted on account of financial stringency. We borrowed the services of a Pro-Vice-Chancellor from the Government and we were paying him about Rs. 3,500 a month, on account of pension rights and all those things. Then, Sir, we had a Registrar whose services also were borrowed from another University and we were paying him about Rs. 1,200 or Rs. 1,400 a month. Then we had to pay about Rs. 2,000 a month as honorarium to our Vice-Chancellor. This was a burden of about Rs. 7,000 a month on the exchequers of our University. I also happen to be a Member of the Finance Committee of the Muslim University and we found that some retrenchment was extremely necessary in order to make the budget balance. We had deficit budgets for over two years and therefore a Retrenchment Committee was appointed. No doubt that Retrenchment Committee recommended that, as a measure of retrenchment, the post of Pro-Vice-Chancellor should be abolished. Now, Sir, what I want to lay stress upon is the fact that the abolition of the

post of Pro-Vice-Chancellor was recommended as a measure of retrenchment and not because the post was not needed. Sir, we know that the case of denominational Universities is quite different from that of Government Universities. The Vice-Chancellor of a Government University has nothing to do with the public outside. He can work as the Principal of the Colleges. While the Vice-Chancellor of a denominational University stands on quite a different footing. On one side, he has to deal with the public outside, send deputations, collect money, raise subscriptions and do a lot of things. On the other hand he has to manage a very big educational institution. Now, Sir, in India there are only two denominational Universities.

**Mr. President (The Honourable Sir Abdur Rahim) :** Order, order. It being four of the Clock, the motion for adjournment will be taken up now.

### MOTION FOR ADJOURNMENT.

DESPATCH OF TROOPS FROM BRITISH INDIA TO ADDIS ABBABA (ABYSSINIA).

**Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) :**

4 P.M.

Sir, I move that the House do now adjourn. My motion is in connection with the sending out of troops from British India to Abyssinia. This morning, fortunately, my friend and colleague, Mr. Satyamurti, asked some short notice questions on the subject, and, by now, we know that the Indian Government, in their anxiety, it appears, to protect the Indian nationals in Abyssinia, asked the British Government to do their duty by sending some troops to Abyssinia. And, as troops were better available in India and it was to protect the Indian nationals, Indian troops were sent, His Majesty's Government agreeing to pay for them. There can be no objection so far as it goes. It is our duty to protect Indian nationals, and, as it is also the duty of the Empire, they will pay for it. But the object of my motion today is quite different. My objection is based on our experience that our troops have in the past been frequently sent out to foreign lands. Very often they were, first of all, sent out from this land under some pretext or other, either to protect our own financial interests, or to guard our fiscal policy or sell our opium, and things like that. Now, undoubtedly, it appears that a war is imminent, it is on the horizon. If Abyssinia can be made somehow to come to her knees, there may not be war. That is the only chance. The high-sounding League of Nations, we know what it is,.....

**Mr. J. G. Acheson (Foreign Secretary) :** Sir, on a point of order, the Honourable Member appears to me to be referring to a matter affecting the relations of His Majesty's Government with foreign powers.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair would warn Honourable Members that in this discussion no matter should be brought in which is likely to affect the foreign relations of the Government.

**Pandit Nilakantha Das :** I should like to clear this position that our troops should in no way be utilised for purposes other than protecting the interests of Indian nationals.

**Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) :** And not for Abyssinia ?

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**Pandit Nilakantha Das :** No. And when Abyssinia is going to be the theatre of war most probably very soon, contingencies may arise when our troops may be compelled to join this side or that. In that case, what I press today is that, before any such steps are taken, this House should be consulted, and all the cards should be put on the table. We shall be the judge....

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official) : If the House is not sitting, what then ?

**Pandit Nilakantha Das :** There will be a special and emergent meeting, for it is not such an affair where things should be done behind our back. In fact, my Resolution was that Indian opinion was not consulted, and I press that Indian opinion should be consulted ; for it is quite likely that Imperial interests may demand that our troops should be utilised in some way, and, as it is quite evident, we may require it in some other ways. In spite of all our European dresses and dinners and other paraphernalia, all the words and phrases of the European constitution sticking all around us like peacocks' feathers, we are what we are. We are among the black and brown races, and we have heard what Mussolini said the other day....

**Mr. J. G. Acheson :** Sir, I again rise to a point of order.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member ought to refrain from making any comments on foreign powers.

**Pandit Nilakantha Das :** I am not intruding upon the foreign relations of the Government of India or His Majesty's Government. What I mean to say is this. Our sympathies naturally go towards Abyssinia, and it may be that when Italy is to be fought by people who are in charge of our troops....

**The Honourable Sir Nripendra Sircar** (Leader of the House) : Sir, I rise on a point of order. This matter was very elaborately discussed as to what is permissible, when a similar question was raised about sending troops to China, and I would draw your attention to the ruling which was given then. You will find it on pages 11 and 12 of the Collection of Rulings. Mr. S. Srinivasa Iyengar sought to move the adjournment of the House in order to discuss the question whether the Government of India were entitled to, or should send Indian troops to, China without consulting the Indian Legislature, whereupon objection was taken by Government that the motion could not be discussed without referring to questions of foreign policy, and, therefore, was out of order. The President's ruling was this :

"The Honourable the Home Member does not question that the motion now before the House raises a definite matter or a matter of urgent public importance. I take it, therefore, that the subject matter of the motion is a definite matter of urgent public importance. The main ground on which he objects to this motion is that it relates to a matter affecting the relations of the British Government with the Chinese Government. This Assembly is certainly not entitled to criticise or discuss the foreign policy of the British Government or of the Government of India, and any motion which directly or indirectly raises any discussion of that foreign policy would certainly be out of order. But the Honourable Member in charge of this motion has clearly indicated that his intention is to restrict this motion to a narrow issue, namely, that the Government of India should not have agreed to send Indian troops to China for military operations without reference to this Assembly."

And, now, I come to the important portion :

"There is, therefore, no danger of the Assembly discussing or criticising the foreign policy of any Government. I fully appreciate the point of view of the Home Member that any discussion on the subject-matter of this motion at this stage would lead to disastrous consequences. But, as I have already pointed out to this Assembly, it is not a question for the Chair to consider. The Chair is bound by the rules and regulations, and if the motion does not raise any question of foreign policy of the British Government or of the Government of India and merely calls in question the action of the Government of India in agreeing to send Indian troops without any reference to this Legislature, I do not see how I can disallow it."

That is the ruling that has been given before, and however much one may be sympathetic to Abyssinia, the making of such a declaration on the floor of this House is not permissible on a motion for adjournment.

**Mr. President** (The Honourable Sir Abdur Rahim) : Cannot the Honourable Member give his reasons why troops should not be sent out of India ?

**The Honourable Sir Nripendra Sircar :** He might as well say that the British Government should fight for Abyssinia and we can then discuss the whole foreign policy. It is for the President to draw a line, and, I submit, my friend is dangerously near the line, if he has not already overstepped it.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member cannot be too careful not to trench upon any question which may affect the foreign relations, because the situation is extremely delicate as Honourable Members know, and nothing should be said in this House that would complicate matters still further.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : We want to avoid wars.

**Pandit Nilakantha Das :** I have been all along quite careful : I simply put some problematic propositions that some contingency might arise where....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair wants to understand what is really the object of this motion : is it to censure the Government of India for sending troops from British India to Addis Abbaba ?

**Pandit Nilakantha Das :** Yes : my motion is that they have sent troops without consulting any public opinion in India, and I also make this point....

**Mr. President** (The Honourable Sir Abdur Rahim) : Then the Honourable Member can confine his motion to the right of this House to be consulted. If he does that, he can perhaps avoid all questions relating to foreign policy.

**Pandit Nilakantha Das :** I am simply explaining as to why consultation of the opinion of this House is necessary ; for it may be even now that our troops may be utilised in foreign theatres of war without our knowing it for purposes which are not conducive to Indian interests. That is my whole point : and I have made this point clear, I believe ; and I should like to hear what the Government have to say as to the attitude of Government in this matter and the purpose for which these troops have been sent out, and I should like to make it clear that we would like to be

[Pandit Nilakantha Das.]

assured that, without consulting this House, they should not be used for purposes of war. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the House do now adjourn.”

**Mr. G. R. F. Tottenham** (Army Secretary) : Sir, I should like to read to the House the actual terms of the notice of this adjournment motion, which was given by the Honourable Member opposite—“ to discuss a definite matter of urgent public importance, namely, the despatch of troops from British India to Abyssinia thereby putting a burden on Indian revenues.....

**Pandit Nilakantha Das** : That is not my motion : that has not been moved. This is the other motion.

**Mr. G. R. F. Tottenham** : That is the copy I received.....

**Pandit Nilakantha Das** : Mine is “ The despatch of troops from British India to Addis Abbaba ”.

**Mr. G. R. F. Tottenham** : I apologise. After what the Foreign Secretary said this morning, I think I can explain the whole position of Government in a very few sentences. It is perfectly true that over a year ago, speaking in this House on the Indian Navy Bill, I said that, with the approval of the Secretary of State for India, I was authorised to announce that “ it is the intention of the Government to consult the Indian Legislature, so far as may be possible, whenever any question arises of lending the Indian Navy to the Admiralty for operations other than in the defence of India ”. That undertaking applies by implication equally to the Indian Army as well as the Indian Navy : that is to say, we are under an obligation when any question arises of sending troops overseas for purposes other than the defence of India, to consult the Legislature beforehand whenever it is possible to do so. On this occasion we have not deviated in any way from that undertaking. The facts are simply as follows. There are in Abyssinia about 1,600 British subjects, of whom about 1,000 are Indians. There is already in Addis Abbaba a small legation guard of Indian soldiers, about 10 of them, who are well-known and popular in Addis Abbaba. We had been asked through the press and by receiving notice of a number of questions from Honourable Members opposite what steps Government were taking to protect Indian interests in Abyssinia. We were advised that if we were going to take any steps to protect Indian interests in Abyssinia we must do it at once. That was in the month of August. In the month of August the Legislative Assembly was not sitting. It was therefore impossible for us to consult the Legislature. We finally decided to send a small body of one hundred men to reinforce the legation guard at Addis Abbaba and His Majesty's Government are paying the cost of that reinforcement. I do not think it can be maintained that the despatch of a force of 100 men means that we in India are maintaining an army in excess of Indian requirements, and that is usually the argument that is brought against us when we send troops overseas. The number is extremely small, and if I were to venture to embark upon that topic, I do not think 100 men could make any difference in any possible larger war that may supervene. Those are the plain

facts. I admit it is perfectly open to this House to censure the Government on those facts, but I do honestly and most respectfully put it to them that by censuring Government for taking this action they would merely be calling ridicule upon their own heads.

**Maulana Shaukat Ali** : Sir, I have no quarrel with the Honourable Member who has just made the speech on behalf of the Government except on one matter—that the number of troops he has sent is much too few. Whatever relations we may have with foreign Governments, I say this that, if any Indian, even one single Indian's life is in danger at the hands of any power, friendly or unfriendly, it is the duty of the whole of the Indian army to go out and save that man. I do not want to make a speech : I only want to make an announcement that if the people of Abyssinia, who are under-dogs, are being treated disgracefully and are to be trampled down, then it is the duty of India to send out, not one hundred soldiers, but ten divisions, if necessary ; and if the Government ask for money, I hope I will be one who will persuade all my friends and the whole of India to sanction all the money and men needed to serve this noble country. Leaving that aside for the moment, I was just going to say that if Captain Sher Muhammad Khan was the Field Marshal willing to lead us, then, I, though a broken down athlete limping along, hardly able to stand and walk, I will be very glad to offer to be a soldier and work in that army that goes to defend the weak and the oppressed and fight unjust people out to rob others of liberty, hearth and house.

**Sardar Mangal Singh** (East Punjab : Sikh) : Sir, I support my Honourable friend, Maulana Shaukat Ali, that if and when the occasion arises to help Indian nationals in Abyssinia or to defend poor Abyssinia against European capitalism, the Indian Army should be allowed to go there and help those people. But this adjournment motion raises another important point from the point of view of the Indian Army. It is acknowledged that the Indian army is kept, trained and maintained here for Imperial purposes, and, from that point of view, we can, I think, rightly and legitimately claim a proper share of expenses from the British Government. It is true that the expeditionary force will be financed by the British Government. (*An Honourable Member* : “ it is not an expeditionary force.”) My point is that even in maintaining the Indian army, the British Government should pay something to the Indian Government.....

**Mr. G. R. F. Tottenham** : But the British Government already pay one and half million pounds.

**Sardar Mangal Singh** : That is not at all sufficient ; it is too little. I maintain, Sir, that the British Government should pay at least one-half of the expenditure incurred on the maintenance and the training of the European army in India.....

**Mr. President** (The Honourable Sir Abdur Rahim) : That has nothing to do with this motion. The Honourable Member must confine himself to the motion before the House.

**Sardar Mangal Singh** : Sir, this motion has raised a point relating to the employment of Indian army outside the frontiers of India.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Without consulting ..... ?

[Pandit Nilakantha Das.]

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**The Honourable Sir Nripendra Sircar** (Leader of the House) : Sir, I rise on a point of order. This matter was very elaborately discussed as to what is permissible, when a similar question was raised about sending troops to China, and I would draw your attention to the ruling which was given then. You will find it on pages 11 and 12 of the Collection of Rulings. Mr. S. Srinivasa Iyengar sought to move the adjournment of the House in order to discuss the question whether the Government of India were entitled to, or should send Indian troops to, China without consulting the Indian Legislature, whereupon objection was taken by Government that the motion could not be discussed without referring to questions of foreign policy, and, therefore, was out of order. The President's ruling was this :

"The Honourable the Home Member does not question that the motion now before the House raises a definite matter or a matter of urgent public importance. I take it, therefore, that the subject matter of the motion is a definite matter of urgent public importance. The main ground on which he objects to this motion is that it relates to a matter affecting the relations of the British Government with the Chinese Government. This Assembly is certainly not entitled to criticise or discuss the foreign policy of the British Government or of the Government of India, and any motion which directly or indirectly raises any discussion of that foreign policy would certainly be out of order. But the Honourable Member in charge of this motion has clearly indicated that his intention is to restrict this motion to a narrow issue, namely, that the Government of India should not have agreed to send Indian troops to China for military operations without reference to this Assembly."

And, now, I come to the important portion :

"There is, therefore, no danger of the Assembly discussing or criticising the foreign policy of any Government. I fully appreciate the point of view of the Home Member that any discussion on the subject-matter of this motion at this stage would lead to disastrous consequences. But, as I have already pointed out to this Assembly, it is not a question for the Chair to consider. The Chair is bound by the rules and regulations, and if the motion does not raise any question of foreign policy of the British Government or of the Government of India and merely calls in question the action of the Government of India in agreeing to send Indian troops without any reference to this Legislature, I do not see how I can disallow it."

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**Pandit Nilakantha Das :** I have been all along quite careful : I simply put some problematic propositions that some contingency might arise where....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair wants to understand what is really the object of this motion : is it to censure the Government of India for sending troops from British India to Addis Abbaba ?

**Pandit Nilakantha Das :** Yes : my motion is that they have sent troops without consulting any public opinion in India, and I also make this point....

**Mr. President** (The Honourable Sir Abdur Rahim) : Then the Honourable Member can confine his motion to the right of this House to be consulted. If he does that, he can perhaps avoid all questions relating to foreign policy.

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**Sardar Mangal Singh :** From that point of view, Sir, I maintain that the British Government should pay at least 50 per cent. of the charges of the European army in India.

As regards the rights of this House, I am very glad that the Honourable the Army Secretary has agreed to a certain extent that, whenever possible, the Government of India would consult the wishes of this House, when the occasion arises, to send Indian troops outside India. Personally, Sir, I do not feel inclined to censure the Government of India on this account, because they have sent only 100 men to Abyssinia to protect the Indian nationals there. I hope that my Honourable friend, the Mover, will withdraw the motion after the discussion is over. (Applause.)

**Mr. Sami Vencatachalam Chetty** (Madras : Indian Commerce) : Sir, the view that every adjournment motion is a censure motion is a bygone view. That is not the only reason why adjournment motions are tabled. More often adjournment motions are tabled in order to bring to the notice of the Government the urgency, the importance and the necessity of the subject-matter of the motion. I believe it is in that view that my friend, Pandit Nilakantha Das, has tabled this motion. So far as the actual action of the Government in despatching so small a number of troops as 100 to Abyssinia is concerned, I do not think there is much difference of opinion. I would rather like to put it this way, that it is a matter on which we should feel satisfied that the Government took early steps in this matter ; but, as the Honourable the Army Secretary just mentioned, it would have been probably possible for the Government to consult the Legislature in this matter also if it had been in Session. Of course, it is easy enough to say that, in the month of August, the Assembly was not sitting, and that the Government were compelled, owing to urgency, to send this small contingent to Abyssinia. But does he mean, therefore, to say, Sir, that a similar situation is not still on the tapis of the Government, that there are not yet certain matters in which the Assembly could be consulted in regard to the Italo-Abyssinian trouble ? It may probably be said by the time when we meet next that the Assembly was not again in Session, and, therefore, there was no opportunity to consult the Legislature. So what the Government have promised in spirit in regard to matters concerning the Legislature will not be given effect to, though they may even now be in possession of information in regard to which they can even now consult the Legislature. But it is very difficult for persons sitting on this side of the House to say whether Government have got any such questions under consideration. But what I would like to say is that the promise that has been made by the Government today that they would consult the Legislature in respect of the despatch of troops to other countries should be scrupulously carried out in actual practice. The reason as to why we are anxious that the Legislature should be consulted in regard to this matter is, even according to Government, that India is put upon a status somewhat equal to that of the dominions, that every other dominion Government consults its own Legislature or its own Parliament in regard to despatch of troops for action outside their own dominions. We expect, though it will not be incumbent under this Constitution or under the coming Constitution for the Government to consult the Legislature, some voluntary response in regard to this matter and they would consult the Legislature, so that they may carry the people with them in acts such as these involving the peace of this

country as well. It is from that view, Sir, that I think my friend, Pandit Nilakantha Das, has tabled this motion, and I rather think that carrying this motion will not mean that it is a censure on the Government, but it will only mean the urgency and necessity of consulting the Legislature in matters like these.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I would just like to ask a question from the Honourable the Army Secretary. He said that, as the Assembly was not in sitting in the month of August, the Legislature could not be consulted before the troops were sent to Abyssinia. May I know from him whether he will agree to the appointment of a Standing Committee to be associated with the Army Department just as other Departments have, so that, in cases of such urgency, that Standing Committee could be summoned and consulted ? Because, whenever things are done without consulting this House, shelter is always taken under the plea that the Legislature was not in Session, and so they could not consult the House. I would like to know from the Honourable Member whether he would like to appoint a Standing Committee to advise his Department and to consult on such matters as these when the Legislature is not in Session.

**Mr. G. R. F. Tottenham** : Sir, I obviously cannot answer on behalf of the Government a question such as that put to me on the spur of the moment, but it seems to me that there is a good deal in it. We will certainly take the matter into consideration and see whether anything can be done in that direction. (Applause from all sides of the House.)

**Pandit Krishna Kant Malaviya** (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : (The Honourable Member who was not in his own seat rose to address the House.)

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable Member wishes to address the House, he must address it from his own place.

**Pandit Krishna Kant Malaviya** : I am sorry, Sir. (The Honourable Member then took his own seat.)

**Sardar Sant Singh** (West Punjab : Sikh) : May I point out, Sir, that we on this side are labouring under a very great disadvantage in that we are not able to follow the proceedings of the House properly as we cannot hear what is said on that side ? That is why we from this side have often to go to a place from where we could hear speeches properly.

**Pandit Krishna Kant Malaviya** : Sir, I entirely agree with the proposition laid down by my friend, Pandit Nilakantha Das, that the House should be consulted before Indian troops are sent for action overseas. At the same time, I am not prepared to censure the Government for having done a right thing at the proper time. I think, during the past ten years, if Government have ever acted rightly, they have done so on this occasion. I go further and say this. I feel, Sir, like my friend, Maulana Shaukat Ali, that the Government of India should have forced the hands of His Majesty's Government also to enter the war, instead of wavering, and help the Abyssinian Government. It is said, Sir, that we are the original members of the League of Nations, which I have always called "League of Robbers", and, as such, I think we have a right to say that we should go to war to protect a weak nation, to prevent a war

[Pandit Krishna Kant Malaviya.]

of aggression ; otherwise it is no use our being members of the League of Nations. ....

**Mr. J. G. Acheson :** I rise to a point of order. I would point out that the Honourable Member is going beyond the scope of the motion and discussing international policy. ....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is speaking of the League of Nations and not about foreign policy.

**Pandit Krishna Kant Malaviya :** I think, Sir, as members of the League of Nations, which is constituted to prevent wars of aggression, we, as representatives of the people of India, have a right to have our say. We do feel that His Majesty's Government is not doing what it should do. We feel that it is only interested in the water of the Blue Nile. ....

**Mr. J. G. Acheson :** On a point of order, Sir. I apologise for giving trouble to the Chair, but it is my duty to point out that the Honourable Member is dealing with international affairs.

**Some Honourable Members :** Why not ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member cannot criticise the foreign policy of the British Government or of the Government of India.

**Pandit Krishna Kant Malaviya :** I bow to your ruling, Sir. I was trying to obey your orders, but let me say this much that I was not criticising the foreign policy of His Majesty's Government. What I wanted to urge was that if Indian troops have to be sent there, they should be sent to protect the interests of Abyssinia, and not merely the flow of the Blue Nile. We are not interested in making a motor road from Lake Tsana to Sudan. That is what we want to say. As I said, Sir, we are not interested in the flow of Lake Tsana, we want to protect the tap, the reservoir, the territory of Abyssinia. If we had any voice in the affairs of our own country, if our opinion was asked as to what was the right thing to do, we would say that our opinion is, as representatives of this country, and a member of the League of Nations, that we want to go to help Abyssinia and we want to go to war with Italy in order to show her that she has no right to invade Abyssinia. I think I am expressing the opinion of my Honourable friends present here. I request you, and through you, the Honourable Members on the Government Benches, to communicate to His Majesty's Government that the opinion of the Legislature of this country is that we want that His Majesty's Government and the Indian Government combined should go to help Abyssinia in her distress. We are entitled to make this request. We, as representatives of this country, are fully entitled to request Honourable Members sitting on the Treasury Benches here to communicate to His Majesty's Government. ....

**Mr. J. G. Acheson :** Sir, once again I must rise on a point of order to point out that the observations of the Honourable Member. ....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair thinks the Honourable Member is not in order. He must not pursue that line of argument.

**Pandit Krishna Kant Malaviya :** But the line of argument is ..  
.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is aware that the wording of the Rules and Standing Orders is so wide and sweeping on that point that there is really no room for discussing any aspect of the foreign policy.

**Pandit Krishna Kant Malaviya :** In our own country, we are not entitled to express our opinions ; in our own country, we are not to say when our troops are sent out, whether they should be sent out or not, and for what purposes they should be used.

**An Honourable Member :** We are a subject race.

**Pandit Krishna Kant Malaviya :** I know that, I know that we are a subject race, and that is why I want that Abyssinia should not be subjugated. All the same, I would request Honourable Members to express the opinion of this House that we do want that His Majesty's Government should go in for war. ....

**Some Honourable Members :** Order, order.

**Pandit Nilakantha Das :** I have achieved my object. I have got an assurance from the Government, and I do not want to press my motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to withdraw the motion.”

The motion was adopted.

The motion was, by leave of the Assembly, withdrawn.

#### THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL— *continued.*

**Mr. President** (The Honourable Sir Abdur Rahim) : Discussion on the Aligarh Muslim University Bill will now be resumed.

**Sir Girja Shankar Bajpai :** I do not think that it is necessary for me to say anything more. ....

**Maulana Shaukat Ali :** Is the debate going to be closed now ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Of course.

**Maulana Shaukat Ali :** I wanted to speak. ....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair gave a chance to Honourable Members, if they wanted to say anything, to rise in their seats, and nobody did so. Sir Girja Shankar Bajpai.

**Sir Girja Shankar Bajpai :** I have nothing to add to what I said when the second clause was being discussed. Most of what my Honourable friend, Sir Muhammad Yakub, was saying was really, if I may presume to say so, an elaboration of what I had said already in defence of the attitude of Government, and I have nothing more to say. I hope the House will pass the Bill.



**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose, as passed by the Council of State, be passed.”

The motion was adopted.

## THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

### AMENDMENT OF SECTION 51.

**The Honourable Sir Henry Craik** (Home Member) : Sir, I move :

“ That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (Amendment of Section 51), be referred to a Select Committee, consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Mr. M. Asaf Ali, Mr. M. Ananthasayanam Ayyangar, Mr. Muhammad Azhar Ali, Mr. M. Ghiasuddin, Mr. Lalchand Navalrai, Mr. T. Chapman-Mortimer, Captain Rao Bahadur Chaudhri Lal Chand, Mr. A. G. Clow, Mr. J. M. Chatarji, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

This is the Bill which seeks to abolish imprisonment for debt except for the dishonest or recalcitrant debtor, that is, for the debtor who is able to pay but refuses to pay, or for the debtor who has dishonestly concealed or removed part of his assets. The House will remember that towards the end of last Session I moved that this Bill should be circulated for the purpose of eliciting public opinion. There was some criticism and I was pressed that the Bill should be proceeded with at once, and in deference to that criticism I promised that I would arrange, if possible, that circulation should be completed so that the Bill could be taken up at the beginning of the present Session. That circulation has been completed and the opinions received are in the hands of Honourable Members. I do not propose to analyse the opinions in any detail but I think I am justified in saying that they make it clear that there is a very considerable body of opinion in favour of the principle of the Bill. At the same time, the opinions received do disclose a certain amount of opposition to the principle of the Bill and a certain amount of criticism of its details. However, they are there and I think that the opinions received undoubtedly require the careful consideration of the Select Committee. That is all I have got to say. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (Amendment of Section 51), be referred to a Select Committee, consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Mr. M. Asaf Ali, Mr. M. Ananthasayanam Ayyangar, Mr. Muhammad Azhar Ali, Mr. M. Ghiasuddin, Mr. Lalchand Navalrai, Mr. T. Chapman-Mortimer, Captain Rao Bahadur Chaudhri Lal Chand, Mr. A. G. Clow, Mr. J. M. Chatarji, 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. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Mr. President, this Bill, so far as I am able to find out, seeks to protect debtors from being imprisoned and seeks particularly to protect Government servants.

**The Honourable Sir Henry Craik** : The Honourable Member is mistaken. It covers all debtors.

**Mr. Sri Prakasa** : It says “ Government servants in receipt of ”..

**The Honourable Sir Henry Craik** : The Honourable Member is mixing up two Bills. That provision is in a different Bill.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

**Mr. Sri Prakasa** : It seeks to protect persons in receipt of salaries. (Voices : “ No, no ”.)

**The Honourable Sir Henry Craik** : May I explain to the Honourable Member ? It is rather puzzling. There are two Bills. One deals with the attachment of salaries. This Bill does not deal with that subject at all. This Bill merely abolishes imprisonment for debt except in certain circumstances.

**Mr. Sri Prakasa** : The Statement of Objects and Reasons says :

“ This Bill is the outcome of the recommendations of the Royal Commission on Labour in India to the effect that in the case of industrial workers in receipt of wages less than Rs. 100 a month ”.....

and so on.

**The Honourable Sir Henry Craik** : Nothing about Government servants....

**Mr. Sri Prakasa** : Cannot Government employ industrial workers ?

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways) : Which particular clause are you referring to ?

**Mr. Sri Prakasa** : I am referring to the whole Bill.

**The Honourable Sir Muhammad Zafrullah Khan** : It is confined to industrial workers.

**Mr. Sri Prakasa** : Cannot there be industries run by Government ? Of course, there are ; and will not those employed in that industry be protected ?

**The Honourable Sir Henry Craik** : If the Honourable Member will only read the whole of the Statement of Objects and Reasons, at the end he will see that it refers to all judgment debtors. No distinction is made between Government servants and any one else. It merely abolishes the system of imprisonment for debt for every kind of debtor.

**Mr. Sri Prakasa** : I will confess that I was not expecting that the Bill would come up today for discussion and, therefore, I have not read its provisions carefully. The unfortunate withdrawal of a very important motion for adjournment has resulted in this confusion. I think that has also resulted in the House being deprived of a delightful speech from Maulana Shaukat Ali. In any case as the Bill is not likely to last beyond this day, I should like to say only one thing and that is that personally I am against imprisonment for anything. (Laughter.) If it were a consolidated Bill for the abolition of all imprisonment, I should be very glad. Most of us on this side of the House have had experience of what prisons are and we can say that they serve no useful purpose. If that is so in the case of imprisonment for what are regarded as criminal offences it stands to reason that this is also true in the case of civil offences. What I am most anxious about

[Mr. Sri Prakasa.]

is just this. We must not forget that to be able to borrow money at an emergency is a very important factor of domestic economy. Many occasions can arise where we find ourselves suddenly in need of money and we have not the necessary amount in our coffers. We have to go to some one who lends that money. What I am afraid of is this, that people, if they are deprived of the means of recovering their money, may not lend money to persons in emergencies. That is a serious point. It is all very nice to say that people who have no money should not spend it or people who have no money should be in no need of it; but there are occasions of illness; of litigation that may be forced upon us; of marriages which are rather important social functions in Indian life; when money is necessary. Persons in receipt of wages less than Rs. 100 a month are not likely to be able to save much against a wet day. Therefore they need the money-lender or banker or by whatever name you may call the person who gives them money; and he gives them that money in the hope that he will be able to realise it. If you want to make this Bill effective, I think you will have to add a clause—I do not know whether that clause is here, I am going to study it tonight—making it a penal offence for any banker or money-lender to refuse to lend money (Laughter) to persons who are in need of it, because I assure you that, however much you may dislike the money-lender—you apparently do not dislike those who are in charge of Reserve Banks and Imperial Banks—he forms an important part of village economy; and he comes to the rescue of many unfortunate men who are in straits. Therefore you must not have a law which will make it impossible for persons in need of money in emergencies to be able to borrow the money at all. The money-lender will say to the man in need: “I cannot give you money because I am not sure of getting it back, you are not penally bound to repay it, I am not going to give you money”. Therefore I say, if you are honest, if you are earnest, have that additional clause, namely, that all persons who carry on the trade of money-lending and of banking shall be obliged under threat of imprisonment themselves to lend out money to any person who needs the money. I think this Bill was introduced in the last Session of the Assembly. It was at that time circulated for opinion and a mass of opinion has been obtained upon it. I cannot pretend to have read all the volumes that have been sent out by the Department to me, but I have glanced through many opinions and I find that opinion is sharply divided. In any case I stand by the opinion I originally formed, namely, that you should either allow money-lenders and bankers some effective means of getting their money back or you must force them to lend out money. I can see no other way. It is possible that Government may have their own banks from which wage-earners may be able to get money. I have known of the operations of Co-operative Societies in my own province. No law applies to them and they can take hold of their debtors’ goods without much ado. All the trouble falls on the non-official who carries on this trade or any other trade. I do not like this one-sided procedure, and I personally cannot support this Bill unless you make adequate provision for persons who are in need of money and who cannot find it in any other way. I have no objection to Government making that provision. When Government wants to collect its own dues, which it

calls fines, or revenue demands, it does not care to see whether the man whose goods it is attaching is in receipt of an income of less or more than one hundred rupees per month.

**The Honourable Sir Muhammad Zafrullah Khan :** What has “one hundred rupees” got to do with this Bill?

**Mr. Sri Prakasa :** In supporting the motion to send this Bill to a Select Committee, I suggest that it should find some way out of the difficulty that I have mentioned. You will create, to my mind, a great deal of confusion if you pass laws which are unpractical. It is no use having counsels of perfection and talking very big in this House when the effect of the law you enact will react badly on the man and the woman in the cottage and the factory.

**Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) :** Sir, while accepting the principle of this Bill, I would like to offer one or two suggestions. The issue of a notice before arrest for civil debts is not quite new. It is provided that notice may be given to show cause why he should not be arrested. But what this Bill seeks to do is to substitute the word “shall” for the word “may”, that is, to make it compulsory that notice shall be issued to every debtor to show cause why he should not be arrested for the debt; and if the civil authority is satisfied that the judgment-debtor is likely to abscond, or that he has alienated a certain property, then he can be arrested and put into jail. What I would suggest is that one clause more may be added,—that is,—“provided the money was not borrowed either for speculative purposes or for immoral purposes”. My reason is that this may encourage people who have no money to borrow money and employ it for speculative purposes, and, when the money is lost, it is the creditor’s money that is lost, and, when he gains, then it is for himself; and this he does without any loss to himself, because he cannot be put into jail, he is a pauper and has no money, he neither absconds nor alienates. I would, therefore, like that a clause should be added that, even when he borrows money, it should not be utilised for purely speculative or immoral purposes, for he can easily prove that he neither means to abscond or to alienate property, and, in those circumstances, when he consciously borrows money and employs it for speculative purposes, the risk is to the creditor and not to himself. I would therefore suggest that this provision of protecting men from arrest should be given only to *bonâ fide* debtors—people who borrow money and invest it in proper and legitimate purposes, and not for purposes which are either immoral or speculative. This is a provision which, I think, will be useful to the Select Committee in considering this proposal, for, Sir, it is dangerous to allow people to borrow for speculative purposes and still not to allow them to suffer for the sins that they commit.

**Mr. B. Das :** The money-lenders, when they lend, know the sins of these borrowers and their sins equally.

**Mr. T. S. Avinashilingam Chettiar :** Sir, the consequences of such a Bill may be that creditors, when they find that they may be asked to lend to people who may engage in lucrative business, but who have no stake in

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the matter, may stop such credit altogether, which is available to the ordinary merchants and traders today. I, therefore, would like that, along with (a) and (b) in clause 2 of this Bill, another clause should be added, thus :

“ unless it is proved that it is borrowed either for speculative or for immoral purposes ”, etc., etc.,

and that is the only suggestion I would like to offer to the Select Committee in this matter.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th September, 1935.

## LEGISLATIVE ASSEMBLY.

Wednesday, 4th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## QUESTIONS AND ANSWERS.

### ABSENCE OF LADIES WAITING ROOMS ON STATIONS ON THE BURDWAN-HOWRAH SECTION OF THE EAST INDIAN RAILWAY.

84. \*Mr. Amarendra Nath Chattopadhyaya : (a) Are Government aware that there are no arrangements for ladies waiting rooms at the stations on the Burdwan-Howrah section of the East Indian Railway ?

(b) Do Government propose to remove this want by putting wooden screens in the waiting halls for the present ?

Mr. P. R. Rau : (a) Yes.

(b) The East Indian Railway are considering a programme for the provision of ladies waiting rooms at certain stations during the next three years.

### RECRUITMENT OF DEPRESSED CLASSES IN THE CENTRAL SERVICES.

85. \*Rao Bahadur M. C. Rajah : With reference to the A. P. I. news published in the *Madras Mail*, dated the 13th May, 1935, will Government be pleased to state :

(a) the progress of recruitment of depressed classes in the various central services ; and

(b) the number of depressed class candidates recruited for the different departments of the Government of India services since July, 1934 ?

The Honourable Sir Henry Craik : (a) Information for years before 1934 is not available, as the annual statements showing the communal composition of the various services have not hitherto contained a column to show the number of members of the depressed classes. For 1934 and following years the figures will be given in the statements prescribed in connection with the Instructions Supplementary to the Resolution of the 4th July, 1934. A copy of these Instructions has been placed in the Library of the House.

(b) I presume the Honourable Member has in mind the recruitment to the Ministerial Staff of the Government of India Secretariat and

[Mr. T. S. Avinashilingam Chettiar.]

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(b) I presume the Honourable Member has in mind the recruitment to the Ministerial Staff of the Government of India Secretariat and

Attached Offices. So far as the First and Second Divisions are concerned, none of the candidates on the current list of approved candidates has claimed to belong to the depressed classes.

As regards the Third Division the list of approved candidates, now current, showed one candidate belonging to a depressed class, and he has been nominated to a permanent vacancy.

#### DELHI CIVIL STATION NOTIFIED AREA COMMITTEE.

86. \***Mr. M. Asaf Ali** : (a) Will Government be pleased to state :

(i) if it is not a fact that under section 241 (3) of the Punjab Municipal Act II of 1933, no area with more than 10,000 inhabitants can be declared a Notified Area Committee ; and

(ii) if the Delhi Civil Station Notified Area has more than 15,000 inhabitants ?

(b) Are Government prepared to take steps to remove this anomaly ?

**Sir Girja Shankar Bajpai** : (a) (i). Yes.

(ii) The population of the Civil Station Notified Area according to the last census (1931) was 16,349.

(b) Government are not aware of any legal anomaly.

**Mr. M. Asaf Ali** : Considering the fact that a notified area can only be constituted on the basis of 10,000 population, is it not an anomaly that this notified area should continue to exist in spite of the fact that the population has gone up to 16,000 ?

**Sir Girja Shankar Bajpai** : The legal position is that an area cannot be constituted into a notified area if its population exceeds 10,000, but it is optional for the local authority or Government concerned to cancel the notification if the population exceeds 10,000. It is not obligatory on the Local Administration.

**Mr. M. Asaf Ali** : Will Government cancel this notification now ?

**Sir Girja Shankar Bajpai** : That is a matter really for the Chief Commissioner of Delhi to consider in the first instance.

**Mr. M. Asaf Ali** : Are Government aware that there are no elected members on this Notified Area Committee ?

**Sir Girja Shankar Bajpai** : That is perfectly true. According to the provisions of the law, members have to be only appointed.

#### MOVE OF THE OFFICES OF THE ARMY HEADQUARTERS TO DELHI DURING WINTER.

87. \***Mr. M. Asaf Ali** : (a) Is it a fact that the offices of the Army Headquarters are, under the present system of move of offices to Delhi for the winter months, classified into migratory and non-migratory categories and that establishments of certain offices, or parts thereof, are made to stay at Simla and undergo the rigours of winter from year to year ?

(b) Is it a fact that all the grades of the migratory establishments draw a monthly allowance, called Delhi Camp Allowance, on a scale of

about 30 per cent. of pay, whereas no winter allowance is granted to certain grades of non-migratory establishments retained in Simla ?

(c) Is it a fact that the basis of grant of allowances is that they are intended to cover additional expenditure of a specified nature and should not be a source of profit to the recipient ?

(d) Is it a fact that the same rates of Delhi Camp Allowance are at present drawn by single and married persons of the Army Headquarters establishments, whereas in the case of Simla house rent allowance admissible to the Civil Secretariat establishments and Local Allowance admissible to the establishments of the Military Accountant General, there are different scales for single and married persons ?

(e) Is it a fact that there is at present no differentiation in the scales of Delhi Camp Allowance between the establishments of Army Headquarters who are allotted Government quarters in Simla on a rental of ten per cent. of pay for the summer season and the establishments who hire private residential accommodation on payment of year's rent in Simla ?

(f) Is it a fact that before the winter season of 1929-30 Delhi Conveyance Allowance was drawn by Superintendents of Army Headquarters on the scale of Rs. 100 per mensem and that it was reduced to Rs. 50 per mensem from that winter season, on the ground that it was found excessive ?

(g) Is it a fact that the scale of Delhi Camp Allowance admissible to the establishments of attached offices of the Government of India is lower than that sanctioned for establishments of Army Headquarters and that the maximum scale for the former is about Rs. 60 against Rs. 100 per mensem for the latter ?

(h) Is it a fact that Government proposed to grant with effect from the winter season 1934-35 adequate winter allowance to all the grades of the establishments by readjustment of Delhi-Simla allowances on an equitable basis ?

(i) Is it a fact that the proposed revised scales of Delhi-Simla allowances were worked out by an expert retrenchment officer in the Army Department on definite data ?

(j) Is it a fact that representations were made before the issue of Government orders by migratory establishments, urging prescriptive claim to the existing rates of Delhi Camp Allowance and that Government have not given effect to the proposed revised scales of Delhi-Simla allowances from the winter of 1934-35 ?

(k) If the answers to the preceding parts be in the affirmative, will Government please lay on the table of this House the file dealing with the subject, and expedite the issue of revised scales of Delhi-Simla allowances for Army Headquarters establishments on an equitable basis ?

(l) Do Government also propose to consider the question of making some sort of provision in the system of move of Army Headquarters offices to Delhi for the winter months to afford a chance to the non-migratory establishments, of moving down to Delhi by turn ?

**Mr. G. R. F. Tottenham** : The information furnished by the Honourable Member in the first seven parts of this question is substantially

correct and I do not, therefore, propose to reply to them in detail. I will refer the Honourable Member, if he so desires further information, to previous questions and answers on the same subject.

As regards the next four parts, the Honourable Member or his informant, appears to have had access to certain confidential files in the Army Department but to have given a very inaccurate account of the discussions contained therein.

The answer to part (l) is in the negative.

**Mr. M. Asaf Ali :** May I know, Sir, if the non-migratory European officers find it rather economical to stay here in Simla during the winter and that is why the clerical staff has to be kept in Simla ?

**Mr. G. R. F. Tottenham :** No, Sir. I do not think that is the case. I do not think they find it very economical to stay in Simla during the winter.

**Mr. M. Asaf Ali :** Are there educational facilities provided for the children of the Indian non-migratory staff in Simla who have to stay here in winter ?

**Mr. G. R. F. Tottenham :** Does the Honourable Member mean any special educational facilities ?

**Mr. M. Asaf Ali :** I mean any ordinary educational facilities.

**Mr. G. R. F. Tottenham :** I should like to have notice of that question. I do not know how far the schools in Simla remain open during the cold weather.

**Mr. M. Asaf Ali :** I may inform the Honourable Member that there are no schools available during winter here. Would that be a hardship for these people or not ?

**Mr. G. R. F. Tottenham :** If there are no schools, certainly that would be a hardship.

**Mr. M. Asaf Ali :** Do Government propose to provide any educational facilities or compensate these people in some other way ?

**Mr. G. R. F. Tottenham :** The whole question is under consideration at present, of the numbers who remain in Simla and the numbers who go down to Delhi. I do not think we can take any special steps to provide educational facilities for those who remain in Simla.

**Mr. M. Asaf Ali :** Is it not possible to shift all these people to Delhi permanently ?

**Mr. G. R. F. Tottenham :** We have made calculations about that, and I believe it would cost a very large sum of money to bring down to Delhi the whole of the establishments of Army Headquarters who now remain in Simla.

**Mr. M. Asaf Ali :** It will cost the Government just the same if all of them remain in Delhi.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### BRITISH TROOPS IN INDIA.

88. **\*Mr. M. Asaf Ali :** (a) Will Government be pleased to state if it is a fact that :

(i) the British troops in India are, under the Cardwell system, part and parcel of corresponding units in the United Kingdom ;

(ii) one-third of the British Army is permanently kept in India at India's expense ; and

(iii) the total strength of the standing Army in the United Kingdom is 158 thousand in the United Kingdom and 58 thousand in India, besides Reservists and Territorials ?

(b) What is the limit of the Army prescribed for (i) United Kingdom, and (ii) India, under (1) the Peace Treaty and (2) Article 8 of the Convention of the League of Nations, and will Government please lay on the table the communications periodically sent under Article 8 of the Convention ?

(c) What is the present ratio between Indian and non-Indian officers and other ranks in :

(1) Royal Artillery (different branches separately, especially Field Artillery and Light Artillery) ;

(2) Royal Air Force ;

(3) Engineers Corps ;

(4) Tanks Corps ;

(5) Signals Corps ;

(6) Adjutant General's Branch ;

(7) Quartermaster General's Branch ;

(8) Master General, Ordnance Branch ;

(9) General Staff Branch ;

(10) Railway Reserve Regiment ; and

(11) The Post and Telegraph Nucleus ?

(d) Will Government be pleased to lay on the table a complete list of the Indian troops now serving outside India ?

(e) Will Government state what is the total annual cost of the British troops to India, particularly taking into consideration the cost of :

(i) the ecclesiastical establishment maintained for the troops ;

(ii) the strategic railways, especially those maintained for conveying British troops from ports direct to the frontiers ;

(iii) strategic telegraphs and telephones ; and

(iv) capitation charges, oversea allowances, pensions, contributions towards the payment to the Reservists ?

**Mr. G. R. F. Tottenham :** (a) (i). It would be more correct to say that British troops in India are linked to corresponding units, arms, etc., of the British Army in the United Kingdom in order to simplify the process of recruiting and drafting, rather than that they are part and parcel of other units.

(ii) and (iii). The actual strength of the standing Army of Great Britain, exclusive of Reservists and Territorials, is 209,754. This number is distributed as follows :

|                |    |    |    |                     |
|----------------|----|----|----|---------------------|
| United Kingdom | .. | .. | .. | 117,591             |
| India          | .. | .. | .. | 57,554              |
| Colonies       | .. | .. | .. | 34,609              |
|                |    |    |    | <hr/> 209,754 <hr/> |

From this it will be seen that approximately 27 per cent. of the British regular army is in India.

(b) No limit to the strength of the army, either for the United Kingdom or for India, is prescribed either by the Treaty of Versailles or by the Covenant of the League of Nations. In this connection I would refer the Honourable Member to the reply I gave to his unstarred question No. 48 on the 22nd February, 1935. The information conveyed by both His Majesty's Government and the Government of India to the League of Nations as regards the strength and armaments of their forces under Article 8 of the Covenant is contained in the Armaments Year Book published by the League, a copy of which is available in the Library of the House.

(c) and (d). I lay two statements on the table.

(e) The Defence Service Estimates are not framed in such a way as to make it possible to separate accurately the figure of cost of British troops, but it has been estimated that it amounts to about Rs. 13 crores. I would add that, whatever may be the correct view regarding the charging of the loss on the so-called strategic railways, etc., to those Estimates, this item of expenditure has nothing to do with the presence of British troops in India.

#### STATEMENT No. I.

##### *Ratio between Indian and non-Indian officers and other ranks.*

|                                                | Indian. | Non-Indian. |
|------------------------------------------------|---------|-------------|
| (1) Field Artillery (R. A.)                    | 1       | 3.5         |
| Field Artillery (Indian)                       | 24      | 1           |
| Mountain Artillery (including Light Batteries) | 9       | 1           |
| Horse Artillery                                | 1       | 3           |
| Heavy Artillery                                | 1       | 1           |
| (2) Royal Air Force                            | 1       | 19.5        |
| (3) Engineer Corps                             | 31      | 1           |
| (4) Tank Corps                                 | 0       | 1           |
| (5) Signal Corps                               | 1.7     | 1           |
| (6) Adjutant General's Branch                  | 1       | 40          |
| (7) Quartermaster General's Branch             | 1       | 40          |
| (8) Master General of the Ordnance Branch      | 0       | 38          |
| (9) General Staff Branch                       | 1       | 70          |
| (10) Railway Reserve Regiment                  | ..      | ..          |
| (11) The Post and Telegraphs Nucleus           | ..      | ..          |

Not yet in existence.  
There is no such nucleus.

#### STATEMENT No. II.

##### *List of Indian units serving outside India.*

|                                    |    |    |               |
|------------------------------------|----|----|---------------|
| 1st Battalion, 8th Punjab Regiment | .. | .. | Hong Kong.    |
| 2nd Battalion, 20th Burma Rifles   | .. | .. | Malay States. |
| The Hong Kong Mule Corps           | .. | .. | Hong Kong.    |

**Mr. M. Asaf Ali :** What about (c) (1) to (c) (11) ? The Honourable Member has omitted to answer that.

**Mr. G. R. F. Tottenham :** I have said that a statement is laid on the table.

**Mr. M. Asaf Ali :** May I know what the ratio is ? I cannot put any supplementary questions unless I know what the answer is.

**Mr. G. R. F. Tottenham :** I will read out the statement.

##### *Ratio between Indian and non-Indian officers and other ranks.*

|                                                | Indian. | Non-Indian. |
|------------------------------------------------|---------|-------------|
| (1) Field Artillery (R. A.)                    | 1       | 3.5         |
| Field Artillery (Indian)                       | 24      | 1           |
| Mountain Artillery (including Light Batteries) | 9       | 1           |
| Horse Artillery                                | 1       | 3           |
| Heavy Artillery                                | 1       | 1           |

**Mr. President** (The Honourable Sir Abdur Rahim) : Surely it is not necessary to recite all these numerous figures now. They cannot be of much value to the House, unless sufficient time is allowed for considering the implications of these figures.

**Some Honourable Members :** They are of great use to the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : A statement like this ought to be laid on the table of the House.

**Mr. M. Asaf Ali :** May I know the figures relating to parts (6), (7), (8) and (9) of part (c) of my question ? That is to say, about the four Branches of the Army Headquarters ?

**Mr. G. R. F. Tottenham :** The figures refer to the ratio between Indian and non-Indian officers and other ranks.

**Mr. M. Asaf Ali :** I want the figures about officers particularly. The Honourable Member need not worry about the ranks.

**Mr. G. R. F. Tottenham :** I am afraid I have not got separate figures. I have got figures for both.

|                                           | Indian. | Non-Indian. |
|-------------------------------------------|---------|-------------|
| (6) Adjutant General's Branch             | 1       | 40          |
| (7) Quartermaster General's Branch        | 1       | 40          |
| (8) Master General of the Ordnance Branch | 0       | 38          |
| (9) General Staff Branch                  | 1       | 70          |

But I must explain that there are a large number of Indian civilian clerks on the establishments of these Branches. The figures I have given just now refer merely to Indian officers and other ranks.

**Mr. M. Asaf Ali :** Is it a fact that, in the Master General of Ordnance Branch, until recently, an Indian used to perform the duties of the Personal Assistant to the Master General ?

**Mr. G. R. F. Tottenham :** I do not think that question arises out of this. In any case, I should want notice of any question asking for details about particular officers employed in particular branches.

**Mr. S. Satyamurti :** With reference to the answer to part (a) (ii), may I know whether the 57,554 British soldiers are at the disposal of the British War Office or whether they are, while serving here and while they are being paid by us, at the disposal of the Government of India ?

**Mr. G. R. F. Tottenham :** They are at the disposal of the Government of India.

**Prof. N. G. Ranga :** But the Government of India are at the disposal of the British War Office.

**Mr. M. Asaf Ali :** May I know if it is a fact that there are three sections of the army "Covering Troops", "Field Army" and "Internal Security Troops" ? What is the ratio among these ?

**Mr. G. R. F. Tottenham :** That information is, I think, already contained in a pamphlet which we supplied to Honourable Members of this House. I cannot repeat the ratio from memory, but I would be glad to supply the Honourable Member with a copy of the pamphlet from which he will be able to get the information required.

#### MECHANISATION OF BRITISH AND INDIAN ARMY.

89. **\*Mr. M. Asaf Ali :** (a) Will Government please state the relative extent of the mechanisation of British and Indian Army, especially in respect of the artillery ?

(b) Is it not a fact that the equipment of the Indian section of the Artillery is half of the equipment of the British Artillery ?

(c) Does India pay for the equipment and mechanisation of the British troops ?

**Mr. G. R. F. Tottenham :** (a) (i) *Cavalry*.—Two British cavalry regiments, one in the United Kingdom and one in Egypt, have been converted into armoured car regiments. No mechanisation of cavalry regiments has taken place or is contemplated in India.

(ii) *Royal Artillery*.—Of 18 Field Brigades, Royal Artillery, in England, four are mechanised. Of the ten Field Brigades, Royal Artillery, in India, two are mechanised. The Field Brigade, Indian Regiment of Artillery, is not mechanised.

Two Horse Artillery Batteries, one in the United Kingdom and one in Egypt, have been mechanised. Trials are being carried out in India to find a suitable type of vehicle for the mechanisation of Horse Artillery batteries in this country.

All Medium Artillery both in the United Kingdom and in India are mechanised.

(iii) *Infantry*.—Experiments are being carried out in England with mechanised first line transport for Infantry Battalions. No such mechanisation is contemplated in India.

(iv) *Royal Tank Corps*.—All units are mechanised.

(v) *Engineers*.—In the United Kingdom the tendency is to mechanise the Divisional Engineers entirely. In India the corresponding units are only mechanised to such limited extent, as is suited to local conditions.

(vi) *Signals*.—In both countries the mechanisation of signal units has followed generally the degree of mechanisation in the formations which they serve.

(b) Presumably the Honourable Member refers to the Field Brigade of Indian Artillery. This Brigade, which is organised into four batteries of four guns each, has armaments and vehicles on exactly the same scale as a Royal Artillery Field Brigade of four batteries on the Indian establishment.

(c) India pays for the equipment and vehicles of the units on its establishment.

#### DISPOSAL OF THE DISCARDED ARTICLES OF THE ARMY.

90. **\*Mr. M. Asaf Ali :** What is usually done to dispose of discarded and out of date articles of equipment and particularly (a) weapons, (b) surgical instruments and other equipments of Army hospitals, and discarded accoutrements, etc. ?

**Mr. G. R. F. Tottenham :** They are ordinarily disposed of by sale to the best advantage of the State either under local arrangements or through the Director of Contracts, after any components which may be of use to Government have been removed. Weapons and other lethal stores are rendered useless before sale and are usually sold as scrap.

**Prof. N. G. Ranga :** Where are the stores sold ? In India or abroad ?

**Mr. G. R. F. Tottenham :** In India.

**Pandit Lakshmi Kanta Maitra :** When did the last sale take place ?

**Mr. G. R. F. Tottenham :** They are held every year from month to month.

#### APPLICATION OF THE PUNJAB SAHUKARA ACT TO THE DELHI PROVINCE.

91. **\*Mr. M. Asaf Ali :** (a) Has Government's attention been drawn to the resolutions passed by the Delhi Province Rural Conference, held on the 27th February, 1935 in village Bawana under the presidentship of Sardar Vallabh Bhai Patel ?

(b) What steps do Government propose to take in regard to the grievances and demands contained in these resolutions ?

(c) Are Government prepared to apply the Sahukara Act, Punjab (1934) to the Delhi Province to afford the rural population the relief asked for by the said Conference ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) A statement explaining the position is laid on the table.

(c) The question is under consideration.



**Mr. P. R. Rau :** I am replying that there are no advantages in doing it.

**Mr. Lalchand Navalrai :** The Posts and Telegraphs Department is an all-India service department, similarly the Railways are all-India. When the Posts and Telegraphs Department have made that distinction in the matter of recruitment, what are the difficulties in the way of railways doing it ?

**Mr. P. R. Rau :** Unless there are any advantages in the proposal, I do not see any reason why the Government should ask the railways to adopt the proposal.

**Mr. Lalchand Navalrai :** Will the Honourable Member please make enquiries from the Divisional Superintendents and find out if it is necessary to adopt my suggestion ?

**Mr. P. R. Rau :** I do not see any necessity for doing so.

#### PURCHASE OF CERTAIN ARTICLES BY THE DIRECTOR OF CONTRACTS THROUGH THE INDIAN STORES DEPARTMENT.

94. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that the Director of Contracts for military purchases articles, such as textile and machinery, through the Indian Stores Department ?

(b) If so, why does he not purchase oils, paints, soaps and hardware items through the Indian Stores Department ?

(c) What is the good of having two organizations for purchases ?

**Mr. G. R. F. Tottenham :** (a) and (b). The various Defence Services have discretion to employ the agency of the Indian Stores Department or that of the Director of Contracts to supply their requirements according as they consider the one or the other will best serve their interests.

(c) The question of having a single organisation capable of purchasing, both in peace and war, all the requirements of the Central Government has been repeatedly considered, and it has been decided that the present system should be retained on grounds of efficiency.

#### INCLUSION OF CERTAIN DETAILS IN THE JOURNAL ISSUED BY THE DIRECTOR OF CONTRACTS.

95. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that the *Indian Trade Journal* cites all details, including the quantity of articles purchased and the rate at which they are purchased, whereas the journal issued by the Director of the Contracts shows only the description, name and the value of the article purchased, but not the quantity and the rate at which it is purchased ?

(b) If so, do Government propose to direct the Director of Contracts to show the aforesaid details ? If not, why not ?

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

(b) No. The practice on the Army side has for years past been to limit the publication of details regarding contracts in the manner stated.

s system works satisfactorily and is understood to be favoured by that of the contractors, with whom the Director of Contracts has dealings. Government, therefore, see no reason to alter it.

**Mr. Lalchand Navalrai :** Is the Honourable Member aware that the Indian Stores Department prepare the statistics and the lists in such a manner as to show the price as well as the quality of article purchased, that it would be possible to find out if there is fraud ? Is the Honourable Member going to adopt the same system in his Department ?

**Mr. G. R. F. Tottenham :** No, Sir. We see no reason to alter the existing system adopted by the Director of Contracts.

**Mr. Lalchand Navalrai :** Does the Honourable Member know that hilly no rates are given and no quantities are being given ?

**Mr. G. R. F. Tottenham :** As I said, the practice on the army side for years past been to limit the publication of details in the manner stated by the Honourable Member.

#### PROVIDENT INSURANCE SOCIETIES IN SIND.

96. **\*Mr. Lalchand Navalrai :** Will Government be pleased to state :

(a) how many provident insurance and funds societies have been started in Sind during the last five years ;

(b) whether the attention of Government has been drawn to the proceedings of the meeting held at Karachi on the 13th January at the Buyers and Shippers office in connection with the working of these societies ;

(c) whether Government intend taking any action to safeguard the interests of subscribers to these funds ; if so, what ;

(d) whether it is a fact that Government have instituted an inquiry into the working of these provident insurance societies ; if so, what the result of the inquiry is ; if not, whether Government intend holding such an enquiry ;

(e) whether Government contemplate any legislation in connection with such societies ; if so, what the nature of such a legislation is ; if not, what they propose to do in the matter ; and

(f) whether it is a fact that this is a Central subject and that the Bombay Government have already brought this subject to the attention of this Government and suggested amendment of the Insurance Law ? If so, what steps have Government taken ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) 71 provident insurance societies.

(b) Yes.

(c), (d), (e) and (f). The law relating to the regulation of provident insurance societies is contained in the Provident Insurance Societies Act, 1912, which is administered by the Local Governments. The Government of India have not made any enquiries into the working of the societies in Sind but the Government of Bombay have drawn their

attention to various unsatisfactory features attending the growth of such societies in Sind and have also suggested amendment of the insurance law. The matter is at present under the consideration of the Officer on Special Duty appointed by the Government of India to examine the desirability of amending the insurance law in India.

**Mr. Lalchand Navalrai :** May I inform the Honourable Member....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is not required to give information, but he should put his question.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if it is a fact that in Sind, since this enquiry has been going on, lakhs of rupees have been contributed to these Funds and that many of these Funds are closing down and people are thereby being affected adversely ?

**The Honourable Sir Muhammad Zafrullah Khan :** The information which the Honourable Member has supplied to me may be correct.

**Mr. Lalchand Navalrai :** May I, therefore, request that the matter may be expedited ?

**The Honourable Sir Muhammad Zafrullah Khan :** Matters are progressing as fast as they can.

**Mr. B. Das :** When is the Special Officer likely to report on the amendment of the Insurance Act ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid I could not say.

**Prof. N. G. Ranga :** Is the Honourable Member aware of the fact that similar unsatisfactory conditions prevail even in the Madras Presidency ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have no information.

#### ALLEGED HOSTILE ATTITUDE OF THE EAST INDIAN RAILWAY ADMINISTRATION TOWARDS TRADE UNIONS.

97. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if they have received a telegram from the East Indian Railway Union, complaining of the hostile attitude of the Railway administration towards trade unions ?

(b) If so, how far are the grievances mentioned in the telegram true ?

(c) What steps do Government propose to take to investigate the complaints and give relief ?

**Mr. P. R. Rau :** (a) Yes.

(b) and (c). The matters referred to in the telegram are generally within the competence of the Agent, East Indian Railway, to decide, and the telegram has been referred to him for disposal.

**Mr. Lalchand Navalrai :** Has the Honourable Member heard from the Agent with respect to this matter ?

**Mr. P. R. Rau :** No, Sir. We did not ask for a reply.

**Mr. V. V. Giri :** Are Government aware that many workers who are taking an active part in the Trade Union movement on the East Indian Railway have been victimised ?

**Mr. P. R. Rau :** That does not arise out of this question.

#### FIXATION OF THE TIME FOR THE ISSUE OF DEMAND NOTICES OF INCOME-TAX.

98. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the Central Board of Revenue have laid down any rule or given any instructions to the Income-tax officers, fixing the reasonable maximum and minimum limit of time for giving a demand notice for payment of ordinary and super income-tax under section 29 of the Income-tax Act ?

(b) Has the attention of Government been drawn to the remarks of the Court of the Judicial Commissioner in Sind, condemning the practice of issuing notices of demand after a long time—in that case it having been issued after about two years ?

(c) If the answer to part (a) be in the negative, do Government propose, in view of the instances such as pointed out in part (b), to make a rule fixing the time for the issue of demand notices under section 29 of the Income-tax Act ? If not, why not ?

**Mr. A. H. Lloyd :** (a) No.

(b) Yes.

(c) The Commissioner of Income-tax has applied for leave to appeal against the order of the Judicial Commissioner in Sind referred to in part (b) of the question. The point raised in this part of the question will be considered by the Government when they have the result of the appeal before them.

#### INCOME-TAX ASSESSMENTS RE-OPENED IN SIND.

99. **\*Mr. Lalchand Navalrai :** Will Government be pleased to state in how many cases in each Income-tax office in Sind, assessments were re-opened under section 34, as having escaped notice, and after how much time during the years 1933-34 and 1934-35, respectively ? Will Government be pleased to lay on the table a statement thereof, showing briefly the reasons for such re-opening ?

**Mr. A. H. Lloyd :** The information required is not on record and could be compiled only at an expenditure of time and labour that would not be justified by the value of the results.

#### APPEALS DECIDED BY THE ASSISTANT COMMISSIONER OF INCOME-TAX IN SIND.

100. **\*Mr. Lalchand Navalrai :** Will Government be pleased to state the number of appeals decided by the Assistant Commissioner of Income-tax in Sind in the year 1934-35 and the time taken in deciding each appeal from the day of the institution of each of them ?

**Mr. A. H. Lloyd :** The number of appeals decided by the Assistant Commissioner of Income-tax in Sind in the year 1934-35 was 1,529. As regards the time taken in deciding each appeal, the information is not on record and could be compiled only at an expenditure of time and labour that would not be justified by the value of the results.

**Mr. Lalchand Navalrai :** Is not the Honourable Member able to find out from the judgments what time was taken ?

**Mr. A. H. Lloyd :** By going through 1,529 proceedings, yes.

# INCOME-TAX CASES IN SIND CALLED FOR REVIEW BY THE COMMISSIONER OF INCOME-TAX, BOMBAY.

101. **\*Mr. Lalchand Navalrai :** Will Government be pleased to state in how many cases the Commissioner of Income-tax, Bombay, called for review cases from the Income-tax offices in Sind under section 33 of the Income-tax Act in 1934-35, and after how much time from the day of the decisions given by the respective Income-tax officers in Sind ?

**Mr. A. H. Lloyd :** Presumably the Honourable Member refers to cases where the review was undertaken by the Commissioner of Income-tax, Bombay, himself, without a representation from the assessee, for the purpose of enhancing the assessment. There were only two such cases. One of them was taken up after six months and the other eight and a half months from the date of the decision given by the Income-tax Officer concerned.

# STATEMENT OF INCOME-TAX CASES LAID BEFORE THE COURT OF THE JUDICIAL COMMISSIONER IN SIND.

102. **\*Mr. Lalchand Navalrai :** Will Government be pleased to state in how many cases in all statements of cases were laid before the Court of the Judicial Commissioner in Sind under section 66 of the Income-tax Act in the years 1933-34 and 1934-35, and with what result ?

**Mr. A. H. Lloyd :** One in 1933-34 which was decided against the Department and three in 1934-35 which have not yet been heard by the Court.

# AMENDMENT OF SECTION 61 OF THE INDIAN INCOME-TAX ACT.

103. **\*Mr. Lalchand Navalrai :** What steps do Government propose to take in order to amend section 61 of the Income-tax Act ? Is it a fact that the said section was proposed to be amended in the year 1929 but was kept in abeyance pending further consideration ?

**Mr. A. H. Lloyd :** I would refer the Honourable Member to my answer to his question No. 15.

# PLATFORMS AT CERTAIN STATIONS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

104. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that the Gudur broad gauge platform on the Madras and Southern Mahratta Railway is too low for passengers to get down and get up easily ?

(b) Do Government propose to raise the level of the platform for the convenience of the passengers at Gudur, Thaduku and Vepagunta on the Madras and Southern Mahratta Railway, broad gauge line ?

(c) Are Government aware that the platforms at Gudur, Renigunta, Katpadi and Arkonam are only partly covered and other stations like

Chittoor, Tirupati, etc., are not covered at all and great difficulty is felt by passengers during summer to get down in the hot sun ?

(d) Do Government propose to put up coverings for the entire platforms at all important stations on the Madras and Southern Mahratta Railway ?

**Mr. P. R. Rau :** (a) No. The platform is the standard height for medium level platforms.

(b) It is the policy of Government to leave the allocation of funds allotted for this purpose to the Agent, who is in touch with the relative importance of stations and has the benefit of the advice of his local advisory committee.

(c) No. But Government have no reason to dispute the statements made by the Honourable Member.

(d) No. I may add that the Madras and Southern Mahratta Railway propose to have a partly covered platform at Tirupati.

**Mr. M. Ananthasayanam Ayyangar :** Are Government aware that the Local Advisory Committee suggested and recommended that, so far as Thaduku and Vepagunta are concerned, they should be covered and the level of the platforms also should be raised ?

**Mr. P. R. Rau :** Possibly, Sir ; but it is a question for the Agent to decide what is the best way of utilising the sums allotted to him for this purpose.

**Prof. N. G. Ranga :** Will the Honourable Member kindly bring this suggestion to the notice of the Agent ?

**Mr. P. R. Rau :** I understood from the Honourable Member that the suggestion had been brought to the notice of the Agent by his Advisory Committee.

# BRINGING IN OF TRAINS NEAR THE PLATFORMS AT CERTAIN STATIONS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

105. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that on many stations on the Madras and Southern Mahratta Railway, such as Chittoor, Puthalpet, Renigunta, etc., when two trains cross each other, one of the trains is stopped on the loop-line and passengers including old men, women and children with heavy luggage are made to alight on the ground and cross the railway line at great inconvenience and risk ?

(b) Are Government prepared to issue instructions that all trains should be brought near the platforms without exception and the passengers made to alight and get in from there ?

**Mr. P. R. Rau :** (a) The Agent, Madras and Southern Mahratta Railway, states that at single line stations on the metre gauge, when two passenger trains have to cross, the first train is, wherever possible, received on the platform line and the second on another line. The rules provide for the trains not being allowed to stop opposite each other where this can be avoided, and require that the train on one line must be drawn ahead of the other so that the rear brake van of one train is at least 10 yards clear of the rear brake van of the other train.

## STATEMENT.

*No. 1 (a) of Resolutions.*—The abiana levied on wells is not a tax, but is an element in the apportionment (bachh) of land revenue assessed by the Settlement Officer. The villagers themselves have a large say in this apportionment.

*No. 1 (b) of Resolutions.*—All grievances in this regard receive the careful attention of the Deputy Commissioner in conjunction with the canal authorities, who endeavour to provide an equitable distribution.

*No. 1 (c) of Resolutions.*—Remission or suspension of land revenues, in accordance with damage to crops, is always granted after each harvest. A sum as large as Rs. 1,41,604, i.e., about 75 per cent. of the total demand, was remitted on account of damage done to crops by heavy rains and floods in kharif, 1933.

*No. 2 of Resolutions.*—The improvement of communications in the Delhi rural area will be pushed forward as and when funds permit. In the current financial year, it is intended to spend Rs. 10,000 on repairs to Kachha roads.

*No. 4 of Resolutions.*—Attention is invited to the relevant portion of the Honourable the Finance Member's speech in this House on the 14th February, 1935, in connection with Dr. Ziauddin Ahmad's resolution on the revision of the taxation policy of the Government of India.

*No. 5 of Resolutions.*—There used to be a post office at Bawana, but it was closed down on account of insufficient work. The possibility of reopening the office is being examined. As regards the improvement of sanitation and the establishment of more hospitals, etc., in the Delhi rural area, it is the intention of the local Administration to take suitable action as funds permit.

#### SALE OF ELECTRICITY BY THE NEW DELHI MUNICIPAL COMMITTEE TO THE DELHI ELECTRIC SUPPLY COMPANY.

92. \***Mr. M. Asaf Ali** : (a) Are Government aware that the New Delhi Municipal Committee has offered to sell electric current to the Delhi Electric Supply Company at the rate of .4 anna per unit ?

(b) What is the rate which Government pay to the Supply Company and New Delhi Municipal Committee for electricity purchased for Government offices situated in Delhi and New Delhi ?

(c) By whom was the plant in New Delhi installed, and is there any reason why the tax-payer should be forced to pay such high rates when the Committee sell current at .4 anna per unit to a foreign concern ?

(d) Are Government aware that the Delhi Electric Supply Company purchase current at low rates and supply it to Government offices and public in Old Delhi at rates which yield them an average profit of nearly 900 per cent. ?

(e) Will Government state whether they are prepared to take step to create a Joint Electric Supply Board with (1) Old Delhi Municipal Committee, (2) Joint Water Board, (3) New Delhi Municipal Committee, and (4) Notified Area Committees as its constituents, to purchase electric current from New Delhi Municipal Committee and distribute it to the various constituents at reasonable rates ? If not, why not ?

(f) Is it not a fact that the Indian Electricity Act does not permit monopoly of electric supply ?

**Sir Girja Shankar Bajpai** : (a) If the Honourable Member refers to negotiations for additional supply which Government understand are in progress the answer is in the affirmative.

(b) A statement is laid on the table.

(c) The plant was installed by the Government of India and transferred to the New Delhi Municipal Committee in March, 1932, for due financial consideration. Government are looking into the point raised in the latter part of the Honourable Member's question.

(d) Government are not aware of the exact rates of profit made by the Company but the disparity between the rates at which they buy current from the New Delhi Municipal Committee and those at which they sell it to the consumer is being investigated.

(e) Government are advised that such an arrangement will involve very considerable additional capital expenditure.

(f) No. The Act merely says that the grant of a licence to one person shall not prevent the grant of another to another person for the same area.

## STATEMENT.

The New Delhi Municipal Committee supplies electricity to Government offices and private consumers alike at four annas per unit, less 10 per cent. discount if paid within a certain time, for light and fans ; and at two annas per unit for power. For Government offices in Old Delhi, Government pay to the Electric Supply Company on a sliding scale of 4 to 6 annas per unit according to consumption ; up to 250 units 6 annas, 250 to 500 units 5 annas, 500 and over 4 annas.

#### RECRUITMENT FROM WITHIN DIVISIONAL CIRCLES ON STATE RAILWAYS.

93. \***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state if they are aware of the policy of the Government of India (Posts and Telegraphs Department) which provides for the recruitment of candidates for service ordinarily from within the revenue division ?

(b) If so, will Government be pleased to state whether they adopt the same policy of recruitment from within the respective divisional circles on State Railways ? If not, why not ?

(c) Are Government aware that there arises dissatisfaction, specially amongst the lower class of Railway servants, when they are not placed within the revenue circle of the Railways within which they reside ?

(d) Do Government propose to adopt such a policy on the Railways, so as to facilitate the incumbents to be placed in their respective revenue divisions as has been done by the Posts and Telegraphs Department ? If not, why not ?

**Mr. P. B. Rau** : (a) Yes.

(b) and (d). The Railway Department see no necessity to restrict recruitment in the manner proposed.

(c) No.

**Mr. Lalchand Navalrai** : Of course the Railway Department may not think it necessary, but may I know if there are any difficulties in the way of adopting the suggestion made by me ?

**Mr. P. B. Rau** : Government see no advantage in accepting the suggestion.

**Mr. Lalchand Navalrai** : Are there any difficulties in doing so, I ask ?

When this is not possible, passengers are not allowed to alight between the two trains or to pass between the vehicles of either train. The distance from the footboards of vehicles to the ground is comparatively small, and it is not considered that passengers are put to any inconvenience or risk by being required to alight on the ground between two tracks instead of one to the platform.

On the broad gauge, where two trains cross, both trains are taken on to the platform line.

(b) The acceptance of my Honourable friend's suggestion would involve considerable delay to passenger trains at stations at which such trains cross, and Government are, therefore, unable to accept it.

**Mr. M. Ananthasayanam Ayyangar :** Are Government aware that at Chittoor, the district headquarters in Chittoor district in the Madras Presidency, on the metre gauge line two trains stand on two different lines, halt there for more than 15 minutes, and there is sufficient time for both trains to come to the platform, but that still women and children have to get down on the ground and cross the railway line with heavy luggage at great risk? I would ask the Honourable Member to lay on the table what information he received and what kind of inquiry was made, after this question was put, to conclude that there is absolutely no such inconvenience, when day after day we are feeling the inconvenience.

**Mr. P. R. Rau :** I will send a copy of my Honourable friend's speech to the Agent of the Madras and Southern Mahratta Railway.

#### NON-REDUCTION OF THE EXCISE DUTY ON SALT MANUFACTURED FROM SEA-WATER.

106. \***Mr. M. Ananthasayanam Ayyangar :** Will Government be pleased to state why they have not reduced the excise duty on salt manufactured from sea-water as in the case of salt and saltpetre produced in the Punjab and other mines in Northern India?

**Mr. A. H. Lloyd :** Excise duty has not been reduced on salt produced in the Northern India salt sources, as stated by the Honourable Member, and there is no duty on saltpetre. Reduced rates of duty are levied on salt and *sitta* eduved in saltpetre refineries in Northern India. The concession has been granted because eduved salt is much inferior in quality to ordinary salt. *Sitta* is so impure as to be unfit for human consumption. Moreover the license fee for the manufacture of saltpetre includes an element of duty on the eduved salt.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware that in Anantpore and the Ceded Districts of the Madras Presidency, such inferior kind of salt is produced by the local men, and that, with respect to that kind of salt, similar concessions should be allowed?

**Mr. A. H. Lloyd :** I answered the question about Northern India. I have no reason to believe that the salt produced in the area to which the Honourable Member refers is of the same inferior quality as that which is eduved in the production of salt in saltpetre refineries.

**Mr. M. Ananthasayanam Ayyangar :** Will the Honourable Member kindly make inquiries, and, if he is satisfied, extend the concession?

**Mr. A. H. Lloyd :** I do not think it is necessary to make such inquiries.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware that in those districts there has been famine for over a year and we have been repeatedly requesting that concessions should be given?

**Mr. A. H. Lloyd :** I do not think, Sir, that is relevant to the rates of duty in Northern India.

**Mr. M. Ananthasayanam Ayyangar :** With respect to salt produced in other parts of India, similar concessions are given as for salt produced in Northern India. Therefore, this comes under that question. Will the Honourable Member consider my suggestion after making inquiries?

(No reply.)

#### PROMOTION OF LONG STAPLE AND MIDDLE STAPLE COTTON IN INDIA.

107. \***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that in Brazil experiments on a large scale are being made for the production of medium staple cotton for supply to the world markets and England?

(b) Are Government aware that annually seven crores worth of long staple cotton are being imported into India from the United States of America, and if so, are any steps being taken in India to make her self-sufficient in cotton? If so, what?

(c) Are any measures taken for the promotion of long staple and middle staple cotton in India, and if so, what are they?

**Sir Girja Shankar Bajpai :** (a) Government are aware of a marked increase in the production of cotton in Brazil in recent years.

(b) and (c). During the five years ending 1933-34 the average annual imports into India of cotton from the United States of America were valued at Rs. 1½ crores. The largest imports were in 1932-33, worth Rs. 3.84 crores. Liberal grants are made by the Indian Central Cotton Committee to promote the more extensive cultivation and the marketing of improved varieties in India and to make pure seed easily available to the cultivators at a reasonable price and also for purposes of demonstration and propaganda. For a detailed account of the Committee's activities I would refer the Honourable Member to the Committee's latest report for the year ending the 31st August, 1934, a copy of which is available in the Library of the House. These measures have already met with much success.

**Mr. B. Das :** Has the Honourable Member suggested to the Finance Department to put heavier duty on imported American cotton?

**Sir Girja Shankar Bajpai :** I think that if the Finance Department were to take any such action, it would be a very severe blow indeed to those mills in this country which go in for the finer counts.

**Mr. B. Das :** What about the agriculturists who produce cotton in India?

**Sir Girja Shankar Bajpai :** I have already informed the House that the Indian Central Cotton Committee is doing its duty by the agriculturists.

**Mr. M. Ananthasayanam Ayyangar :** What is the quantity of middle staple cotton produced in India ?

**Sir Girja Shankar Bajpai :** I can give my Honourable friend the figures for the year 1933-34 : staple one inch—25,000 bales : 7/8th inch to one inch—1.346 million bales ; 5/8th to 13/16th inch—1.254 million bales.

AMOUNT RAISED IN INDIA BY SUBSCRIPTIONS FOR THE SILVER JUBILEE CELEBRATIONS.

108. **\*Mr. M. Ananthasayanam Ayyangar :** (a) What is the total amount raised in India by subscriptions from the public and by contributions from the Local and Central Governments for the Silver Jubilee celebrations ? What amount was spent out of it, and how was the balance disposed of ?

(b) Are Government aware that an extract from an article in the *Manchester Guardian* appeared in the *Madras Mail*, pointing out that the Silver Jubilees of Queen Victoria and other Sovereigns were not celebrated and that the celebration was unnecessary and expensive ?

(c) Are Government aware that in Madras and Delhi arrests were made of some persons for carrying on alleged anti-Jubilee propaganda ?

**The Honourable Sir Henry Craik :** (a) I have no information in regard to the amount raised or contributed, and expended, in the provinces. The Government of India allotted a sum of two lakhs, all of which was spent on the celebrations.

(b) I have seen an article in this sense in the *Madras Mail* of April 13th last, but there is nothing in the article to show that it was extracted from the *Manchester Guardian*. It was an article from a London correspondent of the *Madras Mail*.

(c) In Madras five persons were convicted under the Press Act in connection with leaflets, some of a violent revolutionary character, in which boycott of the Jubilee was advocated. In Delhi eight persons were arrested in connection with the circulation of leaflets of a similar nature. In all these cases action was justified not because the leaflets advocated boycott of the Jubilee but because they were otherwise of a seditious nature.

**Mr. M. Ananthasayanam Ayyangar :** As regards clause (a), how is it difficult for the Honourable Member to collect information regarding the total amounts raised in the several provinces ?

**The Honourable Sir Henry Craik :** The difficulty is that there were a very large number of local committees in the different provinces, unofficial committees, collecting subscriptions, and it would have entailed a very large amount of correspondence to ascertain how much they collected and how much they spent.

**Mr. M. Ananthasayanam Ayyangar :** Does the Honourable Member suggest that the Central Committee in each Presidency is itself not aware of the amounts raised throughout that Presidency, and, if it is so aware, how is it difficult to collect statistics from eleven Presidency headquarters and place them before this Honourable House ?

**The Honourable Sir Henry Craik :** I am not aware whether the Central Committees in each province are aware of what is collected by purely local committees : I imagine they were not ; but, in any case, the matter is one for the Local Governments, and not for the Government of India.

**Mr. M. Ananthasayanam Ayyangar :** Can it be a crore of rupees approximately ?

**The Honourable Sir Henry Craik :** I cannot say.

**Dr. N. B. Khare :** Will Government send for the information required ?

**The Honourable Sir Henry Craik :** I do not think it is of sufficient importance.

**Mr. M. Ananthasayanam Ayyangar :** With reference to the arrests made, is it seditious to say that India cannot afford to celebrate the Jubilee at such enormous expense ?

**Mr. President (The Honourable Sir Abdur Rahim) :** That is asking for an opinion.

**Dr. Khan Sahib :** Is the Honourable Member aware that in Dera Ismail Khan, on the 5th of May, a Congress shopkeeper was beaten by a Dera Ismail Khan Government Honorary Magistrate and the police came there on the spot, but took no notice of it, because they wanted him to put some flag on his shop in celebration of the Jubilee and he refused to do it ?

**The Honourable Sir Henry Craik :** How does that arise out of my reply ?

**Dr. Khan Sahib :** Because it is in connection with the Jubilee celebration.

**The Honourable Sir Henry Craik :** It has nothing to do with the collection of subscriptions.

**Mr. Mohan Lal Saksena :** Is the Honourable Member aware of the amount collected by the Central Committee at Delhi and how it has been spent ?

**The Honourable Sir Henry Craik :** No : I have not the details.

**Mr. A. H. Ghuznavi :** Is it not a fact that only two British sovereigns before His Majesty reigned long enough to reach the stage of Silver Jubilee—one being Queen Victoria, and the other was one who became a lunatic at the time ?

**Mr. S. Satyamurti :** On a point of order, Sir : how does this arise ?

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair does not think that arises out of the answer.

**The Honourable Sir Henry Craik :** I do not think it arises, but I do not think that the Honourable Member's statement is correct.

**Mr. A. H. Ghuznavi :** Is it not further the fact that the Silver Jubilee Celebration was stopped by Queen Victoria on account of the death of the Prince Consort, and that of the lunatic king did not take place on account of his lunacy ?

(No answer.)

# INSTITUTION OF THE SYSTEM OF JOB ANALYSIS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

109. \***Mr. M. Ananthasayanam Ayyangar** : Are Government prepared to institute the system of job analysis in the Posts and Telegraphs Department for devising economy in expenditure on the lines, suggested by Mr. Pope regarding the Railway Administration ?

**The Honourable Mr. D. G. Mitchell** : The organisation and the methods of work of the different branches of the Indian Posts and Telegraphs Department have been examined from time to time since 1921 by six different committees with a view to secure all possible economy consistent with efficiency, which is the object of the system of the job analysis. Government do not, therefore, consider it necessary at present to institute another investigation of the nature contemplated by the Honourable Member.

**Mr. M. Ananthasayanam Ayyangar** : Instead of carrying on the analysis by separate committees, cannot it be concurrently done and information gathered in the department itself ?

**The Honourable Mr. D. G. Mitchell** : The department is continually carrying out a scrutiny of the methods of work of its subordinate offices.

## CONSTITUTIONAL ASPECT OF CERTAIN TERRITORIES IN BALUCHISTAN.

110. \***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state the Constitutional aspect of the following territories in Baluchistan :

Las Bela, Bugti, Kharan, Makran, Brohi, Marri, and such other tribal units ?

(b) Are these territories under the direct control of British India or connected with the United Confederation of Kalat State ?

(c) If the constitutional composition of the territories in question is a different one than the two mentioned above, will Government be pleased to describe the reality of the fact and throw light on it ?

**Mr. J. G. Acheson** : So far as this question relates to tribal areas, namely, Marri and Bugti country, the information is as follows :

(a) The Marri and Bugti territories are tribal areas in the Sibi Political Agency.

(b) These areas are not included in British India. They are tribal areas under the Political control of the Government of India through the Agent to the Governor General in Baluchistan and the Political Agent, Sibi.

(c) Does not arise.

The remaining areas are Indian State territory.

## ALLOWANCES PAID TO THE TRIBAL SARDARS OF BALUCHISTAN.

111. \***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state whether the tribal Sardars of Baluchistan, such as Marri, Bugti, Kharan and other territories in Baluchistan, get monthly allowances from the Government of India for personal use ?

(b) Is it a fact that these Sardars, apart from the above mentioned allowances, also get certain amounts for maintenance of their administration from the Government of India ?

(c) If the reply to parts (a) and (b) above be in the affirmative, will Government be pleased to lay on the table a consolidated statement showing therein yearly amounts paid to individual Sardars ?

(d) Do the tribal Sardars of Marri and Bugti render any service to the British India and if so, what kind of service ?

(e) Do the Sardars mentioned in part (d) get the above stated allowances in virtue of some treaties made between them and Government, and if so, will Government please place copies of those treaties on the table ?

**Mr. J. G. Acheson** : So far as tribal Sardars are concerned the information is :

(a) Certain Sardars of Baluchistan draw monthly allowances from Government and in return they are made responsible for the tranquillity of their tribal areas. Some of them have to maintain a specified number of tribal levies for this purpose. When called upon to do so they serve as members of *Jirgas*.

(b) No, except in so far as the upkeep of levies and the duties described in the answer to part (a) can be described as 'maintenance of administration'.

(c) A consolidated statement of such allowances is furnished.

(d) Of the Sardars whose names are shown in the consolidated statement which is laid on the table, only four belong to British Baluchistan and, therefore, to British India. They render services to British India in the manner described in the answer to part (a). The remainder do not render any direct service to British India except that they serve on *Jirgas* and that they keep order in their tribal areas which has a direct effect on conditions in the neighbouring areas of British India.

(e) There are no treaties but regular agreements with the Marris and Bugtis, copies of which are laid on the table. There are neither treaties nor agreements with other Sardars. Kharan is a part of Indian State territory, regarding which Government are not prepared to answer questions in this House.

## STATEMENT SHOWING ALLOWANCES PAID TO SARDARS IN BALUCHISTAN.

### Quetta Pishin District.

|                                         | Rs.   |
|-----------------------------------------|-------|
| K. S. Sardar Ghulam Mohd. Tarin .. .. . | 1,800 |

### Kalat and Chagai District.

#### Chagai District.

|                                           |        |
|-------------------------------------------|--------|
| Sardar Mohd. Ali Khan Mengal .. .. .      | 19,260 |
| Sardar Abdul Aziz Khan Badini .. .. .     | 9,600  |
| Sardar Mebrullah Khan Jamaldini .. .. .   | 9,726  |
| Mir Chandan Khan Tarasezai Mengal .. .. . | 1,440  |
| Sardar Taj Mohd. Sanjerani .. .. .        | 28,800 |



*Loralai District.*

|                                       | Rs.   |
|---------------------------------------|-------|
| Sardar Shahbaz Khan Wanechi .. ..     | 840   |
| Sardar Habib Ullah Khan Belkhel .. .. | 960   |
| Sardar Allah Dad Khan Jaffar .. ..    | 720   |
| K. B. Sardar Shah Ghazi Khan .. ..    | 840   |
| Sardar Sobha Khan Lehrzai .. ..       | 960   |
| K. S. Sardar Baz Mohd. Khan .. ..     | 1,800 |

*Sibi District.*

|                                                         |        |
|---------------------------------------------------------|--------|
| Marri Service (excluding Kohlu and Ry. Sub-Division) .. | 47,460 |
| Bugti Service .. ..                                     | 70,200 |
| K. B. Sardar Samundar Khan Barozai .. ..                | 1,320  |
| K. B. Sardar Wahab Khan, M.B.E. .. ..                   | 1,380  |
| K. S. Murad Khan Sarangzai .. ..                        | 990    |
| Sardar Rustam Khan Jamali .. ..                         | 600    |

*Zhob District.*

|                                                  |       |
|--------------------------------------------------|-------|
| Sardar Bahadur Sardar Mohd. Khan Jogezei .. ..   | 1,800 |
| Sardar Bahadur Sardar Zarghun Khan Jogezei .. .. | 1,800 |

Agreement given by Sirdar Miharullah Khan and the Chiefs of the Marri Tribe, to Major Sir Robert Sandeman, K.C.S.I., Agent, Governor General, Baluchistan, at his camp at Quat on the 6th January, 1881.

We, Sirdar Miharullah Khan, Tumandar, Karram Khan, Chief of the Bijerani section, Bakhtiyar Khan and Sobdar Khan, Chiefs of the Tingani section, Nihal Khan Loharani, Mir Hazar, Gazani, Kote Khan, Bijerani, Sheran, Kalwani, Batil, Shaheja, Gul Muhammad, Chilgri, and other chiefs of the Marris, agree as follows on the following conditions :

- (1) The whole country shall remain at peace, and all the roads shall be kept open without hinderance. If any evil-doing is perpetrated by the Marri tribe in Sind, the Punjab, or any part of British territory, Government is to have the right of stopping this service, and of cutting off all intercourse with the tribe.
- (2) When any theft is committed in British territory, or on the British roads, the Tumandar and chiefs will immediately restore the stolen property. If serious offences, such as murder or highway robbery, are committed either within British territory or on trade roads, or in their neighbourhood, the Tumandar and Chiefs will be responsible for the production of the actual offenders. If the Tumandar and Chiefs are not concerned and are faithful in this, the Political Officer will assist them in carrying out this condition ; but if it appears that the Tumandar and Chiefs are in any way concerned in the crime, they will be themselves held responsible.
- (3) The Marri tribe shall have no claim to any additional pay on account of protection of the railway or telegraph lines, and they shall prevent their people doing any damage to these. The Government will, of course, exercise its pleasure as to employing Marris or any others to carry posts, or to act as telegraph line riders.
- (4) The condition on which the Sirdar draws his pay is, that either he himself, or his son, shall be present in attendance on the Political Officer, as long as he is in his own country on this duty he shall not receive any subsistence allowance (for the attendance), but when he goes out of his own country to Quetta, Hurnai, or Sibi, he shall receive the usual subsistence allowance.
- (5) We (the Marri Chiefs) will produce individuals to perform service to be approved of by the Government, and they shall be posted wherever Government please within the Marri country or in the country close to it.

- (6) The Wakil and his two sowars shall, so long as required remain in attendance on the Agent, Governor General. When Agent, Governor General, does not himself require him, he shall be in attendance on the Political Officer.
- (7) Whenever the Political Officer or the Agent, Governor General, summons the Tumandar or any of the Chiefs, he shall at once attend without making excuses.
- (8) Hostages, as specified in the separate list annexed, with one Ressaldar and ten sowars, shall remain continually, till further orders, present at Sibi. The Marri Ressaldar and sowars will be responsible for their production daily before the Political Officer at Sibi. The hostages shall be changed in regular turn in the manner specified in the list, with the permission of the Political Officer, Sibi.

We will remain subject to the British Government, and will not wage war, nor make any attempt at inflicting retribution on any other people or tribe, without the permission of Government.

We have written these words as our agreement and sunnud.

Seal of Sirdar Miharullah Khan.  
 Mark of Karram Khan, Bijerani.  
 Mark of Bakhtiyar Khan, Tingani.  
 Mark of Sobdar Tingani.  
 Mark of Nihal Khan, Laharani.  
 Mark of Mir Hazar, Gazani, Nozbandagani.  
 Mark of Kote, Bijerani.  
 Mark of Sheran, Kalwani.  
 Mark of Batil, Shaheja.  
 Mark of Gul Muhammad, Chilgri.  
 Mark of Koti, Tingani.  
 Mark of Jamal, Tingani.

Witnesses.

(Sd.) Sirdar Asad Khan, Raisani.

(Seal of) Mir Yar Muhammad, son of Sirdar Alladina Kurd.

(Seal of) Sirdar Alladina Kurd.

Dated 6th January, 1935.

*Terms regarding service, behaviour, and hostages agreed to by the Sirdars, Chiefs, and Mucaddams of the Bugti Tribe.*

Whereas Lieutenant-Colonel Reynolds, Political Agent, Lieutenant Jennings, Officiating Assistant Agent to the Governor General, have, with the sanction of the Agent, Governor General, planned the service as shown in List 2 attached.

We, Mir Shabaz Khan, eldest son of Sirdar Ghulam Murtaza Khan, and on his behalf, Gohram Khan, uncle of Kechi Khan, Shambani, and on his behalf, Shah Ali Mucaddam, Musori Bijar Nothani, Touriz Nothani, Rehan Nothani, Dilijan Nothani, Rugha Kulpar, Futtuhul, Kulpar, Mirdost, Kulpar, Haidar Kulpar, Easab Kulpar, Zunu Kulpar, Barani Mundrani, Sobdar Khiazai, Futtah Khan Shambani, and Ghuna Khan, Shambani, agree as follows :

(1) That we will at once give six hostages who will remain in Jacobabad or wherever the Agent, Governor General, may order. They will be from the following sections :

- 1 from the Musori section.
- 1 from the Nothani section.
- 2 from the Kulpar section.
- 1 from the Mundrani section.
- 1 from the Shambani section.

They will be changed as per detail in the annexed List No. 3.



One of the Bugti Sirdar's sons will also remain with the hostages, who will be under his orders. He will be responsible for their daily reporting themselves to the Political Agent in charge.

(2) If any of the Bugtis hereafter commit petty thefts, etc., within British territory, the sirdar will at once recover the stolen property. But if the offence committed be such as murder, highway robbery or other serious offence, the offender will be produced and made over to the Political Agent. If more than reasonable delay occurs, the hostage belonging to the criminal section will be kept in close custody until the actual offender or offenders are produced.

(3) The amount of pay will be the same as hitherto sanctioned by Government; but this will be disbursed in future only to those who are actually in the performance of duty.

Detail of service has been given in the annexed list No. 2.

Mir Shabaz Khan, eldest son of Sirdar Ghulam Murtaza Khan, will be recognized as Kesaldar or commandant of the sowars. All the sowars will remain under his orders.

Shabaz Khan will himself work under the direction of his father, but will, when necessary, send out sowars to recover stolen cattle, etc.

At present Ghulam Murtaza Khan being ill, Shabaz Khan will officiate as sirdar of the Bugtis in addition to his own work; when the former recovers, he will resume the charge of his own duties.

(4) One Jemadar, a kind, if possible, with 12 Biluch Guide sowars, will, be stationed at Bibrak Dera to see that the terms of this agreement are properly executed. If necessary, some of these sowars may be detached to Thusu to keep the Shambanis up to their agreement.

Kechi Khan and Gohram Khan will be held responsible for keeping the peace on the part of the Shambani section, and Ghulam Murtaza Khan and Mir Shabaz Khan on the part of the rest of the tribe.

(5) In future when any sirdars or mucaddams are sent for on Government duty and out of their own district, they will receive subsistence allowance at the rate allowed to the Marris.

When they are summoned, the number of the men to accompany them should always be clearly stated by the summoning officer.

(6) If people of any section refuse to obey the order of their sirdar, and the sirdar wishes them punished, Government will have this punishment carried out, on the Assistant Agent, Governor General's ascertaining that the sirdar's complaint is true and that punishment is deserved.

(7) We, the sirdar and mucaddams, agree that in future we will remain subject to the British Government, and will not wage war against Marris, Shambanis, or others without the permission of Government.

(8) The hostages will be allowed to go when Government is satisfied, from the good behaviour of the tribe, that the arrangements are of a permanent character. This point to be decided by the Agent, Governor General.

(9) When the sirdar or any of the chiefs are summoned by the Assistant Agent, Governor General, he shall at once attend without making excuses.

- (Sd.) Mir Shabaz Khan, son of Bugti Tumandar.
- (Sd.) Gohram Khan, uncle of Tumandar Shambani.
- (Sd.) Shah Ali, Musori Mucaddam.
- (Sd.) Bijar Khan, Nothani.
- (Sd.) Touriz Khan, Nothani.
- (Sd.) Rehan Khan, Nothani.
- (Sd.) Dilijan Khan, Nothani.
- (Sd.) Rugha Khan, Kulpar.
- (Sd.) Puttuhull, Kulpar.
- (Sd.) Mir Dost, Kulpar.
- (Sd.) Hyder, Kulpar.
- (Sd.) Easab, Kulpar.
- (Sd.) Zunu, Kulpar.
- (Sd.) Barani Mundrani.
- (Sd.) Sobdar Khiazai.
- (Sd.) Futteh Khan, Shambani.
- (Sd.) Guhna Khan, Shambani.

*Witnesses.*

(Sd.) Nawab Imam Baksh Khan, Mazari.

(Sd.) Sirdar Assad Khan, Raisani.

(Sd.) Naib Mulla Pirjan.

Countersigned and approved, pending sanction of Government.

(Sd.) E. REYNOLDS, *Lieut.-Colonel,*  
*Political Agent.*

(Sd.) R. H. JENNINGS, *Lieut.-Colonel,*

*R.E.,*

*Offg. Assistant Agent, Governor General.*

**TERRITORIES OF KALAT STATE.**

112. \*Seth Haji Abdoola Haroon : (a) Will Government be pleased to state what territories of Kalat State are on lease ?

(b) Is it a fact that the expenditure on the administration of these territories is heavy in comparison with their income, resulting in loss to Government and if so, what is the total amount of loss sustained every year ?

Mr. J. G. Acheson : (a) The following territories of the Kalat State are on lease :

1. District and Niabat of Quetta.
2. Bolan Pass.
3. District and Niabat of Nushki.
4. Niabat of Nasirabad.

The terms on which these territories have been given on lease are stated in Agreements Nos. XIV, XXVI and XXVIII published in Aitcheson's Treaties, Volume XI, 5th Edition, 1929.

(b) The loss sustained is as under :

1. *District and Niabat of Quetta.*—The figures for this area are not available as the records of the Office of the Political Agent, Quetta-Pishin, were buried in the earthquake and have not yet been fully salvaged.
2. *Bolan Pass.*—The average deficit for the past three years in round figures is Rs. 65,000 a year.
3. *District and Niabat of Nushki.*—The annual deficit is Rs. 58,000.
4. *Niabat of Nasirabad.*—The average annual deficit for the three years (1928-29 to 1930-31) prior to the opening of the Khirtar Canal was Rs. 62,000 a year. No reliable figures after the opening of the Khirtar Canal are available as a consolidated land revenue and water rate is being recovered from the land-holders and no financial adjustment between the Baluchistan and Bombay Governments regarding the cost of the Khirtar Canal and its working has yet been arranged. Development operations are still proceeding and a considerable portion of the waste lands has still to be

colonized. The income from these lands is on the increase. The deficit on the average of the past four years after the opening of the Khirtar Canal has been reduced to Rs. 14,675 per annum subject to any adjustment referred to above.

POSITION OF THE POLITICAL AGENCY IN THE TERRITORIES OF YOB AND KHATRANO IN BALUCHISTAN.

113. \***Seth Haji Abdoola Haroon** : Will Government be pleased to state the real position of the Political Agency of the Government of India in the territories of Yob and Khatrano (Baluchistan) and whether these territories are permanently under British India, and if not, then what the real position is ?

**Mr. J. G. Acheson** : It is presumed that the Honourable Member refers to the Zhob and Loralai Political Agencies. These are not included in British India but are tribal areas known as Agency territories legally on the same footing as the tribal territory on the North-West Frontier.

CONSTITUTIONAL CHARACTER OF THE SHAHI AND OTHER JIRGAS IN BALUCHISTAN.

114. \***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state the constitutional character of Shahi Jirga in Baluchistan, and its powers, and in what capacity outsider Sardars and other representatives participate in the said Shahi Jirga ?

(b) Will Government be pleased to state the constitutional character of other local Jirgas of Baluchistan and their powers and responsibilities ?

(c) Will Government be pleased to state :

(i) whether the Presidents of the Shahi and other Jirgas in Baluchistan are nominated by Government or elected by their members, and, in case they are nominated, the reasons for the same and the qualifications required for such Presidents ; and

(ii) whether Government are prepared to allow the Jirgas to elect their own Presidents instead of the Government's nominee ?

**Mr. J. G. Acheson** : (a) The Shahi Jirga is a Council of Elders consisting of the Chiefs of the tribes in Baluchistan. The members of the Jirga are appointed by the Agent to the Governor General. Important civil and criminal cases and questions of tribal customary law which cannot be settled by District and Joint Jirgas are referred to the Shahi Jirga for opinion. It is not understood exactly what is meant by " Outsider Sardar " but there is nothing to prevent the Agent to the Governor General from nominating Sardars and others who are not normally members of the Shahi Jirga to be members of that body to assist in their deliberations for special reasons.

(b) (i) *District Jirgas* are appointed by Political Agents from the leading men of the various tribes in their districts. Such Jirgas deal with cases within the district and they make recommendations according to the customary law of the tribes concerned. Orders on their findings are passed by Political Agents.

(ii) *Joint Jirgas*.—These Jirgas function in the same way as District Jirgas but deal with cases which occur between residents of different districts.

(iii) *Inter-Provincial Jirgas*.—These Jirgas deal with cases which occur between residents of Baluchistan and residents of the Punjab and the North-West Frontier Province.

(c) (i) The Presidents of the Shahi and other Jirgas are nominated. There are no special qualifications but the President of a Jirga has to see that cases are heard promptly ; that the proceedings are correctly drawn up and that the hearing is impartial. He must also have a thorough knowledge of customary law and of jirga procedure. For these reasons nomination is necessary.

(ii) Government do not see any reason to make a change, for which there has been no demand, in the existing system.

ALLEGED MONOPOLY OF NON-SINDHIS IN THE KARACHI GENERAL POST OFFICE.

115. \***Sir Ghulam Hussain Hidayatallah** : Will Government be pleased to state :

(a) whether their attention has been drawn to an article, with the heading " Monopoly of Non-Scindhis in the Karachi General Post Office ", appearing in the *Daily Alwahid*, in its issue of the 14th March, 1935 ;

(b) if so, what action they have taken or propose to take in the matter ; and

(c) if not, whether Government propose to make any enquiry or to take any action in regard to the subject matter of the article ?

**The Honourable Mr. D. G. Mitchell** : The attention of the Honourable Member is drawn to the reply given by Mr. Bewoor on the 9th April, 1935, to his identical starred question No. 1680.

DISTINCTION IN THE PAYMENT OF RAILWAY FARE BY AN INDIAN MAJOR AND A BRITISH CAPTAIN.

116. \***Mr. V. V. Giri** : (a) Are Government aware that a Junior Indian Major (I.M.S.) drawing less pay than a Senior British Captain (I.M.S.) has to travel first class on payment of full first class fare, whereas the latter though drawing more pay (including overseas pay) travels first class on payment of only second class fare ?

(b) If the reply to part (a) be in the affirmative, will Government please state the reasons for this distinction ?

(c) Are Government prepared to allow the above concession on salary basis rather than on rank ? If not, why not ?

**Mr. G. R. F. Tottenham** : (a) and (b). The answer to part (a) is in the affirmative but the reason has nothing to do with either the pay or the nationality of the officer. The concession of travelling first class at second class rates is given to all Captains and Subalterns whether British or Indian, but not to Majors, either Indian or British.

(c) No, Sir. I imagine a concession of this kind based on salary would be exceedingly difficult to work.

**Pandit Lakshmi Kanta Maitra :** May I know from the Honourable Member if there is any rule in the Military Department which permits Captains to travel in higher class compartments than those for which fares are paid? Are they permitted to travel in first class though they pay fares for second class? If so, may I know the grounds for this concession?

**Mr. G. R. F. Tottenham :** The Military Department see no reason to depart from the present practice by which the concession of travelling first class at second class rates is confined to the junior ranks, that is, Captains and Subalterns. They see no reason to alter that practice.

#### RECOMMENDATIONS OF THE HIDES CESS COMMITTEE.

117. **\*Qazi Muhammad Ahmad Kazmi :** (a) Will Government be pleased to state the expenditure incurred on the Hides Cess Committee appointed in 1929?

(b) What were, in brief, the main recommendations of that Committee?

(c) How far have those recommendations been adopted by Government?

(d) If no action has been taken, what unforeseen reasons have been responsible for it?

(e) Do Government now contemplate taking any steps in pursuance of those recommendations and, if so, when?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The actual expenditure incurred on the Hides Cess Enquiry Committee was Rs. 46,426.

(b) The Honourable Member is referred to Chapter XI of the Report of the Hides Cess Enquiry Committee, a copy of which is in the Library.

(c), (d) and (e). I would refer the Honourable Member to Sir Joseph Bhore's speech in this House on the Finance Bill of 1934 as printed on pages 2632-2634 of the Legislative Assembly Debates, dated the 22nd March, 1934. The imposition of a suitable cess on the exports of hides and skins from India is a necessary precedent to the adoption of the other recommendations of the Hides Cess Enquiry Committee and in the present depressed condition of the export trade it is felt that any action which may tend to raise the prices of Indian hides and skins in the export markets and so place them in an unfavourable position *vis-a-vis* their competitors would be injurious to the industry itself.

#### POSITION OF INDIANS IN ZANZIBAR.

118. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether it is a fact that the Colonial Secretary has definitely turned down the representation of the Government of India on the position of Indians in Zanzibar ;

(b) what is the actual position to-day ;

(c) whether Government will take any action to vindicate the position of Indians in Zanzibar ; and

(d) if so, when, and what those steps are ?

**Sir Girja Shankar Bajpai :** (a) No.

(b) to (d). The general question is still the subject of discussion between the Secretary of State for India and the Secretary of State for the Colonies. Meanwhile, I am authorised to announce that if any specific cases of hardship alleged to have resulted from application of the new arrangement are brought locally to the notice of the Government of Zanzibar, they will be most carefully investigated by that Government and, if necessary, brought to the notice of the Secretary of State for the Colonies.

**Mr. S. Satyamurti :** With reference to the answer to clause (a) of the question, may I know, Sir, whether the Government reported to the Emigration Committee, at the meeting held earlier in the year, that the Colonial Secretary had turned down the representation of the Government of India?

**Sir Girja Shankar Bajpai :** The proceedings of the Standing Emigration Committee are confidential, and I cannot disclose what transpired in those meetings without the approval of the Committee itself, but I think I can tell my friend that what was reported to the Committee was merely an intermediate stage of the negotiations.

**Mr. S. Satyamurti :** The Standing Emigration Committee is a Committee of this House, and is there any rule or convention that things which take place there cannot be disclosed or told in the House? What is this Committee for? I want a ruling from you, Sir.

**Mr. President (The Honourable Sir Abdur Rahim) :** That rule applies to Select Committees.

**Sir Girja Shankar Bajpai :** The position is that, so far the Standing Emigration Committee has always been consulted as to whether questions which are discussed there should be made public or not. The particular point as to whether information should be conveyed to the House or not has not been considered before, and if you, Sir, wish me to explain to the House what happened in that Committee, I am prepared to do so.

**Mr. S. Satyamurti :** Yes, I want that information.

**Several Honourable Members :** We all want that information.

**Sir Girja Shankar Bajpai :** I have already conveyed that information to my Honourable friend without going into details. I said what was reported to the Committee was an intermediate stage of the negotiations.

**Mr. S. Satyamurti :** May I know, therefore, whether this representation was turned down at the intermediate stage, and, after that, the Government of India went with their begging bowls in their hand and are now considering the whole position?

**Sir Girja Shankar Bajpai :** There is no question of a begging bowl or any other kind of eleemosynary instrument being used. The problem

is really a difficult one. The suggestion that the Honourable Member is referring to is a suggestion for a particular kind of inquiry. The Secretary of State for the Colonies said that he did not feel justified at that stage in embarking upon an inquiry, because sufficient time had not elapsed since the passing of the legislation to enable him or the local authorities to say how the legislation was working. It was only natural in the circumstances that the Government of India should say : "Very well, we shall wait for a little time in order to enable you to gather experience of the working of the legislation, but meanwhile if there are any difficulties that individuals are experiencing, you must provide relief for them", and that relief is provided for by the statement which I have made in the latter part of my reply.

**Mr. S. Satyamurti :** In view of this courageous attitude of the Government, may I know what is the latest position in this matter ?

**Sir Girja Shankar Bajpai :** The latest position as, I understand, is that the general question is still the subject of discussion between the Secretary of State for India and the Secretary of State for the Colonies.

**Mr. S. Satyamurti :** Are the Government of India considering the question of levying an embargo on the import of cloves into this country as a measure of retaliation ?

**Sir Girja Shankar Bajpai :** My Honourable friend may rest assured that everything connected with this question is receiving the attention of the Government.

**Mr. S. Satyamurti :** That, Sir, is a very poor assurance in view of the fact that the Government of India have failed all these years to do anything effective.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member has put his question and he has got an answer.

**Mr. S. Satyamurti :** No, Sir ; the answer was that everything connected with this question was receiving the attention of the Government. I want to know whether Government are considering this particular question of putting an embargo on the import of cloves from Zanzibar into this country. That question has not been answered.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair thinks the answer is in the affirmative, is it not ?

**Mr. S. Satyamurti :** No, Sir ; he said that he is considering everything connected with this question. I want to know particularly whether they are considering this question of putting an embargo on the import of cloves.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member has already replied to his question.

**Sir Girja Shankar Bajpai :** Everything connected with this question is being considered by the Government of India, and if my friend, Mr. Satyamurti, thinks that this particular question is not sufficiently relevant, then, in that case, he is not justified in assuming or suggesting....

**Mr. President (The Honourable Sir Abdur Rahim) :** The point is whether the question of the import of cloves is being considered, or not.

**Sir Girja Shankar Bajpai :** Everything connected with this question is under consideration....

**Mr. President (The Honourable Sir Abdur Rahim) :** Does the Honourable Member mean that it is under consideration ?

**Mr. S. Satyamurti :** Sir, you cannot give an answer for the Government. They must give the answer.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member has said that he is considering everything including this. That is how the Chair understands his answer.

**Mr. S. Satyamurti :** He has not stated so.

**Mr. N. M. Joshi :** May I know whether the Government of India are aware that a company is being formed in London for dealing in cloves ?

**Sir Girja Shankar Bajpai :** I do not know whether that actually arises out of this question, but the Government of India have no information on that subject.

**Mr. N. M. Joshi :** May I ask if the Government of India will make inquiries ?

**Sir Girja Shankar Bajpai :** If my friend will be good enough to disclose to me the source of his information and if it is of sufficient importance to justify an inquiry being made, the Government of India will certainly make an inquiry.

**Mr. B. Das :** With reference to the reply to the last part of the question, will the Honourable Member kindly tell me if the Government of India have brought to the notice of the Colonial Minister any special cases of difficulties of Zanzibar merchants ?

**Sir Girja Shankar Bajpai :** We may be making inquiries from the Imperial Citizenship Association of Bombay, but if my friend had listened to my answer, he would have gathered that it is open to individuals in Zanzibar, if they so wished, to make representations direct to the Government of Zanzibar.

**Mr. B. Das :** Direct to the Government of Zanzibar ?

**Sir Girja Shankar Bajpai :** Yes.

**Mr. B. Das :** And not to the Government of India ?

**Sir Girja Shankar Bajpai :** It is open to them to report to the Government of India and suggest to them that they should take action, but if they think that this is likely to be a dilatory process, it is open to them to make representations direct to the Government of Zanzibar.

**Mr. B. Das :** Will the Government of Zanzibar forward these representations to the Colonial Secretary in London ?

**Sir Girja Shankar Bajpai :** He has been definitely asked to forward important cases to the Secretary of State for the Colonies.

**Seth Govind Das :** Who is to decide whether these individual cases are important or not ?

**Sir Girja Shankar Bajpai :** There is nothing to prevent the individuals concerned representing to the Secretary of State for the Colonies

if the local authorities, by any chance, consider an important case to be unimportant.

**Mr. Mohan Lal Saksena :** Did the Government of India receive any representation from Indians in Zanzibar to take retaliatory measures ?

**Sir Girja Shankar Bajpai :** The Government of India have received representation from the Indian National Association in Zanzibar to take retaliatory action. They have also seen reports of Resolutions on the subject in the press.

#### INCLUSION OF PROVISIONS FOR A STATUTORY RAILWAY AUTHORITY IN THE GOVERNMENT OF INDIA ACT.

119. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state whether the Government of India, in their despatch on this subject, asked the Secretary of State for provisions for a Statutory Railway Authority to be included in the Government of India Act ?

(b) Will they be pleased to lay their correspondence with the Secretary of State on the table ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government are not prepared to disclose the nature of their confidential communications with the Secretary of State, and, in this connection, I may draw the Honourable Member's attention to the supplementary questions put by him to question No. 21 on the 6th February, 1935, to Sir Joseph Bore and the replies thereto.

**Mr. S. Satyamurti :** May I know if the Government of India contemplate introducing any further legislation on this matter, and, if so, when ?

**The Honourable Sir Muhammad Zafrullah Khan :** I believe the Honourable Member has already put down a question to that effect.

**Pandit Krishna Kant Malaviya :** Is it to be held secret from people who make the contribution ? (After a pause.) No answer ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has said that it is a confidential communication and he cannot disclose it.

**Pandit Krishna Kant Malaviya :** Confidential from those who contribute funds ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Yes, apparently.

#### OUTLAY ON THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

120. **\*Mr. S. Satyamurti :** Will Government be pleased to state the total outlay on the Imperial Agricultural Research Council since it was set up, and the results achieved so far ?

**Sir Girja Shankar Bajpai :** A statement is laid on the table. Particulars of the research schemes and of the progress made are published

in the annual reports of the Council, copies of which are available in the Library of the House.

#### STATEMENT.

| Actuals<br>1929-30. | Actuals<br>1930-31. | Actuals<br>1931-32. | Actuals<br>1932-33. | Actuals<br>1933-34. | Actuals<br>1934-35. | Budget<br>Estimate<br>1935-36. |
|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|--------------------------------|
| Rs.                 | Rs.                 | Rs.                 | Rs.                 | Rs.                 | Rs.                 | Rs.                            |
| 1,46,181            | 6,91,355            | 6,91,061            | 8,60,739            | 12,05,762           | 14,61,947           | 22,49,100                      |

**Prof. N. G. Ranga :** Are the results of the investigations being made by the Council into the cost of cultivation of certain crops now available ?

**Sir Girja Shankar Bajpai :** I should like to have notice of that question. I could not say whether the results are available or not.

**Prof. N. G. Ranga :** Are the agricultural interests represented on the Imperial Council ?

**Sir Girja Shankar Bajpai :** This question relates to the amounts of grants made by the Governor General in Council and the activities of the Council ; it does not relate to the constitution of the Council.

#### REDUCTION IN INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.

121. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state what reduction they have been able to secure in India's contribution to the League of Nations ?

(b) Are Government aware of any reasons why India should contribute more than any of the self-governing Dominions ?

(c) What is the indirect return to this country in the form of salaries of Indian employees of the League per year ?

(d) What steps are Government taking to get India's contribution reduced and to get the employment of Indians in the League organization increased ?

**The Honourable Sir Nripendra Sircar :** (a) India's contribution for 1935 has been reduced by one unit as the result of the distribution among existing Members of units allotted to Russia on her entering the League.

(b) Government see no reason to suppose that the comparative assessments of India and the Dominions indicate any failure properly to apply the principles on which the existing assessment is based, for those principles recognise population as one of the factors to be taken into account.

(c) The aggregate amount of the salaries of the Indian employees of the League in 1934 appears to have been one hundred and thirteen thousand, three hundred Swiss Francs.

(d) As regards the first part of the question, I would refer the Honourable Member to part (b) of my reply to question No. 590, asked by Lala Rameshwar Prasad Bagla, on the 14th August, 1934. The matter is now under consideration in connection with the forthcoming preparation of a revised scale of allocation.

As regards the second part of the question, for the reasons explained in my reply to part (c) of question No. 500, asked by Dr. Ziauddin Ahmad, on the 9th August, 1934, no means exist of securing an early material increase in the number of Indians employed in the League's organisations, but I may mention that certain informal representations on the subject have recently been addressed to the Secretary General and have elicited a sympathetic reply. I take the opportunity of laying on the table a statement showing the number of officers employed in the League Secretariat and the International Labour Office on a minimum salary of not less than 12,000 Swiss Francs per annum, from which the Honourable Member will observe that, leaving out of account Great Britain, France, Italy and Switzerland, the scale of whose representation is necessarily influenced by geographical and linguistic considerations, the number of Indian employees compares by no means unfavourably with the number of nationals of other States Members.

*Statement showing the number of officers employed in the League Secretariat and in the International Labour Office whose minimum salary is not less than 12,000 Swiss Francs per annum.*

| Nationality.      | Secretariat. | Remarks.                          | I. L. O. | Remarks.                          | Total (exclusive of Interpreters, Translators, &c.). |
|-------------------|--------------|-----------------------------------|----------|-----------------------------------|------------------------------------------------------|
| British .. ..     | 47           | 21 Interpreters, translators, &c. | 39       | 14 Interpreters, translators, &c. | 51                                                   |
| French .. ..      | 31           | 16 Do. ..                         | 41       | 7 Do. ..                          | 49                                                   |
| Russia .. ..      | ..           | ..                                | 1        | 1 do. ..                          | ..                                                   |
| Germany .. ..     | 6            | ..                                | 11       | 6 do. ..                          | 11                                                   |
| Italy .. ..       | 13           | ..                                | 8        | 2 do. ..                          | 19                                                   |
| India .. ..       | 3            | ..                                | 3        | ..                                | 6                                                    |
| China .. ..       | 2            | ..                                | ..       | ..                                | 2                                                    |
| Spain .. ..       | 3            | ..                                | 2        | 1 do. ..                          | 4                                                    |
| Canada .. ..      | 3            | ..                                | 3        | 1 do. ..                          | 5                                                    |
| Poland .. ..      | 6            | ..                                | 2        | 1 do. ..                          | 7                                                    |
| Argentina .. ..   | ..           | ..                                | ..       | ..                                | ..                                                   |
| Czechoslovakia .. | 4            | ..                                | 1        | ..                                | 5                                                    |
| Australia .. ..   | 3            | ..                                | 1        | ..                                | 4                                                    |
| Holland .. ..     | 5            | ..                                | 3        | ..                                | 8                                                    |

| Nationality.       | Secretariat. | Remarks.                          | I. L. O. | Remarks.                          | Total (exclusive of Interpreters, Translators, &c.). |
|--------------------|--------------|-----------------------------------|----------|-----------------------------------|------------------------------------------------------|
| Roumania .. ..     | 1            | ..                                | 1        | ..                                | 2                                                    |
| Belgium .. ..      | 5            | ..                                | 3        | 1 Interpreters, translators, etc. | 7                                                    |
| Sweden .. ..       | 3            | ..                                | 2        | ..                                | 5                                                    |
| Switzerland .. ..  | 10           | 1 Interpreters, translators, etc. | 19       | 7 Interpreter, translators, etc.  | 21                                                   |
| South Africa .. .. | 1            | ..                                | 1        | 1 Do. ..                          | 1                                                    |
| Japan .. ..        | 4            | ..                                | 3        | 1 Do. ..                          | 6                                                    |
| Mexico .. ..       | ..           | ..                                | ..       | ..                                | ..                                                   |
| Denmark .. ..      | 3            | ..                                | 2        | ..                                | 5                                                    |
| Finland .. ..      | 1            | ..                                | 1        | ..                                | 2                                                    |
| Ireland .. ..      | 1            | ..                                | 3        | ..                                | 4                                                    |
| New Zealand .. ..  | 2            | ..                                | 1        | ..                                | 3                                                    |
| Turkey .. ..       | 1            | ..                                | ..       | ..                                | 1                                                    |
| Chile .. ..        | 1            | ..                                | ..       | ..                                | 1                                                    |
| Norway .. ..       | 3            | ..                                | 1        | ..                                | 4                                                    |
| Peru .. ..         | ..           | ..                                | ..       | ..                                | ..                                                   |
| Hungary .. ..      | 2            | ..                                | 2        | 1 Interpreters, translators, etc. | 3                                                    |
| Austria .. ..      | 4            | ..                                | 2        | ..                                | 6                                                    |
| Greece .. ..       | 2            | ..                                | ..       | ..                                | 2                                                    |
| Siam .. ..         | 1            | ..                                | ..       | ..                                | 1                                                    |
| Portugal .. ..     | ..           | ..                                | 1        | 1 Interpreters, translators, etc. | ..                                                   |
| Cuba .. ..         | ..           | Interpreters and translators.     | ..       | Interpreters and translators.     | ..                                                   |
| Bulgaria .. ..     | 1            | ..                                | 1        | 1 Do. ..                          | 1                                                    |
| Persia .. ..       | 1            | ..                                | 1        | ..                                | 2                                                    |
| Columbia .. ..     | ..           | ..                                | ..       | ..                                | ..                                                   |
| Uruguay .. ..      | 2            | ..                                | ..       | ..                                | 2                                                    |
| Venezuela .. ..    | 1            | ..                                | ..       | ..                                | 1                                                    |
| Lithuania .. ..    | 1            | ..                                | 1        | ..                                | 2                                                    |
| Bolivia .. ..      | ..           | ..                                | ..       | ..                                | ..                                                   |
| Latvia .. ..       | 1            | ..                                | ..       | ..                                | 1                                                    |

| Nationality.             | Secretariat. | Remarks. | I. L. O. | Remarks. | Total (exclusive of Interpreters, Translators, etc.). |
|--------------------------|--------------|----------|----------|----------|-------------------------------------------------------|
| Estonia .. ..            | 1            | ..       | ..       | ..       | 1                                                     |
| Iraq .. ..               | ..           | ..       | ..       | ..       | ..                                                    |
| Abyssinia .. ..          | ..           | ..       | ..       | ..       | ..                                                    |
| Afghanistan .. ..        | ..           | ..       | ..       | ..       | ..                                                    |
| Albania .. ..            | 1            | ..       | ..       | ..       | 1                                                     |
| Dominican Republic .. .. | ..           | ..       | ..       | ..       | ..                                                    |
| Guatemala .. ..          | ..           | ..       | ..       | ..       | ..                                                    |
| Haiti .. ..              | ..           | ..       | ..       | ..       | ..                                                    |
| Honduras .. ..           | ..           | ..       | ..       | ..       | ..                                                    |
| Salvador .. ..           | ..           | ..       | ..       | ..       | ..                                                    |
| Liberia .. ..            | ..           | ..       | ..       | ..       | ..                                                    |
| Luxemburg .. ..          | 2            | ..       | 1        | ..       | 3                                                     |
| Nicaragua .. ..          | ..           | ..       | ..       | ..       | ..                                                    |
| Panama .. ..             | 1            | ..       | ..       | ..       | 1                                                     |
| Paraguay .. ..           | ..           | ..       | ..       | ..       | ..                                                    |
| America .. ..            | 5            | ..       | ..       | ..       | 5                                                     |

**Mr. S. Satyamurti :** With reference to the Honourable Member's answer to clause (a) of the question, may I know what is the percentage of reduction ?

**The Honourable Sir Nripendra Sircar :** Do I understand that my Honourable friend wants to know what that is in rupees, annas and pies ?

**Mr. S. Satyamurti :** I want the percentage. Percentage should be the same for all coins.

**The Honourable Sir Nripendra Sircar :** The position is this if I may just explain. This time there are 951 units, and a unit is also not a fixed quantity, because 951 units represent the whole amount budgeted, which may vary from time to time. But, roughly speaking, one unit is in this case Rs. 25,000.

**Mr. Satyamurti :** May I know, with regard to the answer to clause (b) of the question, apart from population, whether there is any other reason why we should contribute more than Canada, Australia, or South Africa ?

**The Honourable Sir Nripendra Sircar :** I find various items are taken into consideration. Speaking from memory, apart from population, other items like the number of labourers, the number of schools and other educational institutions, and various other factors are taken into consideration. I cannot give any more definite reply to my Honourable friend than what I have said. That is, on the working of these principles, they have arrived at their figure, and, as a result of our representation, only one unit has been reduced.

**Mr. S. Satyamurti :** Has India got a free vote in the League of Nations ? In view of the fact that she is an appendage of Great Britain, should there not be at least some monetary concession ?

**The Honourable Sir Nripendra Sircar :** The question of India having a free vote does not arise out of this question.

**Mr. S. Satyamurti :** I want to know whether the fact that India has no free vote is no consideration to be taken into account, in determining the contribution to the League of Nations ?

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair thinks that should be raised by a separate question.

**Mr. S. Satyamurti :** With regard to the answer to clause (c) of the question, may I know, in view of this very "sympathetic" reply of the Secretary General, whether there has been any improvement in the number and the emoluments of Indian employees in the various Secretariats of the League ?

**The Honourable Sir Nripendra Sircar :** To my knowledge, there has been improvement in the case of one, but I cannot possibly just now give information about every individual.

**Mr. S. Satyamurti :** Does the Honourable Member know that, so far as the United Kingdom is concerned, she gets far more by way of salaries of her nationals employed in the League, than she contributes ?

**The Honourable Sir Nripendra Sircar :** That is conceded in the last part of my answer, which is this :

"Leaving out of account Great Britain, France, Italy and Switzerland, the scale of whose representation is necessarily influenced by geographical and linguistic considerations, the number of Indian employees compares by no means unfavourably with the number of nationals of other States Members."

That is conceded.

**Mr. Satyamurti :** Why should you leave out of account Great Britain or France ? I can understand Switzerland for geographical reasons.

**The Honourable Sir Nripendra Sircar :** It is not a question of leaving out of account in that sense. It means that those four States have got more representatives proportionately than other States.

**Seth Govind Das :** Will the Honourable Member kindly say whether other countries have also reduced their contributions ?

**The Honourable Sir Nripendra Sircar :** I believe two or three have, but I have not got them just now. I shall be able to inform my Honourable friend later on if he wants the information.

**Mr. President (The Honourable Sir Abdur Rahim) :** Order, order. There are two short notice questions by Seth Govind Das. Seth Govind Das.

## SHORT NOTICE QUESTIONS AND ANSWERS.

## ACTION TAKEN AGAINST NEWSPAPERS UNDER THE INDIAN PRESS (EMERGENCY POWERS) ACT, 1931.

**Seth Govind Das :** Will Government be pleased to state :

12 NOON.

- (a) the number of newspapers in India which have been called upon to deposit securities during the year 1935 ;
- (b) their names and places of publication ;
- (c) the number of papers that have deposited the amounts demanded,
  - (i) their names ;
  - (ii) the amounts so deposited ; and
  - (iii) the total amount of deposits so received towards securities.
- (d) the particular reasons for which each newspaper was called upon to deposit securities ;
- (e) the number of newspapers that failed to deposit the securities so demanded and went out of publication ;
- (f) the names of such newspapers ;
- (g) the total number of newspapers that have been asked to deposit securities only for the reason that they published articles on the Quetta earthquake ;
- (h) the number of newspapers that ran out of running as a result of their failure to deposit the security sums required of them ; and
- (i) the particular offence in each case of publishing an article on the Quetta earthquake ?

## ACTION TAKEN AGAINST NEWSPAPERS UNDER THE INDIAN PRESS (EMERGENCY POWERS) ACT, 1931.

**Seth Govind Das :** Will Government be pleased to state :

- (a) the number of newspapers that have been asked to deposit securities since the Press Ordinance, 1930 ;
- (b) the amounts that have been asked of each newspaper ;
- (c) the reasons for which each newspaper had been so called upon to deposit the securities ;
- (d) the amount of security and total in each case ;
- (e) the number of newspapers that failed to deposit securities ;
- (f) the total number of forfeitures of deposits ;
- (g) the total amount so forfeited ;
- (h) the names of the newspapers that forfeited deposits and the amounts so forfeited ;
- (i) the number of newspapers that failed to deposit the requisite securities ; and
- (j) the names and number of such newspapers that went out of running as a sequence of the failure referred to in part (i) ?

**The Honourable Sir Henry Craik :** With your permission, Sir, I propose to answer both Seth Govind Das' short notice questions regarding action taken against newspapers under the Indian Press (Emergency Powers) Act, 1931, together. I lay on the table five statements giving the information so far as it is available.

## STATEMENT NO. I.

*Statement showing the action taken against newspapers in India under the Indian Press (Emergency Powers) Act, 1931, during the year 1935.*

| Serial No. | Name of newspaper, with place of publication. | Amount of security demanded. | Whether security deposited or newspaper closed down on failure to deposit security. | Remarks.  |
|------------|-----------------------------------------------|------------------------------|-------------------------------------------------------------------------------------|-----------|
| 1          | 2                                             | 3                            | 4                                                                                   | 5         |
|            | MADRAS.                                       | Rs.                          |                                                                                     |           |
| 1          | Pahuttarivu, Erode .. ..                      | 1,000                        | Deposited.                                                                          |           |
| 2          | Truth, Madras .. ..                           | 300                          | Not deposited. Declaration became void.                                             |           |
| 3          | Azad-i-Hind .. ..                             | ..                           | Not deposited. Paper ceased publication.                                            |           |
| 4          | Prabha, Yellamarru, Gudivada                  | 2,000                        | ....                                                                                |           |
| 5          | Kistna Patrika, Masulipatam ..                | 2,000                        | ....                                                                                |           |
| 6          | Prabatham, Shoranur, Malabar District.        | 2,000                        | ....                                                                                |           |
| 7          | Trilinga, Madras .. ..                        | 1,500                        | ....                                                                                |           |
| 8          | Dhinamani, Madras .. ..                       | 2,000                        | ....                                                                                |           |
| 9          | Prabhat, Mangalore .. ..                      | 2,000                        | ....                                                                                |           |
|            | BOMBAY.                                       |                              |                                                                                     |           |
| 10         | Western Racing Journal, Bombay.               | 1,000                        | Not deposited. Paper not started.                                                   |           |
| 11         | Kamshastra, Bombay .. ..                      | 1,000                        | Not deposited. Paper not started.                                                   |           |
| 12         | Cinema Jagat, Bombay .. ..                    | 1,000                        | Not deposited. Paper not started.                                                   |           |
| 13         | Daily Aftab, Bombay .. ..                     | 1,000                        | Not deposited. Paper not started.                                                   |           |
| 14         | Bombay Standard, Bombay ..                    | (i) 1,000<br>(ii) 3,000      | (i) Deposited<br>(ii) Not deposited.                                                | Forfeited |
| 15         | Hilal, Bombay .. ..                           | 3,000                        | Not deposited. Paper ceased publication.                                            |           |



| Serial No. | Name of newspaper, with place of publication.  | Amount of security demanded. | Whether security deposited or newspaper closed down on failure to deposit security. | Remarks. |
|------------|------------------------------------------------|------------------------------|-------------------------------------------------------------------------------------|----------|
| 1          | 2                                              | 3                            | 4                                                                                   | 5        |
|            | BOMBAY— <i>contd.</i>                          | Rs.                          |                                                                                     |          |
| 16         | Azad, Bombay .. ..                             | 3,000                        | Not deposited.<br>Paper ceased publication.                                         |          |
| 17         | Raushni, Bombay .. ..                          | 1,000                        | ....                                                                                |          |
| 18         | People, Bombay .. ..                           | 1,000                        | Deposited.                                                                          |          |
| 19         | Nav-Saurashtra, Ahmedabad ..                   | 2,000                        | Not deposited.                                                                      |          |
| 20         | Khetiwadi .. ..                                | 500                          | Deposited.                                                                          |          |
| 21         | Mahetaji, Ahmedabad .. ..                      | 1,000                        | ....                                                                                |          |
| 22         | Hind Nauchatan .. ..                           | 500                          | ....                                                                                |          |
| 23         | Manasi, Ahmedabad .. ..                        | 1,000                        | Deposited.                                                                          |          |
| 24         | Rashtriya Vaishya, Bombay ..                   | 2,000                        | Not deposited.                                                                      |          |
| 25         | Hilal-i-Jadid-i-Ukab, Bombay                   | 1,000                        | Deposited.                                                                          |          |
| 26         | Chand, Hyderabad (Sind) ..                     | 500                          | Not deposited.                                                                      |          |
| 27         | Okab, Bombay .. ..                             | 750                          | Not deposited.                                                                      |          |
| 28         | Pramod, Bombay .. ..                           | 1,000                        | Deposited.                                                                          |          |
| 29         | Janamabhumi Mudranalaya, Bombay.               | 1,000                        | Deposited.                                                                          |          |
| 30         | Gaddha, Bombay .. ..                           | 1,000                        | ....                                                                                |          |
| 31         | Nav Shakti, Bombay .. ..                       | 3,000                        | Not deposited.                                                                      |          |
| 32         | Rashtrateja, Kolaba .. ..                      | 1,000                        | Not deposited.                                                                      |          |
| 33         | Khilafat, Daily (or Rozma-e-Khilafat), Bombay. | 1,500                        | Deposited.                                                                          |          |
| 34         | Lokasatta, Nasik .. ..                         | 1,000                        | Deposited.                                                                          |          |
| 35         | Ittehad, Bombay .. ..                          | 1,000                        | Not deposited.                                                                      |          |
| 36         | Nav Bharat, Bombay .. ..                       | 1,000                        | Not deposited.                                                                      |          |
| 37         | Roshni, Ahmedabad .. ..                        | 3,000                        | ....                                                                                |          |
| 38         | Siyasat, Hyderabad (Sind) ..                   | 1,000                        | ....                                                                                |          |
| 39         | Saptahik Sakal, Poona .. ..                    | 1,000                        | ....                                                                                |          |
| 40         | Prawasi .. ..                                  | 3,000                        | ....                                                                                |          |

| Serial No. | Name of newspaper, with place of publication. | Amount of security demanded. | Whether security deposited or newspaper closed down on failure to deposit security. | Remarks.   |
|------------|-----------------------------------------------|------------------------------|-------------------------------------------------------------------------------------|------------|
| 1          | 2                                             | 3                            | 4                                                                                   | 5          |
|            | BENGAL.                                       | Rs.                          |                                                                                     |            |
| 41         | Bande Matram, Calcutta .. ..                  | 3,000                        | ....                                                                                |            |
| 42         | Mazdur Dunia .. ..                            | 1,000                        | ....                                                                                |            |
| 43         | Khadim .. ..                                  | 1,000                        | ....                                                                                |            |
| 44         | Khadim Quadim, Calcutta .. ..                 | 1,000                        | ....                                                                                |            |
|            | UNITED PROVINCES.                             |                              |                                                                                     |            |
| 45         | Vijai, Agra .. ..                             | 500                          | Not deposited.<br>Paper ceased publication.                                         |            |
| 46         | Ahrar, Agra .. ..                             | 1,000                        | Not deposited.<br>Paper ceased publication.                                         |            |
| 47         | Vikas, Saharanpur .. ..                       | 1,000                        | ....                                                                                |            |
|            | PUNJAB.                                       |                              |                                                                                     |            |
| 48         | Alankar, Lahore .. ..                         | 1,000                        | Not deposited.<br>Paper ceased publication.                                         |            |
| 49         | Balidan, Lahore .. ..                         | 1,000                        | Not deposited.<br>Paper ceased publication.                                         |            |
| 50         | Student Outlook, Lahore .. ..                 | 1,000                        | Not deposited.<br>Paper not published.                                              |            |
| 51         | Dastan, Lahore .. ..                          | 500                          | Not deposited.<br>Paper not published.                                              |            |
| 52         | Yasrab, Lahore .. ..                          | 500                          | Not deposited.<br>Paper not published.                                              |            |
| 53         | Pratap, Lahore .. ..                          | 3,000                        | Deposited.                                                                          |            |
| 54         | State Representative, Lahore ..               | 1,000                        | Not deposited.<br>Paper not published.                                              |            |
| 55         | Matwala, Lahore .. ..                         | 200                          | Deposited.                                                                          |            |
| 56         | Mushkal Kusha, Qadian .. ..                   | 250                          | Deposited .. ..                                                                     | Forfeited. |
| 57         | Shujaat, Lahore .. ..                         | 1,000                        | ....                                                                                |            |
| 58         | Mohsin, Multan .. ..                          | 2,000                        | Not deposited.                                                                      |            |
| 59         | Jiwan, Multan .. ..                           | 2,000                        | Not deposited.                                                                      |            |

| Serial No. | Name of newspaper, with place of publication. | Amount of security demanded. | Whether security deposited or newspaper closed down on failure to deposit security. | Remarks.    |
|------------|-----------------------------------------------|------------------------------|-------------------------------------------------------------------------------------|-------------|
| 1          | 2                                             | 3                            | 4                                                                                   | 5           |
|            | BURMA.                                        | Rs.                          |                                                                                     |             |
| 60         | New Light of Burma .. ..                      | 1,500                        | Deposited.                                                                          |             |
| 61         | Bandoola .. ..                                | 500                          | ....                                                                                |             |
| 62         | Whip .. ..                                    | 3,000                        | Not deposited.                                                                      |             |
| 63         | Azad, Burma, Rangoon ..                       | 500                          | ....                                                                                |             |
|            | BIHAR AND ORISSA.                             |                              |                                                                                     |             |
| 64         | Jamhoor, Patna .. ..                          | 2,000                        | Not deposited.<br>Paper ceased publication.                                         |             |
|            | DELHI.                                        |                              |                                                                                     |             |
| 65         | Zaban-i-Khanjar, Delhi ..                     | 500                          | ....                                                                                |             |
| 66         | Daily Tej, Delhi .. ..                        | (i) 1,000*<br>(ii) 3,000     | Deposited ..<br>Deposited.                                                          | *Forfeited. |
| 67         | Qaumi Gazette, Delhi ..                       | 1,000                        | Not deposited.<br>Paper ceased publication.                                         |             |
| 68         | Arjun, Delhi .. ..                            | (i) 2,000*<br>(ii) 5,000     | (i) Deposited<br>(ii) Deposited.                                                    | *Forfeited. |
| 69         | Dindar, Delhi .. ..                           | 1,000                        | Not deposited.                                                                      |             |
| 70         | National Gazette, Delhi ..                    | 1,000                        | ....                                                                                |             |
| 71         | Kainat, Delhi .. ..                           | 500                          | ....                                                                                |             |
| 72         | Taj, Delhi .. ..                              | 1,000                        | ....                                                                                |             |

NOTE—(i) The total amount of securities deposited is Rs. 25,950.

(ii) Information as to the reasons for which each newspaper was called upon to deposit security is not available.

(iii) Cases in which demands for security were made on account of the publication of articles on the Quetta earthquake relief are included in the statement.

## STATEMENT No. II.

Statement showing action taken against newspapers under the Indian Press (Emergency Powers) Act, 1931, for publication of articles on the Quetta Earthquake Relief.

| Serial No. | Name of newspaper, with place of publication.   | Reasons for action taken.                                                                                                                                                                                                                                        |
|------------|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | Kistna Patrika, Masulipatam .. ..               | Article not known.                                                                                                                                                                                                                                               |
| 2          | Trilinga, Madras .. ..                          |                                                                                                                                                                                                                                                                  |
| 3          | Dhinamani, Madras .. ..                         |                                                                                                                                                                                                                                                                  |
| 4          | Prabhat, Mangalore .. ..                        |                                                                                                                                                                                                                                                                  |
| 5          | * † Free Press Journal, Bombay ..               | For publication of articles headed "Lives can even now be saved" and "Anomalies of Quetta Relief" published in the issues of the 7th and 9th June, 1935, respectively.                                                                                           |
| 6          | Khilafat Daily (or Roznama-e-Khilafat), Bombay. | For publication of an article headed "Bribery" in the issue, dated the 7th June, 1935.                                                                                                                                                                           |
| 7          | * Bombay Standard, Bombay ..                    | For publication of an article headed "Quake Relief and Quack Remedies" in the issue of the 16th June, 1935.                                                                                                                                                      |
| 8          | Siyasat, Hyderabad (Sind) .. ..                 | For publication of an article headed "Viceroy's Utterances" containing <i>inter alia</i> a reference to relief measures at Quetta in the issue, dated the 15th July, 1935.                                                                                       |
| 9          | Khadim Quadim, Calcutta .. ..                   | For publication of an article on the Quetta Earthquake relief in the issue of the 23rd June, 1935.                                                                                                                                                               |
| 10         | * Medina, Bijnor .. ..                          | For publication of an article headed "The great duty; the cry of pain and the note of sympathy" in the issue, dated the 21st June, 1935.                                                                                                                         |
| 11         | Vikas, Saharanpur .. ..                         | For publication of an article headed "Horripilating stories of the atrocities of the military" in the issue of the 16th June, 1935.                                                                                                                              |
| 12         | Shujaat, Lahore .. ..                           | For publication of an objectionable article which tried to bring into disrepute the British soldiers employed in the relief work at Quetta.                                                                                                                      |
| 13         | * Daily Tej, Delhi .. ..                        | For publication of articles headed "The distressed Indians and Europeans deplorable discrimination" and "The Congress and the Quetta Relief, the Government should realise their responsibility" in the issues dated the 12th and 14th June, 1935, respectively. |
| 14         | † Qaumi Gazette, Delhi .. ..                    | For publication of an article headed "Piles of dead bodies are being burnt with petrol" in the issue of the 11th June, 1935.                                                                                                                                     |
| 15         | * Arjun, Delhi .. ..                            | For publication of articles on the Quetta Earthquake relief in the issues of the 4th, 6th, 13th and 14th June, 1935.                                                                                                                                             |

\* In the case of these newspapers security was forfeited, not demanded.

† Ceased publication

## STATEMENT No. III.

Statement showing the number and names of newspapers that have been asked to deposit securities, together with the amount of securities, since the Press Ordinance, 1930.

| Serial No. | Name of paper.                                      | Amount of security and total in each case. | Remarks. |
|------------|-----------------------------------------------------|--------------------------------------------|----------|
| 1          | 2                                                   | 3                                          | 4        |
| MADRAS.    |                                                     | Rs.                                        |          |
| 1          | Citizen of India, Madras .. .. .                    | 250                                        |          |
| 2          | Gandhi, Madras (Tri-weekly) .. { 1,000<br>500 }     | 1,500                                      |          |
| 3          | India, Madras .. .. .                               | 1,000                                      |          |
| 4          | Indian Express, Madras .. { 1,000<br>500<br>3,000 } | 4,500                                      |          |
| 5          | Jaya Bharati, Madras .. .. .                        | 500                                        |          |
| 6          | Kudi Arasu, Erode .. .. .                           | 1,000                                      |          |
| 7          | Manikkodi, Madras .. .. .                           | 250                                        |          |
| 8          | Mathrubhumi, Calicut .. .. .                        | 1,000                                      |          |
| 9          | Oplian, Karaikudi .. .. .                           | 1,000                                      |          |
| 10         | Rajakula Dipikai .. .. .                            | 500                                        |          |
| 11         | Sunday News, Bezwada .. .. .                        | 1,000                                      |          |
| 12         | Sutandira Sangu, Madras .. .. .                     | 500                                        |          |
| 13         | Thenindia, Madras .. .. .                           | 500                                        |          |
| 14         | Vasanta Vikatan, Madura .. .. .                     | 100                                        |          |
| 15         | Vedi Gundu, Madura .. .. .                          | 100                                        |          |
| 16         | Pahuttarivu, Erode .. .. .                          | 1,000                                      |          |
| 17         | Prabhu, Yellamaru, Gudivada .. .. .                 | 2,000                                      |          |
| 18         | Kistna Patrika, Masulipatam .. .. .                 | 2,000                                      |          |
| 19         | Prabatham, Shoranur, Malabar Distt. .. .. .         | 2,000                                      |          |
| 20         | Trilinga, Madras .. .. .                            | 1,500                                      |          |
| 21         | Dhinamani, Madras .. .. .                           | 2,000                                      |          |
| 22         | Prabhat, Mangalore .. .. .                          | 2,000                                      |          |
| BOMBAY.    |                                                     |                                            |          |
| 23         | Gujarat Samachar, Ahmedabad .. .. .                 | 500                                        |          |

| Serial No.    | Name of paper.                                                                        | Amount of security and total in each case. | Remarks. |
|---------------|---------------------------------------------------------------------------------------|--------------------------------------------|----------|
| 1             | 2                                                                                     | 3                                          | 4        |
| BOMBAY—contd. |                                                                                       | Rs.                                        |          |
| 24            | Mahratta, Poona .. .. . { 1,000<br>1,000<br>2,000<br>2,000<br>3,000 }                 | 9,000                                      |          |
| 25            | Free Press Journal, Bombay .. { 3,000<br>3,000<br>3,000<br>5,000<br>10,000<br>5,000 } | 31,000                                     |          |
| 26            | Bhavya Bharat and Rajasthan, Ahmedabad .. .. .                                        | 300                                        |          |
| 27            | Samyukta Karnatak, Belgaum .. .. .                                                    | 750                                        |          |
| 28            | Rajhansa, Dharwar .. .. .                                                             | 101                                        |          |
| 29            | Chitramaya Jagat, Poona .. .. .                                                       | 2,000                                      |          |
| 30            | Bombay Chronicle, Bombay .. .. .                                                      | 2,000                                      |          |
| 31            | Nava Bharat, Bombay .. .. .                                                           | 1,000                                      |          |
| 32            | Jay Swadeshi, Ahmedabad .. .. .                                                       | 500                                        |          |
| 33            | Balwant, Ratnagiri .. .. .                                                            | 1,000                                      |          |
| 34            | Kumar, Ahmedabad .. .. .                                                              | 2,000                                      |          |
| 35            | Sansar Samachar, Karachi .. .. .                                                      | 500                                        |          |
| 36            | Piyush Patrika, Nadiad .. .. .                                                        | 500                                        |          |
| 37            | Morning Post of India, Karachi .. .. .                                                | 500                                        |          |
| 38            | Majur Sandesh .. .. .                                                                 | 500                                        |          |
| 39            | Loka Dharma, Kaira .. .. .                                                            | 300                                        |          |
| 40            | Partap, Hyderabad .. .. .                                                             | 1,000                                      |          |
| 41            | Navakal, Bombay .. .. .                                                               | 8,000                                      |          |
| 42            | Prabhat, Surat .. .. .                                                                | 300                                        |          |
| 43            | Jaya Swadeshi, Ahmedabad .. .. .                                                      | 500                                        |          |
| 44            | Prabhat, Bombay .. .. .                                                               | 1,000                                      |          |
| 45            | Nav Shakti, Bombay .. .. .                                                            | 3,000                                      |          |
| 46            | Raushni, Ahmedabad .. .. .                                                            | 3,500                                      |          |

| Serial No. | Name of paper.                                       | Amount of security and total in each case. | Remarks. |
|------------|------------------------------------------------------|--------------------------------------------|----------|
| 1          | 2                                                    | 3                                          | 4        |
|            | BOMBAY— <i>contd.</i>                                | Rs.                                        |          |
| 47         | Sind Hindu, Hyderabad .. .. .                        | 500                                        |          |
| 48         | The Sun, Bombay .. .. .                              | 1,000                                      |          |
| 49         | Praja Bandhu, Ahmedabad .. .. .                      | 1,000                                      |          |
| 50         | Arogya Darpan, Ahmedabad .. .. .                     | 500                                        |          |
| 51         | Tarun Karnatak, Hubli, Dharwar .. .. .               | 500                                        |          |
| 52         | Janmabhumi, Bombay .. .. .                           | 1,000                                      |          |
| 53         | Illustrated Weekly, Shetkari, Nasik .. .. .          | 100                                        |          |
| 54         | Hilal, Bombay .. .. .                                | 2,000                                      |          |
| 55         | Lokwani, Surat .. .. .                               | 100                                        |          |
| 56         | Daily Sun, Bombay .. .. .                            | 1,000                                      |          |
| 57         | Bombay Standard .. .. .                              | 4,000                                      |          |
| 58         | Raushni, Bombay .. .. .                              | 1,000                                      |          |
| 59         | People, Bombay .. .. .                               | 1,000                                      |          |
| 60         | Nav-Saurashtra, Ahmedabad .. .. .                    | 2,000                                      |          |
| 61         | Khetwadi .. .. .                                     | 500                                        |          |
| 62         | Mahetaji, Ahmedabad .. .. .                          | 1,000                                      |          |
| 63         | Hind Nauchatan .. .. .                               | 500                                        |          |
| 64         | Manasi, Ahmedabad .. .. .                            | 1,000                                      |          |
| 65         | Rashtriya Vaishya, Bombay .. .. .                    | 2,000                                      |          |
| 66         | Hial-i-Jadid-i-Ukab .. .. .                          | 1,000                                      |          |
| 67         | Chand, Hyderabad (Sind) .. .. .                      | 500                                        |          |
| 68         | Okab, Bombay .. .. .                                 | 750                                        |          |
| 69         | Pramod, Bombay .. .. .                               | 1,000                                      |          |
| 70         | Gaddha, Bombay .. .. .                               | 1,000                                      |          |
| 71         | Rashtrateja, Kolaba .. .. .                          | 1,000                                      |          |
| 72         | Khilafat Daily or Roznama-e-Khilafat, Bombay .. .. . | 1,500                                      |          |
| 73         | Lokasatta, Nasik .. .. .                             | 1,000                                      |          |

| Serial No. | Name of paper.                             | Amount of security and total in each case. | Remarks. |
|------------|--------------------------------------------|--------------------------------------------|----------|
| 1          | 2                                          | 3                                          | 4        |
|            | BOMBAY— <i>contd.</i>                      | Rs.                                        |          |
| 74         | Ittehad, Bombay .. .. .                    | 1,000                                      |          |
| 75         | Siyasat, Hyderabad (Sind) .. .. .          | 1,000                                      |          |
| 76         | Saptahik Sakal, Poona .. .. .              | 1,000                                      |          |
| 77         | Prawasi .. .. .                            | 3,000                                      |          |
|            | BENGAL.                                    |                                            |          |
| 78         | The Liberty .. .. .                        | 6,000                                      |          |
| 79         | The Nayak .. .. .                          | 1,500                                      |          |
| 80         | The Lokmanya .. .. .                       | 1,000                                      |          |
| 81         | The Biharee .. .. .                        | 500                                        |          |
| 82         | The Jamhoor .. .. .                        | 500                                        |          |
| 83         | The Anand Bazar Partika .. .. .            | 3,000                                      |          |
| 84         | The Amrita Bazar Patrika, Calcutta .. .. . | 3,000                                      |          |
| 85         | The Dainik Basumati .. .. .                | 3,500                                      |          |
| 86         | The Viswamitra .. .. .                     | 2,500                                      |          |
| 87         | The Jayasree, Dacca .. .. .                | 300                                        |          |
| 88         | The Harijan .. .. .                        | 500                                        |          |
| 89         | Advance .. .. .                            | 2,000                                      |          |
| 90         | Commercial India .. .. .                   | 500                                        |          |
| 91         | Pravartak .. .. .                          | 500                                        |          |
| 92         | Hind-e-Jadid .. .. .                       | 500                                        |          |
| 93         | Asri Jadid .. .. .                         | 500                                        |          |
| 94         | Free India .. .. .                         | 500                                        |          |
| 95         | Kashatriya Sansar .. .. .                  | 500                                        |          |

| Serial No. | Name of paper.                                | Amount of security and total in each case. | Remarks. |
|------------|-----------------------------------------------|--------------------------------------------|----------|
| 1          | 2                                             | 3                                          | 4        |
|            | BENGAL— <i>contd.</i>                         | Rs.                                        |          |
| 96         | Bande Matram, Calcutta .. .. .                | 3,000                                      |          |
| 97         | Mazdur Dunya .. .. .                          | 1,000                                      |          |
| 98         | Khadim Quadim, Calcutta .. .. .               | 1,000                                      |          |
|            | UNITED PROVINCES.                             |                                            |          |
| 99         | The Brahman Saraswati, Etawah .. .. .         | 100                                        |          |
| 100        | The Lodhi Kshattriya, Cawnpore .. .. .        | 200                                        |          |
| 101        | The Chand, Allahabad .. .. .                  | 500                                        |          |
| 102        | The Aj, Benares .. .. .                       | 1,000                                      |          |
| 103        | The Madina, Bijnor .. .. .                    | 2,000                                      |          |
| 104        | The Sainik, Agra .. .. .                      | 1,500                                      |          |
| 105        | Vikas, Saharanpur .. .. .                     | 1,000                                      |          |
|            | PUNJAB.                                       |                                            |          |
| 106        | Akali, Lahore .. .. .                         | 500                                        |          |
| 107        | Milap, Urdu daily, Lahore .. .. .             | 500                                        |          |
| 108        | Inqilab, Urdu daily, Lahore .. .. .           | 500                                        |          |
| 109        | Pratap, Urdu daily, Lahore .. .. .            | 6,000                                      |          |
| 110        | Mutalaa, Urdu weekly, Ludhiana .. .. .        | 250                                        |          |
| 111        | Zamindar, Urdu daily, Lahore .. .. .          | 20,000                                     |          |
| 112        | Akali-te-Pardesi, Lahore .. .. .              | 500                                        |          |
| 113        | Vir Bharat, Urdu daily, Lahore .. .. .        | 3,000                                      |          |
| 114        | Nawan Yug, Lahore .. .. .                     | 500                                        |          |
| 115        | Akali Patrika, Gurmukhi daily, Lahore .. .. . | 1,000                                      |          |
| 116        | Chandan, Lahore .. .. .                       | 500                                        |          |

| Serial No. | Name of paper.                             | Amount of security and total in each case. | Remarks. |
|------------|--------------------------------------------|--------------------------------------------|----------|
| 1          | 2                                          | 3                                          | 4        |
|            | PUNJAB— <i>contd.</i>                      | Rs.                                        |          |
| 117        | Tiryaq, Urdu daily, Lahore .. .. .         | 700                                        |          |
| 118        | Nawan Yug, Gurmukhi weekly, Lahore .. .. . | 1,000                                      |          |
| 119        | Dawn, Lahore .. .. .                       | 500                                        |          |
| 120        | Azad, Urdu daily, Lahore .. .. .           | 200                                        |          |
| 121        | Kirti, Gurmukhi weekly, Amritsar .. .. .   | 1,000                                      |          |
| 122        | Akali Patrika, Urdu daily, Lahore .. .. .  | 500                                        |          |
| 123        | Siyasat, Urdu daily, Lahore .. .. .        | 500                                        |          |
| 124        | Ihsan, Urdu daily, Lahore .. .. .          | 500                                        |          |
| 125        | Arya Gazette, Urdu weekly, Lahore .. .. .  | 1,000                                      |          |
| 126        | Rahnuma, Rawalpindi .. .. .                | 100                                        |          |
| 127        | Nawan Dhandora .. .. .                     | 250                                        |          |
| 128        | Naujawan Sikh, Rawalpindi .. .. .          | 300                                        |          |
| 129        | Young Punjab, Lahore .. .. .               | 200                                        |          |
| 130        | Naujawan, Urdu weekly, Lahore .. .. .      | 500                                        |          |
| 131        | Balidan, Hindi monthly, Lahore .. .. .     | 1,000                                      |          |
| 132        | Ahrar, Urdu daily, Lahore .. .. .          | 500                                        |          |
| 133        | Mushkal Kusha, Qadian .. .. .              | 250                                        |          |
| 134        | Shujaat, Lahore .. .. .                    | 1,000                                      |          |
| 135        | Mohsin, Multan .. .. .                     | 2,000                                      |          |
| 136        | Jiwan, Multan .. .. .                      | 2,000                                      |          |
|            | BURMA.                                     |                                            |          |
| 137        | Azad, Burma .. .. .                        | 500                                        |          |
| 138        | Bandoola .. .. .                           | 1,000                                      |          |
| 139        | New Light of Burma .. .. .                 | 1,500                                      |          |
| 140        | Whip .. .. .                               | 3,000                                      |          |
| 141        | Azad Burma, Rangoon .. .. .                | 500                                        |          |
|            | BIHAR AND ORISSA.                          |                                            |          |
| 142        | Searchlight .. .. .                        | 1,500                                      |          |

| Serial No. | Name of paper.                                             | Amount of security and total in each case. | Remarks. |
|------------|------------------------------------------------------------|--------------------------------------------|----------|
| 1          | 2                                                          | 3                                          | 4        |
|            | <b>BIHAR AND ORISSA—contd.</b>                             | Rs.                                        |          |
| 143        | Samaj, Cuttack .. .. .                                     | 1,000                                      |          |
| 144        | Utkal Sebak, Sambalpur .. .. .                             | 1,000                                      |          |
| 145        | Yogi, Patna .. .. .                                        | 500                                        |          |
| 146        | Nava Shakti, Patna .. .. .                                 | 1,000                                      |          |
|            | <b>CENTRAL PROVINCES.</b>                                  |                                            |          |
| 147        | Wageshwari Magazine, Nagpur .. .. .                        | 1,000                                      |          |
|            | <b>NORTH-WEST FRONTIER PROVINCE.</b>                       |                                            |          |
| 148        | The Sher-i-Sarhad, Peshawar .. .. { 150 }<br>Coorg { 350 } | 500                                        |          |
| 149        | Kodagu .. .. .                                             | 1,000                                      |          |
|            | <b>DELHI.</b>                                              |                                            |          |
| 150        | Hindustan Times .. .. .                                    | 2,500                                      |          |
| 151        | Arjun .. .. . { 2,000 }<br>{ 1,000 }<br>{ 5,000 }          | 8,000                                      |          |
| 152        | Weekly Shradha Nand .. .. .                                | 200                                        |          |
| 153        | Tej .. .. . { 1,000 }<br>{ 3,000 }                         | 4,000                                      |          |
| 154        | National Call .. .. .                                      | 1,000                                      |          |
| 155        | Weekly Sanjaya .. .. .                                     | 200                                        |          |
| 156        | Chitra Pat .. .. .                                         | 500                                        |          |
| 157        | Chhaya .. .. .                                             | 500                                        |          |
| 158        | Jaban-i-Khanjar, Delhi .. .. .                             | 500                                        |          |
| 159        | Dindar .. .. .                                             | 1,000                                      |          |
| 160        | National Gazette, Delhi .. .. .                            | 1,000                                      |          |
| 161        | Kamat, Delhi .. .. .                                       | 500                                        |          |
| 162        | Taj, Delhi .. .. .                                         | 1,000                                      |          |
| 163        | Khadim .. .. .                                             | 1,000                                      |          |
|            | <b>AJMER-MERWARA.</b>                                      |                                            |          |
| 164        | Muslim Rajasthan .. .. .                                   | 200                                        |          |
| 165        | Rajasthan .. .. .                                          | 1,000                                      |          |
| 166        | Parasar Hiteshi .. .. .                                    | 500                                        |          |
|            | <b>Total</b> .. .. .                                       | 2,52,851                                   |          |

STATEMENT No. IV.

*Statement showing the number and names of newspapers whose securities were forfeited, together with the amount of forfeited securities, since the Press Ordinance, 1930.*

| Serial No. | Name of Newspaper.                                                                                                   | Amounts of securities forfeited. | Remarks. |
|------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------|----------|
|            | <b>MADRAS.</b>                                                                                                       | Rs.                              |          |
| 1          | Gandhi, Madras (Daily) .. .. .                                                                                       | 500                              |          |
|            | <b>BOMBAY.</b>                                                                                                       |                                  |          |
| 2          | Free Press Journal, Bombay .. .. . $\left\{ \begin{array}{l} 3,000 \\ 5,000 \\ 5,000 \\ 10,000 \end{array} \right\}$ | 23,000                           |          |
| 3          | Nava Kal, Bombay .. .. .                                                                                             | 3,000                            |          |
| 4          | Navashakti, Bombay .. .. .                                                                                           | 1,000                            |          |
| 5          | Bombay Standard .. .. .                                                                                              | 1,000                            |          |
|            | <b>BENGAL.</b>                                                                                                       |                                  |          |
| 6          | The Liberty .. .. .                                                                                                  | 500                              |          |
| 7          | The Nayak .. .. .                                                                                                    | 100                              |          |
| 8          | The Ananda Bazar Patrika .. .. .                                                                                     | 1,500                            |          |
| 9          | The Dainik Basumati .. .. .                                                                                          | 500                              |          |
| 10         | The Viswamitra .. .. . $\left\{ \begin{array}{l} 100 \\ 100 \end{array} \right\}$                                    | 200                              |          |
| 11         | Kshatriya Sansar .. .. .                                                                                             | 500                              |          |
|            | <b>PUNJAB.</b>                                                                                                       |                                  |          |
| 12         | Ahrar, Urdu Daily, Lahore .. .. .                                                                                    | 500                              |          |
| 13         | Zamindar, Urdu Daily, Lahore .. .. . $\left\{ \begin{array}{l} 1,000 \\ 2,000 \end{array} \right\}$                  | 3,000                            |          |
| 14         | Mushkal Kusha, Qadian .. .. .                                                                                        | 250                              |          |
|            | <b>UNITED PROVINCES.</b>                                                                                             |                                  |          |
| 15         | Madina, Bijnor .. .. .                                                                                               | 1,000                            |          |
|            | <b>DELHI.</b>                                                                                                        |                                  |          |
| 16         | Daily Tej, Delhi .. .. .                                                                                             | 1,000                            |          |
| 17         | Arjun, Delhi .. .. .                                                                                                 | 2,000                            |          |
|            | <b>Total ..</b>                                                                                                      | <b>39,550</b>                    |          |

## STATEMENT No. V.

Statement showing the number and names of newspapers that failed to deposit the requisite securities and were, in consequence not started, ceased publication or whose declarations became null and void, since the Press Ordinance of 1930.

| Serial No. | Name of Paper.                            | Remarks.                                     |
|------------|-------------------------------------------|----------------------------------------------|
| 1          | 2                                         | 3                                            |
|            | MADRAS.                                   |                                              |
| 1          | Adivara Patrika, Madras.                  |                                              |
| 2          | Daridra Narayana, Gudivada.               |                                              |
| 3          | Dharama Rakshani, Bezwada.                |                                              |
| 4          | Gandhi, Madras (Bi-weekly).               |                                              |
| 5          | Gandhi, Madras (Daily).                   |                                              |
| 6          | Gnanathoothan, Tuticorin.                 |                                              |
| 7          | Ilan Tamilan, Tuticorin.                  |                                              |
| 8          | Janavani, Madras.                         |                                              |
| 9          | Janmabhumi, Madras.                       |                                              |
| 10         | Jaya Bharathi, Madras.                    |                                              |
| 11         | Karnataka Kesari, Bellary.                |                                              |
| 12         | Khaddar, Madura.                          |                                              |
| 13         | Korada, Madras.                           |                                              |
| 14         | Labour Herald, Madras.                    |                                              |
| 15         | Mooladhanam, Tanjore.                     |                                              |
| 16         | Puratchi, Erode.                          |                                              |
| 17         | Quami Report, Madras.                     |                                              |
| 18         | Science, Madras.                          |                                              |
| 19         | Sunday Herald.                            |                                              |
| 20         | Sutandira, Sangu, Madras .. ..            | The paper failed to deposit security thrice. |
| 21         | Swarajyam Madras.                         |                                              |
| 22         | Swastika, Madras.                         |                                              |
| 23         | Vedi Gundu, Madura.                       |                                              |
| 24         | Yuva Deepam, Guruvayur, Malabar District. |                                              |
| 25         | Kathaikadal, Madras.                      |                                              |

| Serial No. | Name of Paper.                            | Remarks.                                                                           |
|------------|-------------------------------------------|------------------------------------------------------------------------------------|
| 1          | 2                                         | 3                                                                                  |
|            | MADRAS—contd.                             |                                                                                    |
| 26         | Liberty (English, Tamil and Telugu) .. .. | Security was demanded in each case separately, but the paper failed to deposit it. |
| 27         | Truth, Madras.                            |                                                                                    |
| 28         | Azadi-i-Hind.                             |                                                                                    |
|            | BOMBAY.                                   |                                                                                    |
| 29         | Hutatma, Shradhanand, Bombay.             |                                                                                    |
| 30         | Bhil Kshtriya, Broach.                    |                                                                                    |
| 31         | Mehsana Prant Patrika, Ahmedabad.         |                                                                                    |
| 32         | Cinema, Rangbhumi, Bombay.                |                                                                                    |
| 33         | Mahi Kantha Vartaman, Ahmedabad.          |                                                                                    |
| 34         | Veer, Broach.                             |                                                                                    |
| 35         | Hindvasi, Hyderabad .. ..                 | Security was demanded twice but the paper failed to deposit it.                    |
| 36         | Free Press Journal, Bombay .. ..          | Security demanded on 8th February 1932 for Rs. 3,000 was not deposited.            |
| 37         | Tarun Karnatak, Hubli, Dharwar.           |                                                                                    |
| 38         | Navjivan, Ahmedabad.                      |                                                                                    |
| 39         | Pragati, Bombay.                          |                                                                                    |
| 40         | Hindu, Hyderabad.                         |                                                                                    |
| 41         | Week, Bombay.                             |                                                                                    |
| 42         | Kaliyuga, Bombay.                         |                                                                                    |
| 43         | Sind, Herald, Karachi.                    |                                                                                    |
| 44         | Samyukta Karnatak, Belgaum .. ..          | The paper could not deposit security thrice.                                       |
| 45         | Indian Daily Mail, Bombay.                |                                                                                    |
| 46         | Vartaman, Bombay.                         |                                                                                    |
| 47         | Dil Bahar, Bombay.                        |                                                                                    |
| 48         | Tej, Bombay.                              |                                                                                    |
| 49         | Vijaya Danka.                             |                                                                                    |
| 50         | Swatantrya, Nasik.                        |                                                                                    |

| Serial No. | Name of Paper.                         | Remarks.                                                             |
|------------|----------------------------------------|----------------------------------------------------------------------|
| 1          | 2                                      | 3                                                                    |
|            | <b>BOMBAY—contd.</b>                   |                                                                      |
| 51         | Muslim Rajasthan, Bombay.              |                                                                      |
| 52         | Muslim Rampur (Ahmedabad).             |                                                                      |
| 53         | Navayuga, Hyderabad.                   |                                                                      |
| 54         | Bene Israel Star, Bombay.              |                                                                      |
| 55         | Swaraj, Hyderabad.                     |                                                                      |
| 56         | Prija, Hyderabad.                      |                                                                      |
| 57         | Veer Rajasthan, Bombay.                |                                                                      |
| 58         | Hindu Jati, Karachi.                   |                                                                      |
| 59         | Muslim Ranpur, Ahmedabad.              |                                                                      |
| 60         | Sudarshan, Ahmedabad.                  |                                                                      |
| 61         | Pratap, Hyderabad .. .. .              | Security was demanded four times but the paper failed to deposit it. |
| 62         | Dharmik, Nadiad.                       |                                                                      |
| 63         | Jananu Bhumi, Karachi.                 |                                                                      |
| 64         | Manranjan, Ahmedabad.                  |                                                                      |
| 65         | Lohana Vijaya, Ahmedabad.              |                                                                      |
| 66         | Mahratta, Bombay.                      |                                                                      |
| 67         | Kamdar, Ahmedabad.                     |                                                                      |
| 68         | Indian Jails (or Hindi jailkhana).     |                                                                      |
| 69         | Udyogi Bharat, Amalner, East Khandesh. |                                                                      |
| 70         | Mufis, Bombay.                         |                                                                      |
| 71         | Prabudha Jain, Bombay.                 |                                                                      |
| 72         | Sindwasi, Sukkur.                      |                                                                      |
| 73         | Shaitan, Hyderabad.                    |                                                                      |
| 74         | Moortipooja Virodhak Patrika, Bombay.  |                                                                      |
| 75         | Cutohi Memon Pal Patrika, Bombay.      |                                                                      |
| 76         | Kamgar Bulletin, Bombay                |                                                                      |
| 77         | Tofan, Bombay.                         |                                                                      |
| 78         | Swadeshi Patrika, Bombay.              |                                                                      |

| Serial No. | Name of Paper.                                          | Remarks.                                     |
|------------|---------------------------------------------------------|----------------------------------------------|
| 1          | 2                                                       | 3                                            |
|            | <b>BOMBAY—contd.</b>                                    |                                              |
| 79         | Anandi Mouj, Bombay.                                    |                                              |
| 80         | New Reformer, Bombay .. .. .                            | Security was demanded twice.                 |
| 81         | Navashakti, Bombay .. .. .                              | Did not deposit one security out of the two. |
| 82         | Sphurti, Poona.                                         |                                              |
| 83         | Vismi Sadi, Bombay.                                     |                                              |
| 84         | Port Trust Kamgar, Bombay.                              |                                              |
| 85         | Urania, Bombay.                                         |                                              |
| 86         | Insaf, Hyderabad.                                       |                                              |
| 87         | Baj Khedwal, Ahmedabad.                                 |                                              |
| 88         | The Sudharak, Shikarpur, Sukkur.                        |                                              |
| 89         | Phulwari, Sukkur.                                       |                                              |
| 90         | Noor-i-Islam, Hyderabad.                                |                                              |
| 91         | Tairan Ababil, Hyderabad.                               |                                              |
| 92         | Arogya Darpan, Ahmedabad .. .. .                        | Did not deposit one security out of the two. |
| 93         | O Anglo Lusitano, Illustrated Konkani Magazine, Bombay. |                                              |
| 94         | Al Baloch, Karachi.                                     |                                              |
| 95         | Congress Samachar, Bombay.                              |                                              |
| 96         | Hindu, Karachi.                                         |                                              |
| 97         | New Era, Bombay.                                        |                                              |
| 98         | Baluchistan-e-Jadid, Karachi.                           |                                              |
| 99         | Virbhumi, Bombay.                                       |                                              |
| 100        | Al-Harmani, Bombay.                                     |                                              |
| 101        | Prem, Karachi.                                          |                                              |
| 102        | Pratap, Hyderabad.                                      |                                              |
| 103        | Murgh-i-Falak, Hyderabad.                               |                                              |
| 104        | Pol Prakash, Ahmedabad.                                 |                                              |
| 105        | Fateh, Hyderabad.                                       |                                              |
| 106        | Indian Socialist, Bombay.                               |                                              |



| Serial No. | Name of Paper.                  | Remarks. |
|------------|---------------------------------|----------|
| 1          | 2                               | 3        |
|            | BOMBAY—concl'd.                 |          |
| 107        | Western Racing Journal, Bombay. |          |
| 108        | Kamshastra, Bombay.             |          |
| 109        | Cinema Jagat, Bombay.           |          |
| 110        | Daily Aftab, Bombay.            |          |
| 111        | Hilal, Bombay.                  |          |
| 112        | Azad, Bombay.                   |          |
|            | BENGAL.                         |          |
| 113        | Hindu Punch, Calcutta.          |          |
| 114        | The Hind.                       |          |
| 115        | The Yugasankha, Calcutta.       |          |
| 116        | The Benu, Calcutta.             |          |
| 117        | The Sahafat.                    |          |
| 118        | The Nari Gaurab.                |          |
| 119        | The Swadesh, Calcutta.          |          |
| 120        | The Chasimazur.                 |          |
| 121        | The Sarathi, Bakarganj.         |          |
| 122        | The Jewan, Calcutta.            |          |
| 123        | The Karkhana, Calcutta.         |          |
| 124        | The Har Har Mahadeo.            |          |
| 125        | The Al-Muslim, Calcutta.        |          |
| 126        | The Vihari, Calcutta.           |          |
| 127        | The Bijoli, Calcutta.           |          |
| 128        | The Sankalpa.                   |          |
| 129        | The Punjab.                     |          |
| 130        | Jangi Mazdoor.                  |          |
| 131        | Gana Nayak.                     |          |
| 132        | Marx Panthi.                    |          |

| Serial No. | Name of Paper.                             | Remarks. |
|------------|--------------------------------------------|----------|
| 1          | 2                                          | 3        |
|            | UNITED PROVINCES.                          |          |
| 133        | The Sahas, Jhansi.                         |          |
| 134        | The Samik, Agra.                           |          |
| 135        | The Rangeswar, Allahabad.                  |          |
| 136        | The Swadeshi, Allahabad.                   |          |
| 137        | The Agarwal Sewa, Allahabad.               |          |
| 138        | The Bhainker, Cawnpore.                    |          |
| 139        | The Mazdoor Sansar, Lucknow.               |          |
| 140        | The Guncha-i-Itihad, Cawnpore.             |          |
| 141        | The U. P. Local Bodies Magazine, Mainpuri. |          |
| 142        | The Chandrahas, Cawnpore.                  |          |
| 143        | The Uttar Bharat, Garhwal.                 |          |
| 144        | The Achhut Sewak, Cawnpore.                |          |
| 145        | The Zarif, Saharanpur.                     |          |
| 146        | The Yuwak, Cawnpore.                       |          |
| 147        | The Amal, Cawnpore.                        |          |
| 148        | The Chitrakut Ashram, Cawnpore.            |          |
| 149        | The Lal Jhanda, Cawnpore.                  |          |
| 150        | The Banaspati-Vigyan, Cawnpore.            |          |
| 151        | The Mazdoor, Cawnpore.                     |          |
| 152        | The Nayak, Etawah.                         |          |
| 153        | The Tufan, Lucknow.                        |          |
| 154        | The Swadhin Praja, Almora.                 |          |
| 155        | The Labour Herald, Lucknow.                |          |
| 156        | The Desh Bhagat, Meerut.                   |          |
| 157        | The District Gazette, Azamgarh.            |          |
| 158        | The Sadai Muslim, Cawnpore.                |          |
| 159        | The Hind Rajasthan, Jhansi.                |          |
| 160        | The Al Na'jid, Agra.                       |          |
| 161        | The Sudharak, Etawah.                      |          |

| Serial No. | Name of Paper.                             | Remarks. |
|------------|--------------------------------------------|----------|
| 1          | 2                                          | 3        |
|            | UNITED PROVINCES— <i>contd.</i>            |          |
| 162        | Vija, Agra.                                |          |
| 163        | Ahrar, Agra.                               |          |
|            | PUNJAB.                                    |          |
| 164        | Kirpan Bahadur, Amritsar.                  |          |
| 165        | Mazdur Kisan, Amritsar.                    |          |
| 166        | Ajit, Lahore.                              |          |
| 167        | Punjab Kesari, Lahore.                     |          |
| 168        | Desh Sewak, Gurmukhi weekly, Jullundur.    |          |
| 169        | Desh Sewak, Urdu fortnightly, Lahore.      |          |
| 170        | Akali, Amritsar.                           |          |
| 171        | Akali-te-Pardesi, Amritsar.                |          |
| 172        | Vir Kesari, Lahore.                        |          |
| 173        | Vir Bharat, Urdu daily, Lahore.            |          |
| 174        | Asli Qaumi Dard, Gurmukhi daily, Amritsar. |          |
| 175        | Vir Bharat, Urdu daily, Sialkot.           |          |
| 176        | Sadaqath, Urdu weekly, Lahore.             |          |
| 177        | Daler, Urdu Weekly, Montgomery.            |          |
| 178        | Sadu Samachar, Amritsar.                   |          |
| 179        | Desh Bandhu, Lahore.                       |          |
| 180        | Mehnat Kash, Urdu, Lahore.                 |          |
| 181        | Mehnat Kash, Gurmukhi, Lahore.             |          |
| 182        | Danda Pir, Amritsar.                       |          |
| 183        | Ajit, Amritsar.                            |          |
| 184        | Sadh Samachar, Amritsar.                   |          |
| 185        | Sant Parcharak, Amritsar.                  |          |
| 186        | Azad, Lahore.                              |          |
| 187        | Nidharak, Gujranwala.                      |          |
| 188        | Yalghar, Lahore.                           |          |
| 189        | Afsana, Gujranwala.                        |          |

| Serial No. | Name of Paper.                      | Remarks.                                       |
|------------|-------------------------------------|------------------------------------------------|
| 1          | 2                                   | 3                                              |
|            | PUNJAB— <i>contd.</i>               |                                                |
| 189a       | Ganga Sewak, Amritsar.              |                                                |
| 190        | Paigam-i-Wattan, Hoshiarpur.        |                                                |
| 191        | Islami Danda, Lahore.               |                                                |
| 192        | Trade Union, Lahore.                |                                                |
| 193        | Rafiq-i-Tijarat, Rawalpindi.        |                                                |
| 194        | Nawan Yug, Gurmukhi weekly, Lahore  | .. The security was not paid out of the three. |
| 195        | Mubahila, Amritsar.                 |                                                |
| 196        | Amrit, Montgomery.                  |                                                |
| 197        | Akali Dhandora, Amritsar.           |                                                |
| 198        | Al-Azhar, Panipat, District Karnal. |                                                |
| 199        | Dukhi Bharat, Amritsar.             |                                                |
| 200        | Sewak, Montgomery.                  |                                                |
| 201        | Montgomery Gazette.                 |                                                |
| 202        | Trade News, Montgomery .. ..        | Security was demanded twice.                   |
| 203        | Naujawan Bharat, Amritsar.          |                                                |
| 204        | Zafat Punch, Amritsar.              |                                                |
| 205        | Sadaqat, Amritsar.                  |                                                |
| 206        | Islah, Amritsar.                    |                                                |
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**Seth Govind Das :** It will not be possible for us to put supplementary questions ?

**Mr. S. Satyamurti :** Will copies of these statements be made available to us ? Will you kindly direct your office to have them printed and circulated ? It will be very helpful to us in view of the legislation coming before the House.

**Mr. President (The Honourable Sir Abdur Rahim) :** That will be done. 2

## DESPATCH OF TROOPS TO ABYSSINIA.

**Mr. President (The Honourable Sir Abdur Rahim) :** Pandit Nilakantha Das has given notice of a motion for the adjournment of the business of the House to discuss the question of the despatch of troops to Abyssinia. This subject has already been disposed of.

## FIRING BY THE MILITARY AT LAHORE OVER THE SHAHIDGUNJ DISPUTE.

**Mr. President (The Honourable Sir Abdur Rahim) :** Mr. K. L. Gauba has given notice of a motion for adjournment. He proposes to ask for leave to make a motion for an adjournment of the business of the Assembly today for the purpose of discussing a definite matter of urgent public importance, namely :

“ The failure of the Government of India to institute an inquiry into the circumstances resulting in firing by the Military at Lahore over the Shahidganj dispute.”

I have to inform the House that His Excellency the Governor General has disallowed this motion on the ground that it cannot be moved without detriment to public interest.

## REFUSAL OF GRANT OF PROTECTION TO THE GLASS INDUSTRY.

**Mr. President (The Honourable Sir Abdur Rahim) :** Pandit Govind Ballabh Pant has given notice of a motion for adjournment. He proposes to ask for leave to make a motion for an adjournment of the business of the Assembly today for the purpose of discussing a definite matter of urgent public importance, as follows :

“ The refusal of the Government to grant protection to the glass industry in spite of the recommendation of the Indian Tariff Board to that effect.”

I should like to know whether a subject like that is a proper subject to discuss on an adjournment motion.

**Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) :** The subject of the motion is undoubtedly one of public importance. The case of the glass industry was referred by the Government to the Tariff Board and it was the subject of an exhaustive inquiry and an elaborate report by that Board. The fact that the Government considered it so important and so urgent as to be the subject of an inquiry by the Tariff Board, I think, demonstrates its public importance. There can be no question about its being a question which does involve matters of public importance. It was the subject of a recent Resolution by the Government of India which was issued on the 25th June, this year.

**Mr. President (The Honourable Sir Abdur Rahim) :** This is a matter for legislation. Protection cannot be granted without legislation.

**Pandit Govind Ballabh Pant :** The Resolution refused to grant the protection that was recommended by Tariff Board. The report of the Tariff Board was published by the Government on the 25th June, this year, and, while publishing that report, they also published their decision on that report refusing to accept the recommendations of the Board.

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[Pandit Govind Ballabh Pant.]

In these circumstances, I submit there can be no question about the matter being of public importance.

**Mr. President** (The Honourable Sir Abdur Rahim) : A passage in May's Parliamentary Practice, page 249, says that matters involving legislation cannot be discussed on an adjournment motion.

**Pandit Govind Ballabh Pant** : There is no question of legislation involved. We, the non-official Members, cannot take any initiative in the matter of legislation of this type. I have not brought any motion recommending the introduction of a Bill by anybody. Of course it is not open to me to introduce such a Bill nor to any other non-official Member of the House. What we are concerned with today is the administrative question whether the recommendations of the Tariff Board, an authoritative expert body appointed for the purpose of inquiring into questions of this character, should be treated so unceremoniously and whether an industry which is almost on its last legs and in a pitiable plight should be denied even that much of assistance which even the Tariff Board had recommended for it. In the case of all industries, the subject of protection is ordinarily referred to the Tariff Board. In this case, the Tariff Board made an inquiry into the matter and then submitted its report to the Government and Government, after taking considerable time in examining the recommendations of the Tariff Board, threw its proposals overboard. I submit that it is a matter of urgent public importance which involves, not only the question whether protection should or should not be granted to the glass industry, but also whether it is proper and appropriate that the Government should treat the recommendations of such an expert body in the manner it has done.

**Mr. President** (The Honourable Sir Abdur Rahim) : Are Government bound to accept the recommendations of the Tariff Board ?

**Pandit Govind Ballabh Pant** : So far as the practical aspect of the question is concerned, Government are expected to accept the recommendations of the Board. If the Government have not done what they were bound to do, then their action is illegal. If, on the other hand, Government have exercised their discretion in an objectionable and, as I am prepared to say in this case, in a vicious and erratic manner, then too this should be the subject of discussion in this House. In this particular case, there is special emergency as the industry will go to ruins and be destroyed altogether if the protection suggested by the Tariff Board is not given. I would refer you to a ruling which appears on page 41, No. 40, which is almost on all fours, when the Government turned down the report of the Sandhurst Committee, and a motion for adjournment was allowed. My case is much stronger than this. In fact, immediate action is needed in this case. In the other case, the matter could not be said to be so very urgent, as there were large questions of policy involved. The turning down of the report of a body appointed by the Government to go into the question must, therefore, I submit, be regarded as a sufficient ground for the admission of an adjournment motion.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways) : Sir, I have several objections to the motion which is proposed to be made by my Honourable friend being discussed as an adjournment motion. In the first place, my submission is that the matter

is not urgent in the sense in which that expression has been interpreted as applying to adjournment motions. The matter of the grant of protection to the glass industry has been under consideration for some time

.....  
**An Honourable Member** : Four years.

**The Honourable Sir Muhammad Zafrullah Khan** : .....and it cannot be said that unless this matter is discussed on an adjournment motion, the appropriate relief to the glass industry cannot be brought into operation. If it were held that executive or administrative decisions of the Government with regard to matters like the one that the Honourable Member proposes to discuss on an adjournment motion could validly and properly form the subject-matter of adjournment motions, I cannot conceive of any executive or administrative decision of Government which is taken during the sitting or during the adjournment of the House which could not be brought up for discussion on an adjournment motion.

**Mr. S. Satyamurti** : (Madras City : Non-Muhammadan Urban) : Why not ?

**The Honourable Sir Muhammad Zafrullah Khan** : In that case, every matter, which is decided on the executive side, could be discussed on an adjournment motion, and, with all respect, I would submit that that is not the normal method of discussing such matters.

**Mr. President** (The Honourable Sir Abdur Rahim) : When was that inquiry started by the Tariff Board ?

**The Honourable Sir Muhammad Zafrullah Khan** : This inquiry was started several years ago—four years at least. Then, Sir, my second submission is that with regard to this very matter, it was open to Honourable Members to table Resolutions for discussion in this House. Not only was it open to them but as a matter of fact the Honourable Member who has moved this motion for adjournment of the House has tabled a Resolution for discussion; a notice of a motion has been given by Pandit Govind Ballabh Pant that :

“ This Assembly recommends to the Governor General in Council to take effective and adequate measures for the protection of the glass industry in India.”

That is No. 215 of the Admitted List No. 12-A, issued on the 29th August, 1935, and it is quite possible that the matter may be coming up for discussion in the form of a Resolution as tabled by my Honourable friend.

**Mr. President** (The Honourable Sir Abdur Rahim) : Has it been put down ?

**The Honourable Sir Muhammad Zafrullah Khan** : It has been put down ; I have read out Resolution No. 215. I am not discussing the chances of the Resolution coming up for discussion or not, I am referring to rule 12 of the Indian Legislative Rules at page 85 of the Manual of Business, which says :

“ The right to move the adjournment of either Chamber for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :

\* \* \* \* \*

[Sir Muhammad Zafrullah Khan.]

(iv) The motion must not anticipate a matter which has been previously appointed for consideration"—(I am not referring to that part but to the next part)—"or with reference to which a notice of motion has been previously given"—

and a notice of motion in respect of this matter has previously been given by the Honourable Member himself.

My next objection, Sir, is the objection which you have yourself been pleased to point out to the Honourable Member; that is to say, that the matter is one that involves legislation. The Honourable Member proposes to censure Government for having refused to introduce legislation in order to afford protection to the glass industry. He wishes, by this motion of adjournment, to censure the Government for failing to introduce legislation to that end; and, in case the adjournment motion is carried, I have no doubt that he would expect Government to give effect to the wishes of the House in respect of this matter; that is to say, he would expect Government to introduce legislation in order to give protection to the glass industry. Related to this matter is a second objection on the same score, that is to say, that the motion does not propose to discuss a definite matter. I would submit, Sir, that one of the reasons why it has not been considered proper to permit matters to be discussed on an adjournment motion which involve legislation is that matters likely to involve legislation are generally of a detailed nature. It would not be possible in the course of two hours, with speeches restricted to fifteen minutes each, to discuss the question whether Government were or were not justified, on the merits, to refuse to give protection, or rather, as I would put it in this particular case, to postpone the consideration of the question of protection to the glass industry. The motion has been put down in a wide manner to discuss the failure of the Government or the refusal of the Government to give protection to the glass industry: but there are a hundred and one questions likely to arise for discussion to enable Honourable Members to make up their minds before it could be said whether protection should or should not be granted to the glass industry. A matter which has been under the consideration of the Tariff Board for a whole year is proposed to be discussed.

**Mr. President** (The Honourable Sir Abdur Rahim): All that is necessary for the Honourable Member is to state his point.

**The Honourable Sir Muhammad Zafrullah Khan**: I have almost concluded; and I submit, therefore, that the matter is not a definite matter of urgent public importance, as it would lead to a discussion all over the field with regard to various considerations affecting the glass industry.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): May I just submit a few words, Sir?

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair does not want a regular discussion on this motion.

**Mr. B. Das**: There are only one or two points which I wish to submit. I wish to point out to the Honourable the Commerce Member that the matter is a very definite one. I will remind the House that

the Government brought a Resolution on the convention of sheet glass industry, and this House threw it out, because Government did not give protection to the glass industry nor publish the report of the Tariff Board on glass industry. Thereafter, the Government published that report after the Session adjourned and they gave only a partial effect to the excellent recommendations of the Tariff Board. It was for the Government to bring a Resolution before the House to take measures.....

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair would inform the Honourable Member that the House does not want a discussion on this motion.

**Pandit Govind Ballabh Pant**: I wish to submit just one or two words. If you will be pleased to look at ruling No. 40, you will find that it says:

"I understand that the object of the motion is to censure the Government of India for turning down the unanimous recommendations of the Committee of their own creation."

That is, in fact, my main purpose in placing this motion before the House in the form in which I have tabled it.

The other point was about rule 12 (4). Now, this rule 12 (4) can apply when a matter has been appointed for consideration. It can apply only if a Resolution has been ballotted for and is included in the list, otherwise it does not apply.

**Mr. President** (The Honourable Sir Abdur Rahim): This Resolution has not been ballotted?

**Pandit Govind Ballabh Pant**: No, Sir. The second part of this rule is with reference to the question of notice having been given previously. No such notice was given in respect of this matter, and, therefore, this rule does not apply at all. I think I should not insult the intelligence of the House by arguing the point whether it is a definite matter or not.

**Mr. President** (The Honourable Sir Abdur Rahim): The question which the Chair has got to decide is whether this motion is in order. The motion wants that the business of the House should be adjourned in order to discuss a matter of definite and urgent public importance, namely, the refusal of the Government to grant protection to the glass industry in spite of the recommendation of the Indian Tariff Board to that effect. Protection cannot be granted ordinarily except by means of legislation, and there is a distinct authority mentioned in May's Parliamentary Practice, on page 249, which leaves no room for doubt in a matter like this. It runs thus:

"Matters arising out of the debates of the same session, or the terms of a bill before the House of Lords,..... cannot be submitted to the house under this Standing Order", (that is, the Standing Order relating to motions of adjournment of the business of the House) "and as on other motions for the adjournment of the house matters involving legislation cannot be discussed."

I have no hesitation in following this authority as I am not aware that any doubt has been cast on the ruling cited here. I need not go into the other arguments that have been urged before the House. I, therefore, rule that the motion is not in order.

# BOMBING OF WOMEN AND CHILDREN IN THE TRANS-FRONTIER VILLAGES BY THE INDIAN ARMY (AIR FORCE).

**Mr. President** (The Honourable Sir Abdur Rahim) : Dr. Khan Sahib has given notice of a motion for the adjournment of the business today for the purpose of discussing a definite matter of urgent public importance, and it runs as follows :

“ The bombing of innocent women and children in the trans-Frontier villages by the Indian Army (Air Force) which is going on now.”

I want to know if there is any objection to the motion being taken up.

(No objection was taken.)

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

**Mr. N. M. Joshi** (Nominated Non-Official) : May I be permitted to draw your attention, Sir, to the fact that today is a non-official day, and, in view of the fact that there is very little.....

**Mr. President** (The Honourable Sir Abdur Rahim) : It is a non-official Member who has given notice of the motion.

# THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

## PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 406*).

# RESOLUTION RE MANUFACTURE OF LOCOMOTIVE REQUIREMENTS IN STATE RAILWAY WORKSHOPS.

**Mr. Sami Vencatachalam Chetty** (Madras : Indian Commerce) : Sir, I beg to move :

“ That this Assembly recommends to the Governor General in Council that immediate steps be taken to equip State Railway Workshops with necessary additional plant and machinery to ensure manufacture of all locomotive requirements within the Railway Workshops.”

It is a curious coincidence that the year of this motion should synchronise with the year by which the Government guaranteed and hoped to equip their State Railway workshops with complete machinery for the construction of locomotive engines in India. In the year 1921, they issued a *communiqué* in the following terms :

“ In pursuance of their expressed policy of making India as far as possible independent of outside sources in the supply of materials, the Government of India have had under consideration the question of the construction of locomotive engines in India and they are now in a position to give a general undertaking that tenders will be invited only in India for all the railway locomotives and the locomotive boilers required by Government during the 12 years commencing with the year 1923.”

Similarly, a promise was made in respect of the construction of wagons on the 1st March, 1918. The Government of India said :

“ The Government of India have recently had under consideration the methods of making India more independent of outside sources in the supply of raw materials. One case, in particular, which they have recently examined, in consultation with the Indian Engineering Association and Railway Administration, is the construction of wagons in India and as a result of inquiries they have made they are now able to announce that they will guarantee to purchase in India 2,500 broad gauge and 500 metre or narrow gauge wagons only for ten years.”

This was said in the year 1918, but the actual working of this policy began in the year 1921 and was cancelled in the year 1924, though they guaranteed to buy these wagons at the rate of 2,500 broad gauge wagons and 500 metre gauge wagons for the next ten years. The excuse for cancelling this policy is found in the subsequent statements made by the Honourable Members of the Government representing this department. It was that in consultation with the companies which they have encouraged to come about into existence for the purpose of construction of wagons they have decided that they should place no orders with those companies, for, at any rate, the next few years. Under those circumstances the Government suggested, very nicely indeed, that those companies might be bought off.

Sir, it so happened that last evening I visited the picture palace in Simla and I saw the film, “ the House of Rothschild ”. There was a loan floated by the Government of the day for many millions of pounds and the “ House of Rothschild ” was one of the tenderers who bid for that loan. Their bid though most favourable was not accepted and when the representative of the “ House of Rothschild ” questioned the Government as to why their bid was not accepted, the Member of the Government said that on account of some “ technicality ” they rejected the tender. It was on a similar technicality, flimsy as it was, that this policy of the Government to purchase their wagons and locomotives in India was canceled. The Honourable the Finance Member during his recent tour to Bombay tried very hard indeed to convince the Bombay merchants that the allegation that Government were favouring British interests more than the Indian interests was not true. I dare say he was clever enough to find out that his arguments did not carry much conviction so far as the Bombay merchants are concerned.

**The Honourable Sir James Grigg** (Finance Member) : No. I did not.

**Mr. Sami Vencatachalam Chetty** : If instances of broken promises should be necessary to convince the Honourable the Finance Member that the Government of India have been consistently working in the interests of the British labourer and British worker more than those of the Indian labourer and Indian worker, I can quote them *ad nauseam*. But a previous Member of the Government resented the charge made by a non-official Member of the Legislative Assembly that they have been breaking pledges. He said, “ No charge is more resented by the Englishmen and the Scotsmen than the charge of breaking pledges ” even though this Government can claim to its credit an unbroken record of broken pledges. (Hear, hear.)

Ever since 1921, there has been in this Assembly a demand from the Government of India to equip their State Railway workshops with such



[Mr. Sami Vencatachelum Chetty.]

machinery as would make it possible to manufacture their whole requirements, not only wagons but also locomotive engines. Particularly last year, in 1934, during the budget debate, more than one Member representing various points of view in the Assembly brought to the notice of the Government the necessity of making their workshops and making their railway administrations independent of imported articles particularly in wagons and locomotives. Probably it will be considered to be the best recommendation for the acceptance of this motion by the Assembly if I should quote a statement from no less a person than Colonel Sir Henry Gidney in regard to this very question. I dare say his successor in this Assembly will please note that his predecessor was in favour of compelling the Government of India to see that their locomotive requirements are fulfilled in India. I would particularly draw the attention of Mr. Bower to what Sir Henry Gidney said on that occasion. He said on the occasion of discussion on the Railway Budget :

" We cannot control our railways unless we have the manufacturing and building of all the wagons and carriages and engines in this country. Today we have to spend hundreds and thousands of pounds in indenting on foreign countries including Germany for the supply of locomotives."

Now, Sir, a greater authority than that, an authority which I dare say the Honourable the Finance Member and the Honourable the Commerce Member dare not disagree with, is that of Sir Leslie Hudson, the Leader of the European Group, whose absence owing to illness I really deplore. Sir Leslie Hudson said :

" We are looking forward to the time when India will be able to manufacture most things for herself. There seems to be no very strong reason why skilled mechanics should not be brought out from England to teach our artizans out here how to construct locomotives in this country."

To all these representations, strong representations as they were, Sir Joseph Bhowe, the predecessor of the present Commerce Member said :

" I can tell my Honourable friend ", (he was addressing with reference to Sir Henry Gidney, particularly), " that the question has already been taken up, it was taken up some months ago and I can assure the House that the possibilities will be most carefully examined."

This was only a repetition of the policy which they have laid down in 1921. It took thirteen years for a reiteration of that policy in much more diluted terms. In 1921, they definitely said that they were then in a position to go in for the manufacture of locomotive engines within a few years and that they would, in the meantime, call for tenders in India for locomotive engines and wagons. But all that was forgotten and again in 1934, the then Commerce Member stated that the question has already been taken up some months ago and the possibilities will be examined in the course of those months. The same reply was given by the Financial Commissioner in the Standing Finance Committee for Railways. Every time we ask for this policy being executed by the Government of India, every time the Government of India will repeat the assurance that it will be looked into. Where do we stand ? Does it take 13 years to examine the policy whether they could manufacture locomotive engines in India or not ? If this delay is not deliberate, if this delay is not quite intentional to see that Indian industries do not come up and to see that the British

interests are served properly, I ask, Sir, what is the other explanation that the Government can give with justification and with real truth behind it for delaying the execution of this policy ? Now, surely the Government Members cannot say that this is not done in the interests of British unemployment. In this connection I am compelled to quote a statement of the Under Secretary of State for India in 1922. He was addressing the Members of Parliament who charged him with not doing anything in the way of relieving unemployment question in England. They charged the Secretary of State for India with not persuading the Government of India to give more work to the British labour. In replying to those charges, the Under Secretary of State for India said in 1922 :

" To those of my Honourable friends—some of them have approached me privately while others spoke in the debate—who have expressed apprehension very largely on account of their constituents in regard to the purchase of manufactured railway and other materials required in India, I will say that there is no reason for their thinking that they will not get the bulk of this business."

Then, Sir, when the Under Secretary of State for India promises to his constituents that they will get the bulk of their business particularly of railway works and if the Members of the Government here say that they are not delaying these things on account of the interests of the British labourer, well, I leave it to the House to judge what should be the real intention of this Government in delaying the execution of this policy.

We have spent more than eight crores of rupees in equipping these workshops. For what purpose was it done ? When the Government wanted these eight crores to be spent upon equipment of workshops, they made the House believe that they will take up this question and that they would equip the workshops in such a fashion as not to be put to the necessity of going for imported locomotives or wagons. It is upon such promises and upon such misleading promises that the Government obtained the vote of this House for equipping the railway workshops on eight crores. After taking eight crores, they spent a large sum out of that and perhaps even more to equip the workshops, but they never cared to look at the basic question upon which they took this grant from the Assembly. I will not call it a dishonest transaction, but it is certainly not a moral transaction for the Government to make a promise to the Assembly on a particular thing and not perform it. And what is more reprehensible in the act of the Government of the day is that while they have completely neglected the question of locomotive engines, even with regard to wagon construction, it was after a great persuasion that we were able to carry a resolution in the Railway Standing Finance Committee that the first tenders should be called for in India and if these tenders were not satisfactory they should then advertise for tenders outside India. I am told,—I do not know how far it is accurate and I speak subject to correction,—that only 750 wagons were given for construction in India and about 500 were given to other countries. And in course of the currency of the promise which Government have given to this Assembly that wagons will be bought in India, particularly with those firms which they have encouraged to come into existence, during the particular year they have bought wagons from another concern and

[Mr. Sami Vencatachelam Chetty.]

foreign concern; and when questioned as to why they broke their promise, the reply was that those wagons were of a special type. Who asked them to prescribe a special type? What was the intention of prescribing this special type? Was it only to put down the Indian manufacturer or was it something else? If a special type was required why was it not placed before these Indian manufacturers to see if they could adjust their machinery to manufacture this special type of wagon? The whole truth is that the heart of the Government is not in it and Government are not quite sincere in encouraging Indian industries and in reducing unemployment in this country. The trouble is that they are dominated by the higher powers at Whitehall. Whether it is an Indian Member that is there or whether it is a European Member that is there, it is impossible to expect them to be honest and frank to this Assembly while they are being pulled by the reins from behind. We only want that at any rate in matters economic Government should pay great regard to the expression of public opinion as evidenced in the Resolutions of this Assembly and give effect to the promise which they very grudgingly, however, made to the Assembly. With these words I have great pleasure in commending this proposition to the acceptance of the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : Resolution moved :

"That this Assembly recommends to the Governor General in Council that immediate steps be taken to equip State Railway Workshops with necessary additional plant and machinery to ensure manufacture of all locomotive requirements within the Railway Workshops."

**Sir Abdul Halim Ghuznavi** (Dacca cum Mymensingh : Muhammadan Rural) : Sir, I have a very high regard for my Honourable friend who has just moved this Resolution, and I am very sorry that I have to oppose the Resolution; but I shall presently give my reasons for doing so. Sir, I have been studying this railway problem very closely for the last nine years, and I have been a member of the Standing Finance Committee for Railways all these years excepting one year when I was not here. We all want that the railways here should be able to make everything they require in India. The question is, whether the railways can get that done here cheaply to reduce the cost instead of bringing these from outside. At the moment, I think, if we agree to this Resolution it would not be to the interest of the railways or to the interest of India as a whole. Firstly, it is improvident, secondly, it is at the moment inopportune, and, thirdly, it is at the moment undesirable. Sir, regarding its being improvident, I say that the cost of equipping the present railway workshops would be appalling; I think at least a crore of rupees will be required to equip these workshops in order that they may be able to make their locomotives here. In these days of depression, when the railways are not making any money at all and are losing day in and day out, will it be proper and reasonable to embark on an expenditure of this huge amount of money for equipping the workshops? And, Sir, we should not forget that the days of engines are probably coming to an end, because electrification is coming on. Who knows that, in another ten years, half of these railway engines may not be required. See what has happened in Bombay where the number of locomotives has been

reduced. What has happened in Madras? Electrification is going on, and, on about 60 or 70 miles, these engines are not required. Unfortunately the predecessor of the present Railway Member did not give us that facility in Calcutta although it is the second City in the British Empire. That grievance we have still got against the railway officials seeing that they have given it to other provinces, but not to Calcutta.

Then, Sir, I come to the type of the locomotives. At the moment, we are using a type of engine which, perhaps, in a few years' time, we may not require. Take, for instance, Diesel Engines which have already begun to replace our time honoured locomotives. Then, what shall we be making in our workshops? Then, Sir, we have to consider that we have to import from abroad most of the materials which we require to make locomotives here.

**Mr. Sami Vencatachelam Chetty** : I may just point out that what I stated was with regard to all locomotive requirements. It may be Diesel Oil or it may be anything.

**Sir Abdul Halim Ghuznavi** : Then, I think my Honourable friend has not realised that they will have to make different kinds of workshops for different kinds of locomotives. You cannot anticipate what kinds of locomotives you will require ten years hence; and, then, if you start now, probably this equipment of workshops will require at least five years. After five years, we do not know what sort of locomotives we will require. We shall be going in at the present time for the present type of locomotives. But why has not a start been made in India? If it had been a paying proposition was not money available in India for an Indian company to start making locomotives here? Why did not Tata's do it here? Because, they know that they cannot compete with firms outside India manufacturing locomotives.

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadan Urban) : They were not assured of the contracts.

**Sir Abdul Halim Ghuznavi** : Contracts for Indian requirements only will not be sufficient for the workshops here: they must supply countries beyond. How are the locomotive workshops in London getting on? Because they provide not for India alone, but for the whole world? How many locomotive workshops exist in the world? Very few. The world's demands are supplied by those few. If we start making locomotives here, we shall be making them at an enormous cost compared to the cost at which we now get them from outside India. Is it in the interest of the railways to make these locomotives here merely as my Honourable friend said, to provide a little more work for labour? Is it fair to the railways and is it fair for us to give sanction to this Resolution? We know that the railways will not be able to make their locomotives as cheap as they get it from outside India. As regards wagons I know they are being made here and they are being bought by the railways—I have no grievance now as regards wagons. At the meeting in Bangalore, this was thoroughly discussed, and we made it a point to press on the Financial Commissioner that he must purchase his requirements as regards wagons in India and not from outside.

[Sir Abdul Halim Ghuznavi.]

I say, it is undesirable, because the depression is continuing and we do not know the number of engines we may be able to utilise a few years hence : we do not know if we will use the present number even. Only the other day, we noticed in the papers that the railways are losing money and they are doing their very best to meet the deficit. Is it fair to ask the railways to find this huge sum now to construct locomotives which they may not require at all a few years hence ? The types may be scrapped and we may have to go in for another type of workshops altogether. What we should do now is this : we must see to the railways working efficiently and economically, and also cut down, as much as possible, the expenses incurred which, in my opinion, they should not have incurred. I have given one instance. Look at the tremendous expense they incur in Calcutta—two railways, the E. B. and the E. I. have their head offices across the street : a huge amount can be saved by amalgamating them : they have two Agents, two Chief Medical Officers, two Deputy Agents, and so on. If the two are amalgamated the Agent of the Amalgamated Railways will be in charge of a shorter length of mileage than the North Western. That they do not do. We should press them to economise their expenses and also look to the comforts of the third class passengers and reduce fares and freights as much as they can. It is not the time now to ask them to erect or equip workshops at a huge cost for manufacturing locomotives, which may not be required at all or which may have to be scrapped a few years hence. With these words, I oppose the motion in as much as it proposes that the extension of the workshops should be taken in hand immediately.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I had no mind to stand on my legs today on this Resolution ; but when I found my friend, Sir Abdul Halim Ghuznavi, opposing this motion, I was very much surprised. Here is an occasion when this House asks the Government to take up certain works which may employ Indians in very large numbers just as Tatas are doing ; and, then, I find that my own countrymen rise to oppose such Resolutions. When my Honourable friend suggests that by economies and amalgamation money may be saved on the railways, I do not find any reason why and on what grounds he thinks that the railways must not take up this business in their hands. The greatest need of the country is that we must have employment. If these workshops are started, we shall also not have to go to foreign countries and invest our money there and buy from them. This is one of the greatest reasons why we must have some sort of workshops in India. If we can manufacture wagons, if we can turn out other things, I see no reason why we cannot manufacture locomotives in India : to say that there will be a paucity of engineers I doubt it very much. ....

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways) : Has anybody said that ?

**Mr. Muhammad Azhar Ali** : That may be an argument hereafter : I anticipate that argument of my friends on the other side—that there may not be engineers enough in India to supply the want : my submission is that India is even now prepared to supply technical knowledge and everything required in the shape of engineering. We know what the state of Hyderabad is doing and what the state of Mysore is doing as regards engineering and I see no reason why we, in British India, cannot supply

such qualified men for engineering purposes. To say that Tatas are not yet sure of their success and, therefore, if the Government of India take up such business it may be very risky—as regards that I say that the Government itself has given protection to Tatas and knows the business. And why cannot Government give protection to such a company which is started by Indians themselves hereafter, to manufacture locomotives or things like that if the Indians start a company ?

**Sir Abdul Halim Ghuznavi** : Start one, and Government will give protection.

**Mr. Muhammad Azhar Ali** : I know that my friend will say that : we do not want the Government to do that only ; but we want Government and Indians to start manufacturing locomotives now.

**The Honourable Sir Muhammad Zafrullah Khan** : That is not the motion at any rate.

**Mr. Muhammad Azhar Ali** : The motion is that Government should take up such matters themselves, and I submit that it is high time now for the Government to take this business into their hands : when Government have got enough money to spend on other things, I see no reason why they should not start this, and if they take the Indian public into confidence and ask them to invest money, I am sure, India can afford to do it and will do it : India has sent out gold worth crores and crores : why cannot India invest money in such lucrative business as making locomotives ?

**The Honourable Sir Muhammad Zafrullah Khan** : The only question is whether they are lucrative.

**Mr. V. V. Giri** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Mr. President, many words are not necessary from me to commend this Resolution for acceptance of this House. If I may say so, this subject of locomotive manufacture is a subject which is as old as the hills. Promises have been made on the floor of this House that India will be made self-contained in the matter of manufacture of locomotives and locomotive requirements, but these promises have remained mere promises and they have never been put into practice by the Government of India. I would not like to traverse the same ground that was traversed by other speakers, but I would like to mention briefly that the history of the locomotive industry began with the year 1918 when the Government of India issued a communiqué, dated the 1st March, 1918, wherein they stated :

“ The Government of India have recently under consideration methods of making India more independent of outside sources in supply of raw materials.”

The communiqué of the 30th September, 1921, has been referred to and commented upon by the Honourable the Mover of this Resolution, and I do not like to repeat it again.

Again, Sir, in the year 1924, the Tariff Board, in their first Report, have made some observations regarding the manufacture of locomotives in this country, and, incidentally, I would like to reply to my friend, Sir Abdul Halim Ghuznavi. He stated that, in order to make locomotives in this country, a lot of materials have to be brought from England, that raw materials have to be imported from abroad. In this connection, I should like to refer you, Sir, to paragraph 13, Chapter II, of the Tariff

[Mr. V. V. Giri.]

Board Report relating to the locomotive building industry, which states as follows :

" The industry is very valuable from the national point of view. Apart from its importance as affecting the question of national defence, it is an industry which gives ample opportunities for the purpose of training Indians in mechanical engineering, and if India is to make itself independent as far as possible in the supply of its railway requirements, it is essential that it should possess a well-established locomotive industry.

With regard to the supply of labour also, it is favourably situated, for it cannot be regarded as an industry in which all labour has to be specially trained. There are many engineering works, railway workshops and factories where labour of the kind required in this industry is available at reasonable cost and in sufficient quantity.

With regard to raw materials, it is estimated that about 50 per cent. of the quantity of raw materials required in the manufacture of locomotives can be obtained in India either from the Tata Iron and Steel Company or from other local works engaged in the manufacture of steel products, especially castings."

Now, Sir, again this matter came to the fore when the Raven Committee inquired into this question. This Committee's observations are also quite relevant to show that the manufacture of all railway requirements will be cheaper if made in railway workshops than in private firms, and I would only refer to a few lines in the Report of the Raven Committee. I quote from pages 76 and 77 of the Report :

" Assuming equal efficiency of organization and control on either side, all the elements of cost such as labour, materials and oncost have necessarily a tendency to be lower in a Railway Workshop than in a private workshop. . . . We only wish to emphasise here that, with respect to such components of locomotives and spare parts of carriages and wagons that have till now been manufactured almost entirely in railway workshops in India, their conclusions are these—" that the rates at which spare parts of rolling stock are being manufactured in railway workshops do bear favourable comparison with the rates which outside agencies could or would charge; that nevertheless such manufacture is not being carried on as efficiently and economically as it could be, owing either to lack of organization and co-ordination or lack of suitable plant; and that with the concentration of the manufacturing work, in such existing shops as are advantageously situated with respect to cheap labour, fuel and suitable equipment, on the lines we have recommended, great economies could be achieved."

It was stated,—I hope I am correct,—the Financial Commissioner for Railways stated that they have been attempting to adjust the manufacture of the locomotive industry in the shops that are existing at present in India without establishing new shops. I do not know if I am correct in the statement I have made. I think the Financial Commissioner made that statement to us when the Standing Finance Committee met at Bangalore. . . .

**Mr. P. R. Rau** (Financial Commissioner, Railways) : What statement ?

**Mr. V. V. Giri** : That the question is being considered by a Committee and they are trying to see if the existing workshops could not be equipped.

**Mr. P. R. Rau** : May I read a line from the proceedings ?

" The Board were considering the possibility of utilising any one or other of the existing workshops for the purpose in order to reduce the initial cost."

It did not state that the Board had arrived at any conclusion on that.

**An Honourable Member** : You never do.

**Mr. P. R. Rau** : I said we had come to no conclusion at the time I made that statement.

**Mr. V. V. Giri** : Again, Sir, in the year 1927, this subject came to the fore, and it was mooted by a Member of the Swaraj Party which was then under the distinguished leadership of the late lamented Pandit Motilal Nehru, and there was a discussion on this matter. I am glad to see again, under the distinguished leadership of my esteemed leader, Mr. Bhalabhai Desai, a Resolution on this very subject has been moved. Thus, Sir, from the year 1918 to the year 1935, on several occasions this subject came before this Assembly, and promises were made that the matter would be looked into, that investigation was being made, that the report was expected and that it would be placed before the Standing Finance Committee or before this House. This shows the *malā fides* of this Government and the reason for it is not far to seek. The Government of India are represented by a bureaucracy which is interested as agents of England to promote the interests of England. I am bound to say that the Government of India are the agents of English and foreign capitalists, and they are not interested so much in solving the unemployment problem in this country. I am bound to make this statement, because the Government of India have shown, so far as this question is concerned, extreme inefficiency, inactivity, indifference and insincerity of purpose. I would like, Sir, to prove that, during the last 15 years, crores have been spent in the matter of purchase of locomotives from other countries, and reference to the debates in the Legislative Assembly in 1934 will bear out my statement. On the 13th March, 1934, the Financial Commissioner submitted to the House a statement showing the number of broad gauge and metre gauge locomotives provided in Class I railways from 1927-28 to 1934-35. You will find, Sir, that 427 broad gauge locomotives have been purchased during this period, and 501 metre gauge locomotives have also been purchased during the same period, and if the Government were true to their professions and promises and if they had established this industry years ago, as they ought to have done according to their assertions, India by now would have had a splendid locomotive industry, and she would have been in a position, not only to supply the wants of this country, but also to supply the wants of other countries; we could not merely have manufactured and supplied all the necessary locomotives that this country wanted, but we could have manufactured and sent them to other countries. ("Hear, hear" from Congress Party Benches.) I am bound to say, therefore, Sir, that if today the Government are having the barren policy of retrenchment, if today 47,000 workers and their families are starving in the streets, the sin lies at the door of the Government of India and nobody else. ("Hear, hear" from Congress Party Benches.) When Russia or Italy or Germany or England are having their planned economy and solving their economic problems and unemployment problems, in India we are simply told that all matters would be looked into and investigations made. I am sure that, if India had a responsible Government of her own, such "monkeying" with affairs of Indians would never have taken place. My Honourable friend, Sir Abdul Halim Ghuznavi, has made a statement on the floor of this House that if locomotives are manufactured here, a crore will have to be spent and the cost will be very prohibitive. In that connection, I would only refer to a statement of no less a person than my Honourable friend, Mr. Rau, who said on the floor of this House, in answer

[Mr. V. V. Giri.]

to a question in 1934, put by Diwan Bahadur Harbilas Sarda. This was with reference to the metre gauge engines that are manufactured in the Ajmer workshops. Mr. Rau stated :

“ I understand that owing to the fact that the prices in England are now low, according to the latest information available to the Railway Board, there is very little difference in the cost of manufacture at Ajmer and the cost of purchase in England, the difference being only Rs. 26.”

It does not matter whether the difference is only Rs. 26 or even Rs. 260 ; neither the Standing Finance Committee nor the public in this country would mind spending that amount. Therefore, on all grounds, it is absolutely necessary that the Government of this country, even at this late day, should take upon themselves the responsibility of undertaking the manufacture of locomotive engines and locomotive requirements that are needed for this country. Sir Abdul Halim Ghuznavi has stated that tomorrow the engines may be replaced by the electric engines. Most probably all the engines may be replaced by aeroplanes ; all the aeroplanes may be replaced by something else ; and I suggest to the Government of India that they must have a long-headed view of things, a long vision, to see how they can adjust their workshops on which they have spent crores and crores of rupees in this country. I would suggest to them that they should have not only a locomotive industry, but along with it they should have a subsidiary automobile industry, an aeroplane industry, and certainly the manufacture of electric engines. The whole trouble is this. The Government of India have no long vision, because it is not a national Government, because it is a Government that represents English interests and not Indian interests. That is our trouble.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has only one minute more.

**Mr. V. V. Giri** : I would not like to take even one minute, and I resume my seat.

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. Akhil Chandra Datta) in the Chair.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The House will now resume discussion on the Resolution by Mr. Chetty.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, this Resolution, if placed before the Legislature of any civilised country, would not find any opposition from any quarter ; but, to our regret, we find, in India, situated as we are, opposition coming from unexpected quarters. I am sorry that my friend, Sir Abdul Halim Ghuznavi, is not in his seat now, but his speech in this House has been regarded by all people to be of a nature which will checkmate the growth of Indian industries if taken seriously. In his speech, he said that there are three reasons for opposing this Resolution, namely, that such a Resolution, in the first instance, is improvident, secondly inopportune and thirdly undesirable. He took us by surprise when he said that it was improvident because it would cost the Indian

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exchequer a very heavy sum of money. Every industry embracing big enterprises will have to involve a good deal of expenditure but the business proposition we have to look into is not the cost of the industry but the return which the *proposed* industry is expected to yield. If the return is proportionate and adequate then it is certainly worth while spending money. Therefore, this argument that the manufacture of locomotives in India would involve the taxpayers in a good deal of cost does not much stand to reason. Then he said it was inopportune and in support of this argument he said that the world was advancing, that science was making progress and that within another five years, according to his calculation, the present locomotives will be of no service. When I heard this argument from him, I was reminded of a personal experience which I had during the last Delhi Session. I had gone to purchase a radio and on the way I met a friend of mine who asked me where I was going. I told him the object, when he told me : “ Don't purchase a radio because improvements are being effected every year ”. If that argument were accepted, then nobody would ever purchase a radio.

**Captain Sardar Sher Muhammad Khan** (Nominated Non-Official) : Did you purchase it ?

**Sardar Sant Singh** : I did not. If this argument were to prevail that science is advancing and on that account we should not manufacture locomotives, then we had better stop all progress and all business in this country. This manufacture of our own requirements is necessary because India is a big country with a system of railways running from north to south and from east to west and it has the second biggest railway system in the world. It is incomprehensible why small countries like Germany and Great Britain should supply all our requirements. The question naturally arises—why should we depend upon other countries for our locomotives and why should we not manufacture our own requirements. Why should not India be self-contained in this matter ? I have not been convinced by the reasons that have been given from time to time for postponing action on this matter. When the Standing Committee for Railways met last time I actually committed the impertinence of suggesting to the members of the Committee to stop all purchases of locomotives even if it brings the administration of railways to a standstill. The reason for my suggestion was that this demand has been made by Indians so often and for such a long time that unless some strong measures were adopted by the Standing Committee for Railways the Government would not be persuaded to agree with us to establish some plant for manufacturing locomotives in India. I am of opinion that it is not merely the policy of “ Buy Indian ” that persuades me in this point of view. There is the danger arising from the disturbed condition of the world which makes it incumbent upon us to make provision while there is still time for meeting our own requirements. There is no knowing what may have happened up to this time in the League of Nations which is meeting today to discuss Italo-Ethiopian relations and what will happen if Italy and Abyssinia go to war. The conflagration may spread to other parts of the world. In that case, where shall we get our requirements from, especially if the Suez Canal is closed ? If India is to fulfil her obligation towards her people then she ought to manufacture her own needs. Why not start immediately ?

**Captain Sardar Sher Muhammad Khan** : You can get from Japan.  
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**Sardar Sant Singh :** My friend who belongs to the military class thinks that Japan would supply us. I am not of that opinion because when he will require tanks and other military requirements he will come to the Legislature and ask it for his needs. It is the Legislature that will be responsible for supplying him with the things that he will need so that he can carry on his war. It is not a thing which should be looked at lightly, especially in the present state of world affairs. I will, therefore, support this Resolution and will expect the Honourable Member in charge of the Railways to take steps immediately to make the necessary arrangements, so that the manufacture of locomotives may be taken in hand as early as possible.

**The Honourable Sir James Grigg :** I propose to intervene in this debate for a very limited purpose, and that is in the main to enunciate a general principle, which, except in the speech of my Honourable friend, Sir A. H. Ghuznavi, has been completely ignored by every other speaker in the Assembly. This general principle is concerned with the limits within which Government are justified in promoting the establishment of new industries in this country. In some ways, of course, I shall be merely repeating what I have said over and over again on previous occasions in this Assembly but I make no apology for that because, in my view at any rate, it cannot be said too often. The Government of India is justified in taking active steps to establish an industry in India on one or two grounds. The first I need only mention, because it exists very rarely, if at all, and that is in cases where the existence of an indigenous industry of that character is absolutely essential to the very existence of the country. The second occasion is when it can be seen from the start that the industry will, before very long, become self-supporting, so that the burden imposed on the country by the establishment of the industry is definitely foreseeable and is not excessive and, of course, this applies whether the assistance is given by way of subsidy or protection. The only difference between the two is that the cost of protection is much higher and it much more often falls on the wrong shoulders, but there is no great difference in principle between them. In my view it is definitely not reasonable to expect the Government of India to embark on the task of establishing an industry in this country if it is certain from the start that the industry in question will never be self-supporting and, therefore, that its establishment will impose upon the country a permanent and very heavy burden, and by "country" I mean either the consumer or the tax-payer; in the long run it does not make very much difference. And I would also like to say that I do not think this conclusion is vitiated in the least when the agency for the establishment of the industry is one of the State commercialized services. If the railways are to foster uneconomic industries, whether it be by giving orders to outside firms or by setting up industries in their own workshops, one of two things is bound to happen. Either the general tax-payer has got to subsidise the railways, or the user of the railways has got to pay more for the services which they provide. There is no escaping that dilemma: and if the Assembly is inclined to think that the present is an opportune time for the railways to embark on large unremunerative expenditure on the establishment of new uneconomic industries, well, I think I can say that those Members of the Assembly, from all sides of it, who were present at the recent discussions at the Public Accounts Committee on the financial position of the railways are not likely to share that view. Per-

haps I might make two remarks before I leave this point. The first relates to the general question of policy, and on that I would like to say that one of the tragedies of India's protective policy has been that, with the single exception of steel, not a single one of the industries which it has been sought to establish in this country has yet become self-supporting.

**Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) :** What about textiles?

**The Honourable Sir James Grigg :** Well, there is a duty of 50 per cent. *plus* a quota against Japan and a duty of 25 per cent. against Lancashire: and each time the textile industry has been up for protection, the protection has had to be increased! It is one of the tragedies of India's protectionist policy that every single industry, except possibly one, has become more and more in need of State assistance. The other is a passing observation on a remark of Mr. Giri's. Mr. Giri said that one of the advantages of establishing a locomotive industry in this country is that ultimately it would become big enough to export its surplus products. How on earth does he imagine that an Indian industry is going to be able to export, if it cannot produce at something like competitive prices? It really shows the muddled thinking that goes on about this subject that such a remark could have been made. My purpose in saying what I have said so far is merely to enunciate a general principle. The application of that general principle to the particular case under discussion I can leave in the capable hands of my Honourable Colleague, the Commerce Member. But I do want, if I may, to take up two or three definite mis-statements made by the Mover of the motion. He first of all made some quotations from the English Hansard of 1922 at the time when there was an unemployment debate or questions on unemployment. Well, I happened to have been very closely concerned in those discussions on unemployment in 1922 in England and I can assure him that the question under consideration there was entirely one of the placing of Indian orders on the continent or in England. The policy of the Government of India in the matter of the purchase of stores then was, to the best of my recollection, that they should buy in the cheapest market—whatever that implied,—in India, in Germany or in any other place, and what was happening then was that representations were made to the Secretary of State for India to see if he could avoid the diversion of orders which had hitherto been placed in England to the continent of Europe; they had nothing to do whatever with the competition between British and Indian orders.

**Mr. Sami Vencatachalam Chetty :** Sir, I wish to draw the attention of the Honourable the Finance Member to our own Hansard of the year 1927.

**The Honourable Sir James Grigg :** I am talking about the events of 1922. [At this stage, Mr. Sami Vencatachalam Chetty rose again to his feet.] I am not going to give way.

**Mr. Sami Vencatachalam Chetty :** It is not you who has to give way, it is myself who has to give way. (*Cries of "Order, order."*) He had already given way.

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## WORKSHOPS.

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**Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) :** What about textiles ?

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**Mr. Sami Vencatachalam Chetty :** Sir, I wish to draw the attention of the Honourable the Finance Member to our own Hansard of the year 1927.

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**The Honourable Sir James Grigg :** I gave way, because I thought the Honourable Member was dealing with the unemployment discussions of 1922. What happened here in 1927 has nothing to do with that.

**Mr. Sami Vencatachelam Chetty** : On a point of personal explanation.....

**Mr. Deputy President (Mr. Akhil Chandra Datta)** : Yes, if the Honourable Member gives way.

**Mr. Sami Vencatachelam Chetty** : In the 1927 Hansard, there is a reproduction of a statement said to have been made by the Secretary of State for India.

**The Honourable Sir James Grigg** : Surely there is some mistake.

**Mr. Sami Vencatachelam Chetty** : It is not a mistake, but if it is a mistake, it is a mistake in the debates.

**The Honourable Sir James Grigg** : I say that your interpretation of the statement is absolutely wrong, because I was in a position at the time to know the correct interpretation. That is in connection with the events of 1922. The second thing I think the Honourable Member said was that the whole object of the Government of India policy was to do everything possible to place locomotive orders in England. That is why, I suppose, recent orders have been placed in Germany?

**Mr. S. Satyamurti** : Have they been?

**The Honourable Sir James Grigg** : Certainly. Then he gave some figures about wagons. He protected himself by saying—"I have been told". Well, let me tell him that his figures, which were, I think, that orders for 750 wagons had been placed in India and five hundred elsewhere.....

**Mr. Sami Vencatachelam Chetty** : I did not use those figures. I said that 750 wagons were given to Indian firms and orders for 500 were placed outside.

**The Honourable Sir James Grigg** : That is precisely what I have said. Now the true figures are these. Out of 4,472 wagons, 750 wagons were purchased in England and 3,722 wagons were purchased in India.

**Mr. Sami Vencatachelam Chetty** : I am glad.

**The Honourable Sir James Grigg** : I doubt that because you have lost a grievance. From these three mis-statements which I have been able to disprove without any difficulty whatever, you can judge of the character of the evidence on which the Honourable the Mover arrives at his somewhat malicious conclusion that the whole policy of the Government of India is concerned in protecting British interests and in downing Indian interests.

**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadan Rural) : Is that not true?

**The Honourable Sir James Grigg** : Well, nothing that I can say will make my Honourable friend alter his conclusion. There are two possible explanations of that conclusion. The first is that by repeating it so often he has come to believe it without any thought about the matter. The second is that his object is not the pursuit of truth but to stir up bad blood,—and he does not much mind what he does, in the process. I would like in conclusion to make one observation in regard to this general accusation made by the Party opposite that the Government of India runs India in the interests of the United Kingdom.

**Prof. N. G. Ranga** : Is it not so?

**The Honourable Sir James Grigg** : Does he believe that if the Government of India, backed by His Majesty's Government, had started out to run this country in the interests of the United Kingdom, that they would have so severely damaged Lancashire in the attempt to establish textile industries in this country? (Hear, hear.) Does he believe that if we had started out to run this country in the interests of the United Kingdom, we should have spent crores and crores and crores directly and in addition placed very heavy burden on the consumer in this country in order to make it independent of the United Kingdom in the matter of steel? Does he believe that in the matter of placing wagon orders for railways, which the Honourable Member referred to, we would have given a preference to Indian firms to the extent of fourteen per cent. in price, if our dearest object had been to place orders in England? I submit, Sir, that the thing is self-contradictory. Honourable Members opposite will no doubt go on believing that the Government of India and the English are knaves but I really think that they cannot simultaneously assume that we are so incompetent as to use such ineffective methods to produce the end which they say we have been seeking. So, having fulfilled the purpose for which I stood up I leave, as I said in the beginning, the main burden of the reply on the particular application of the general principles to my Honourable Colleague, the Commerce Member.

**Pandit Krishna Kant Malaviya** (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, it is no pleasure to me to have to stand up and support an important Resolution like the one which has been moved by my Honourable friend, Mr. Chetty. It is most annoying and it brings home to us the utterly hopeless condition in which we are in our own country. In any other country, Sir, where the existence of the Government depended upon the will of the people, a Resolution like this would be considered superfluous. The Government themselves would take steps to encourage the indigenous industries of the country and place as many orders as possible in the hands of their own countrymen. The officials themselves would feel that it is to their own interests and to the interests of the Government that they should see that the country is self-dependent, self-reliant and self-contained. The officials would feel that they ought to make some arrangement to be ready for emergencies, for times of war when they may not be able to import things from other countries. Moreover, Sir, the position of a Government which did not do these things, would become untenable. The populace and the vote of the country will condemn that Government and they will be compelled to see to the interests of the country and of the indigenous industries. I have not had the honour of listening to my Honourable friend, Sir Abdul Halim Ghuznavi, unfortunately I was not present in the House then.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : He spoke against India.

**Pandit Krishna Kant Malaviya** : That he always does. I am not at all surprised at the charge which has been laid against my Honourable friend, but what surprised me most was the proposition that he laid before this House, namely, that it would be uneconomical and improper for us to go in for an industry like this.

**Sir Abdul Halim Ghuznavi** : It is not for us to undertake this industry, but it is for the State Railways.



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**Pandit Krishna Kant Malaviya :** What ! State Railways ? They all belong to us and we are the masters of those State Railways. (A Voice : "In theory only.") Those are our railways. It is unfortunate that we are slaves and have not got the power. This may also be due, to some extent, to the fact that some friends of ours, who come here as representatives of the people, do not really look after the interests of the people. However, the proposition that my Honourable friend laid before the House was that it would not be conducive to the welfare of this country that we should go in for the production of these locomotives. I ask him whether locomotives are not a key industry and whether it is our duty or not to be self-contained and to be self-reliant ? How long are we going to depend on other countries for our own key industries and for our necessities which we need in our every day life ? I am sorry, Sir, that I am sitting at a place which has this disadvantage that I cannot hear anything which is talked about in this House. I am very sorry I have not been able to follow the Honourable the Finance Member but I have been able to catch one or two words here and there. One of the things that he said was that protection meant high cost of production. I would like to ask the Honourable the Finance Member whether this is the policy of the Imperial Government so far as the Government of Great Britain is concerned. I would like to know from the Honourable the Finance Member, Sir, if that is the policy of the Imperial Government these days. What is France doing ? What is England doing ? They are anxious to be self-contained so far as their own Empire is concerned. They know that high tariff walls are being erected all round, they know that they themselves are doing the same thing and they are keen that they should not have to depend upon the outside world for their needs. We know how and why the Ottawa Agreement was arrived at ; we know its history. Why, then, it is not proper for us to manufacture our own locomotives ? This is a question that ought to be answered by the Members sitting on the Treasury Benches. The Honourable the Finance Member made some statements. I could not follow them. All that I could follow was that he was putting two or three questions to the Mover of this Resolution and asking him whether he had faith in the *bona fides* of the Government. My only answer to those questions is that one who excuses himself accuses himself. If that reply satisfies my Honourable friend, he is at liberty to have it. I want to know from him also, Sir, whether there is any nation on earth which has been generous where other nations were concerned ? Whatever a nation does, it does in its own interests. It is guided by its own interests. May I know from the Honourable the Finance Member if it is in the interests of England that this country should be self-contained and self-reliant and that we should have all the key industries in our own hands, that we should be able to produce all the things that we need and that we should not import anything from Great Britain and other foreign countries ? I am sorry he is not here to reply to all these questions.

**The Honourable Sir Muhammad Zafrullah Khan :** Who is not here ?

**Pandit Krishna Kant Malaviya :** Oh, he is there. Sir, not only can we not hear properly from here but we cannot even see properly from this place. Anyway, I feel that it is high time that we should develop our own indigenous industries and that we should go in for the manufacture of locomotives. With these few remarks I support the Resolution moved by my Honourable friend, Mr. Vencatachalam Chetty.

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, before 1 3 P.M. reply to the particular criticisms of the lack of enthusiasm with which Government have been sought to be charged in this matter, I shall attempt briefly to give a history of the matter on behalf of the Department and try to show to what extent the matter has been pursued already. It was the intention of the Department to place the material, a part of which I shall attempt to place before the House now, before the Standing Finance Committee for Railways, in order to enable them to arrive at some sort of conclusion from that material. I am glad, however, that the present opportunity has been availed of by certain Honourable Members to have the matter discussed on the floor of the House which would dispense with the necessity of now taking this matter to the Standing Finance Committee. Another preliminary observation which I might be permitted to make is with regard to the scope of the motion before the House. No doubt the motion is fairly widely worded and at one stage the Honourable the Mover was under the necessity of explaining to the House that his motion was not limited to locomotives, but extended to locomotive requirements, and that, if there was any difficulty with regard to other means of propulsion having come into the field, for instance, electric locomotives and Diesel engines, there was no difficulty within the scope of his Resolution for Government to equip their workshops so as to be able to deal with these new requirements also : so that that is one aspect of the matter which the House will have to keep in mind when judging Government on this particular motion. As I said, I shall proceed to give a brief history of this matter so far as the Railway Department is concerned. This matter is not, as has been said, as old as the hills although it certainly has been pending for a certain number of years and took active shape in the early twenties of this century—I hope that satisfies my Honourable friends. Now, the main obstacle from the very beginning has been the uncertain and fluctuating nature of the demand for locomotives. Let me illustrate that with reference to one enterprise that was set up to deal with this demand and to supply this particular want of India. The Peninsular Locomotive Company was set up, as I have said, in the early twenties of this century at Tatanagar. From the very beginning they felt the need of State protection if they were to be able to compete with industries outside the country of a similar nature.

**An Honourable Member :** Long established.

**The Honourable Sir Muhammad Zafrullah Khan :** True. I am not condemning them on that ground, nor am I saying that the position adopted by them was not legitimate. The matter was gone into by the Tariff Board set up in 1924 and their conclusion was that although this was an essential industry and although under different circumstances there might be a fair chance for the industry to establish itself, conditions were such that it could not be said with certainty that with a reasonable measure of protection the industry would establish itself. I would draw the attention of Honourable Members to paragraph 18 of Chapter II of the Tariff Board's Report at the top of page 173. The Tariff Board observe :

"For the reasons which we have given we are unable to make any recommendations for the grant of protection to the locomotive building industry. We consider it desirable on national grounds that the industry should be established in India (hear, hear), and we believe that this could eventually be done, provided substantial assistance were given by Government in the earlier years. But the existence of a sufficient market for locomotives in India is an indispensable preliminary condition and at present this condition is not satisfied....."

**Pandit Krishna Kant Malaviya :** Sir,.....

**The Honourable Sir Muhammad Zafrullah Khan :**

" If protection were given now the country would carry a heavy burden during the next five years, and at the end of that period the progress made would be insufficient to justify the sacrifice."

**Pandit Krishna Kant Malaviya :** Sir, I rise to a point of order. Is it proper for an Honourable Member, sitting on the Government Benches, not to give way when another Honourable Member of the House gets up to ask for some information or to put some question? I wanted to get some information but the Honourable Member would not yield.

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Member tried to interrupt me in the middle of my quotation.

**Pandit Krishna Kant Malaviya :** I am loath to interrupt the Honourable Member in his speech, but I wanted some information.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The Honourable Member cannot ask for information at this stage, unless the Honourable Member gives way. He should be allowed to proceed with his speech.

**The Honourable Sir Muhammad Zafrullah Khan :** Had the Honourable Member attempted to interrupt me in my speech, I would have gladly given way. But he attempted to interrupt me in my quotation which I was anxious to finish. In 1924, the Board took that view and with regard to some observations of the Board there was applause from the other side of the House. I join in that applause. I do not differ from the policy that the Board laid down there. But the Board went on to observe what was the essential condition for the establishment of an industry and they found that at that date that essential condition did not exist. I hope to be able to show as I proceed that it exists still less and to a far less degree today than it existed on that date.

Well, then, Sir, this particular company, the Peninsular Locomotive Company was set up in Tatanagar and they found that the cost of production was so high that they could not quote prices that could at all compete with the prices of foreign manufactured locomotives. Here, Sir, I am at liberty to repeat and endorse the stores policy of the Government of India. We all recognise that if we are to promote and encourage Indian industries we cannot, in each case, insist upon absolutely competitive prices and Indian stores are continuously being purchased in India on the principle that a reasonable amount of difference between the prices should be borne by the Government in favour of the Indian manufacturers for the purpose of encouraging Indian manufacturers. Therefore, if the difference in the prices quoted by the Peninsular Locomotive Company and the foreign companies had been at all a reasonable difference, I have not the slightest doubt that orders from the Indian railways would have been placed with the Peninsular Locomotive Company but the disparity of prices was so great and so unreasonable that the Railways found themselves unable to place their orders with the Peninsular Locomotive Company. The Company finding itself in such a position then turned its attention to the manufacture of wagons and there also they found that the demand had steadily begun to go down and that the requirements of the railways could not be maintained at the rate at which even the Railways had antici-

ated their requirements would continue to arise and, therefore, the Company failed even to carry on as a company for the manufacture of wagons. Being placed in that position the Government came to the rescue of the Company and, in 1929, they purchased the workshops of the Company.

**Mr. B. Das (Orissa Division : Non-Muhammadan) :** Only to shut it down.

**The Honourable Sir Muhammad Zafrullah Khan :** I wish the Honourable Member would hear me out, and then, if he thinks that I am omitting any essential point, he can supply it. In 1929, the Railway Department purchased these workshops and they proceeded to utilize them for the manufacture of underframes. In 1932, the Railway Department were compelled to shut down the workshops which they had purchased from the Peninsular Locomotive Company for want of requirements even of underframes. That is the history of the one attempt in which both private enterprise and, subsequently, Government assistance took part in order to encourage the manufacture of locomotives in this country.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

That, Sir, will illustrate the difficulties with which the industry has to contend. The next stage was that the Railway Board themselves undertook an examination of the question. They found that in order to be able to manufacture locomotives on an economic basis in this country there must be a demand for at least 200 locomotives per annum. That demand has not existed at any time but the Board did not surrender the attempt to find out whether a start could be made for the manufacture of locomotives in this country because there was not a sufficient demand to set up a fully equipped locomotive manufactory in the country. They took up the question again in 1931 and they found that the likelihood of there being the normal demand required for a locomotive factory was still less in 1931 than it was in 1925. Nevertheless, they went into the question on the basis of a demand for 50 to 60 locomotives per year. They found that in order to begin with they could possibly run a factory which could subsequently be enlarged on the basis of a demand from 50 to 60 locomotives per year, and they went into the question of estimates. The first question naturally that confronted them was whether the factory should be established in connection with one of the existing workshops or it should be a new factory altogether. They looked into the question whether they could utilise the Tatanagar factory which they had taken over from the Peninsular Locomotive Company for the purpose of the manufacture of locomotives, but they discovered that the factory was not suited for the purpose at all and that it would involve very heavy cost in order to adapt it for the manufacture of locomotives. There were no adequate lifting facilities, the columns and the crane runways were not strong enough and other structural alterations and additions to the machinery would be required; and, therefore, they were forced to consider the question of an entirely new workshop for the manufacture of locomotives. Their estimate eventually was,—without going into details,—that assuming a constant demand of from 50 to 60 locomotives per year of standard types and also assuming that steel castings would have to be purchased and that iron castings and forgings could be supplied in India, the minimum estimate would be

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**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The Honourable Member cannot ask for information at this stage, unless the Honourable Member gives way. He should be allowed to proceed with his speech.

**The Honourable Sir Muhammad Zafrullah Khan :** Had the Honourable Member attempted to interrupt me in my speech, I would have gladly given way. But he attempted to interrupt me in my quotation which I was anxious to finish. In 1924, the Board took that view and with regard to some observations of the Board there was applause from the other side of the House. I join in that applause. I do not differ from the policy that the Board laid down there. But the Board went on to observe what was the essential condition for the establishment of an industry and they found that at that date that essential condition did not exist. I hope to be able to show as I proceed that it exists still less and to a far less degree today than it existed on that date.

Well, then, Sir, this particular company, the Peninsular Locomotive Company was set up in Tatanagar and they found that the cost of production was so high that they could not quote prices that could at all compete with the prices of foreign manufactured locomotives. Here, Sir, I am at liberty to repeat and endorse the stores policy of the Government of India. We all recognise that if we are to promote and encourage Indian industries we cannot, in each case, insist upon absolutely competitive prices and Indian stores are continuously being purchased in India on the principle that a reasonable amount of difference between the prices should be borne by the Government in favour of the Indian manufacturers for the purpose of encouraging Indian manufacturers. Therefore, if the difference in the prices quoted by the Peninsular Locomotive Company and the foreign companies had been at all a reasonable difference, I have not the slightest doubt that orders from the Indian railways would have been placed with the Peninsular Locomotive Company but the disparity of prices was so great and so unreasonable that the Railways found themselves unable to place their orders with the Peninsular Locomotive Company. The Company finding itself in such a position then turned its attention to the manufacture of wagons and there also they found that the demand had steadily begun to go down and that the requirements of the railways could not be maintained at the rate at which even the Railways had antici-

pated their requirements would continue to arise and, therefore, the Company failed even to carry on as a company for the manufacture of wagons. Being placed in that position the Government came to the rescue of the Company and, in 1929, they purchased the workshops of the Company.

**Mr. B. Das (Orissa Division : Non-Muhammadan) :** Only to shut it down.

**The Honourable Sir Muhammad Zafrullah Khan :** I wish the Honourable Member would hear me out, and then, if he thinks that I am omitting any essential point, he can supply it. In 1929, the Railway Department purchased these workshops and they proceeded to utilize them for the manufacture of underframes. In 1932, the Railway Department were compelled to shut down the workshops which they had purchased from the Peninsular Locomotive Company for want of requirements even of underframes. That is the history of the one attempt in which both private enterprise and, subsequently, Government assistance took part in order to encourage the manufacture of locomotives in this country.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

That, Sir, will illustrate the difficulties with which the industry has to contend. The next stage was that the Railway Board themselves undertook an examination of the question. They found that in order to be able to manufacture locomotives on an economic basis in this country there must be a demand for at least 200 locomotives per annum. That demand has not existed at any time but the Board did not surrender the attempt to find out whether a start could be made for the manufacture of locomotives in this country because there was not a sufficient demand to set up a fully equipped locomotive manufactory in the country. They took up the question again in 1931 and they found that the likelihood of there being the normal demand required for a locomotive factory was still less in 1931 than it was in 1925. Nevertheless, they went into the question on the basis of a demand for 50 to 60 locomotives per year. They found that in order to begin with they could possibly run a factory which could subsequently be enlarged on the basis of a demand from 50 to 60 locomotives per year, and they went into the question of estimates. The first question naturally that confronted them was whether the factory should be established in connection with one of the existing workshops or it should be a new factory altogether. They looked into the question whether they could utilise the Tatanagar factory which they had taken over from the Peninsular Locomotive Company for the purpose of the manufacture of locomotives, but they discovered that the factory was not suited for the purpose at all and that it would involve very heavy cost in order to adapt it for the manufacture of locomotives. There were no adequate lifting facilities, the columns and the crane runways were not strong enough and other structural alterations and additions to the machinery would be required; and, therefore, they were forced to consider the question of an entirely new workshop for the manufacture of locomotives. Their estimate eventually was,—without going into details,—that assuming a constant demand of from 50 to 60 locomotives per year of standard types and also assuming that steel castings would have to be purchased and that iron castings and forgings could be supplied in India, the minimum estimate would be

[Sir Muhammad Zafrullah Khan.]

from 70 to 80 lakhs to start with. In the meantime, another factor that had developed was that the price of locomotives manufactured in Britain and in foreign countries had been going down rapidly and that made the proposal still more uneconomical than it had been previously. Having arrived at that stage and having found that it would not be economic to set up a factory to manufacture locomotives, mainly on the ground that a continuous and steady demand could not be guaranteed and also that apart from the capital cost the working costs would be too high, they, even at this stage, did not altogether abandon the attempt to make a beginning of what might eventually develop into a locomotive industry in India. They then turned their attention to the question whether it was not possible to start with a boiler factory in which locomotive boilers could be manufactured, in the hope that if that factory could be established upon an economic basis it might eventually develop into a factory for the manufacture of locomotives. With regard to this matter again they went into detailed figures and estimates and eventually they arrived at the conclusion that the cost of a boiler which could be purchased in a foreign country for Rs. 20,500 would in India at the very minimum be Rs. 23,800; that is to say, nearly 16 per cent. higher than the price of a foreign boiler.

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : What is the reason for that ?

**The Honourable Sir Muhammad Zafrullah Khan** : I will give the reason. And even there it could not be guaranteed that the demand would be steady. The question is asked, what is the reason ? Some of the reasons are these. The House has already been told by the Honourable the Mover of this Resolution that the Board that was set up in 1924 estimated that even for the manufacture of locomotives 50 per cent. of the material must be imported. I will add for the information of the House that in the case of boilers 95 per cent. of the material must be imported. That is one reason for the higher cost that would result from manufacturing in India than elsewhere. Another reason is this that no doubt it has been said that labour could be obtained from various railway workshops but to begin with, in the earlier years certainly till the industry became well established, the overhead charges would be very high. We would have to import,—I am not putting that forward as an objection but merely as an explanation of the high cost to begin with,—we would have to import a considerable number of highly skilled mechanics and engineers at covenanted rates for a certain number of years in order to set up a boiler factory; and all these considerations would certainly add to the cost. But that alone really would not have altogether defeated the project. We come back to the main question as to the requirements that are likely to arise both with regard to locomotives as well as with regard to boilers, let us say, during the next 10 or 15 years; and here the difficulty is this. Reference has already been made, during the course of the debate, to the existing facilities at Ajmere, that at Ajmere a certain number of metre-gauge locomotives are being manufactured at the present moment, or rather perhaps I should use the expression "are being assembled" because the Ajmere workshops are mainly repair workshops and all that really happens is that the greater part of these locomotive parts have to be imported in a finished or semi-

finished condition and the assembling takes place in the Ajmere workshops. It has been said that in 1934 the position of the Financial Commissioner was that the Ajmere workshops were not doing too badly. They were just able to do this assembling at a cost which was not un-economic. Since then, I am perfectly certain Honourable Members will be sorry to hear, conditions have still further worsened, and owing to various factors the Agent of the B. B. and C. I. Railway is anxiously considering the question whether as a part of the system of his railway it is a commercial proposition to continue to run these Ajmere workshops and so far as they are concerned with the assembling of locomotives; and one of the matters which causes him reluctance is,—and it is a matter which requires anxious thought,—that it would throw out of work over a thousand Indian workmen which would be both uneconomic at the moment having regard to possible claims for compensation and so on, and also would cause considerable economic distress in Ajmere where a very large section of the population depend upon their obtaining work in the railway workshops.

**Pandit Nilakantha Das** : And no skilled labour has developed in the meantime so that we may utilise them ?

**The Honourable Sir Muhammad Zafrullah Khan** : This labour which would be thrown out of work would be skilled labour.

**Pandit Nilakantha Das** : Then why did the Honourable Member say we would have to import foreign skilled labour ?

**The Honourable Sir Muhammad Zafrullah Khan** : I did not say skilled labour. I referred to mechanics and engineers, not so much mechanics as engineers.

Now, Sir, as I said, the difficulty was with regard to the demand and the continuity of the demand. Here certain factors have already been alluded to, and those factors, if I might sum up are these. In the first place, a great deal has been done with regard to the efficiency and the quickness of repairs effected in railway workshops, which means that out of the locomotives that are available, a much larger number can now be put on the running lines than it was possible when repairs took a much longer time and were not quite so efficient. The second factor is that having regard to greater technical knowledge, a great deal more work is being taken out of each locomotive than before. That again reduces the number of locomotives that are required. Thirdly, as Honourable Members are aware,—as a matter of fact, one Honourable Member made a complaint that it is not being pushed forward rapidly,—there has been on certain systems a certain amount of electrification since the question of setting up a manufactory of locomotives was taken into consideration. That has made available for use on ordinary lines a certain number of locomotives that were then being used on lines which have since been electrified. So that the present position is that the Railways have at the present moment between 400 and 500 surplus locomotives; in addition, experiments are being tried on certain sections of the North Western Railway with Diesel engines, and those experiments lead one to think that it would be very economical under certain conditions to introduce Diesel engines in place of the ordinary steam engines....

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**Mr. S. Satyamurti :** And you can go on importing them ?

**The Honourable Sir Muhammad Zafrullah Khan :** That brings me to the consideration which was put forward by the Honourable the Mover. He said :

“ My Resolution does not confine you to set up a factory for the manufacture of ordinary steam locomotives, my motion is that Government should consider the whole question and set up a works which will be able to manufacture all types of locomotives that might be required, Diesel engines, electric engines or ordinary steam locomotives..... ”

**Pandit Nilakantha Das :** What about technical skill ?

**The Honourable Sir Muhammad Zafrullah Khan :** By this time the House will realise .....

**Mr. S. Satyamurti :** They can do nothing.

**The Honourable Sir Muhammad Zafrullah Khan :** With regard to electrification, progress is being made in certain directions. It is possible, it is even probable, that it will be pushed forward, especially as the hydro-electric resources of the country continue to be developed .....

**Mr. M. Asaf Ali (Delhi : General) :** Electrification of what ?

**The Honourable Sir Muhammad Zafrullah Khan :** Electrification of railway lines.

**Mr. S. Satyamurti :** By importing railway engines ?

**The Honourable Sir Muhammad Zafrullah Khan :** Even with regard to Diesel engines, we are in an experimental stage. And what is the charge that the Honourable Member brings against the Government ? The charge is, why are you not in a position today to estimate exactly to what extent you will require electric locomotives, to what extent you will require Diesel engines, and to what extent you will require steam locomotives, so that, on the basis of that, you can set up a sort of combined works for the manufacture of all these different kinds of locomotives. I would, with due respect to the Honourable the Mover, submit that it is impossible, with the material that is at our disposal, with any reasonable certainty, to make any estimate of the different types of locomotives that would be required during the next ten years.

**Mr. S. Satyamurti :** Therefore, do nothing.

**The Honourable Sir Muhammad Zafrullah Khan :** But one thing is certain, and that is that the requirements with regard to steam locomotives will be considerably less than what even the Railway Board had been led to imagine a few years ago. My learned friend interjected by saying, because you cannot estimate these requirements therefore do nothing. I hope I have given sufficient material to the House, even though I have given it in outline, to show that the question is being constantly studied .....

**Mr. S. Satyamurti :** God help us !

**The Honourable Sir Muhammad Zafrullah Khan :** And as soon as Government are in a position to be able to make a fairly definite estimate, .....

**Mr. S. Satyamurti :** Wait till the Greek kalends !

**The Honourable Sir Muhammad Zafrullah Khan :**.....they will be able to arrive at some definite conclusion with regard to this matter.

**Mr. S. Satyamurti :** You will never make up your mind.

**The Honourable Sir Muhammad Zafrullah Khan :** There is one aspect of the matter to which my Honourable Colleague, the Finance Member, has already made reference, and to which I must also draw particular attention .....

**Mr. S. Satyamurti :** Of course !

**The Honourable Sir Muhammad Zafrullah Khan :** And it is this. This Resolution requires Government to equip their railway workshops with necessary additional plant and machinery to ensure manufacture of all locomotive requirements. Now, Sir, the Railways, subject to the principle to which I have already given expression with regard to the purchase of stores, are not in charge, as a department, of the economics of the country. What I mean is, Railways are being run on commercial principles, and surely it is not right for Honourable Members to expect that if the Railway Department as a department on such material as is available to them have come to the conclusion that it would not be an economic proposition to set up these works which, as I have said, on a very modest scale, and even then depending upon foreign material, must cost at least, to begin with, 80 lakhs, they should undertake this project ; unless the Railways are certain that there would be an adequate and commensurate return, within a certain number of years upon their capital outlay, it is no use starting a works of this nature. As I have said, the Railways are not charged as a department with providing work for the unemployed, nor are they charged as a department for carrying out experiments in which without regard to cost, as has been urged by some Honourable Members, Government should try to help either the unemployed of this country or the industries of this country .....

**Mr. S. Satyamurti :** Whose business is it ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is the business of the Government, and wherever that is possible, Government is doing it. As I have said, subject to this principle that ultimately the project should be a commercial project yielding a certain percentage of revenue, the Railways would be willing .....

**Mr. S. Satyamurti :** They are not paying now, they are insolvents, why not wind up your department ?

**The Honourable Sir Muhammad Zafrullah Khan :** Another subject to which I must draw the attention of Honourable Members is this, that in a short time,—I cannot define it more precisely,—but I think during the course of the next two or three years the Railways will be placed under the management of a Federal Railway Authority .....

**Mr. S. Satyamurti :** That will be the funeral of the Railways.

**The Honourable Sir Muhammad Zafrullah Khan :** And it is the concern of the Government to hand over the railway system of India to the Federal Railway Authority in a condition not too much hampered or burdened by experiments of the kind that have been suggested on the floor of the House this afternoon .....



**Dr. Bhagavan Das** (Cities of the United Provinces : Non-Muhamadan Urban) : On a point of information, Sir. The Honourable Member will please pardon my ignorance. I understood him to say that, in order to make the existing workshops useful, 80 lakhs more would have to be spent. I would like to know if the eight crores, that have already been spent, are serving any useful purpose now. How is that plant being utilised ?

**The Honourable Sir Muhammad Zafrullah Khan** : I did not say that. I am sorry I have been misunderstood. I did not say that, in order to convert the Tatanagar Workshops, 80 lakhs of rupees would be required. I thought I had made it clear, that the Board had come to the conclusion that it would be very expensive and entirely uneconomic to convert the Tatanagar Workshops, but that a new workshop for the purpose of manufacturing locomotives would cost 80 lakhs. That is my reply to the first part of the question put by my friend. With regard to the second part, the eight crores spent on the present workshops is serving the purpose for which it has been spent. The workshops were set up for certain definite purposes, and those purposes are being fulfilled. The object of this Resolution is that steps should be taken to equip the State Railway Workshops with necessary additional plant and machinery, and I have given estimates which the Board have been able to prepare for that definite purpose.

I shall not attempt to answer at this stage the charges that have been levelled freely during the course of this debate at the motives of Government as well as individual Members thereof. I was extremely sorry to hear that the view of the opposite side is that Members of Government on this side, whether Indian or English, were dishonest tools of Whitehall. Sir, having come to the conclusion on such material as has been available, that the setting up of any such works would be not only uneconomical, but, in the present condition of demand for locomotives, would probably lead to the works having to be abandoned altogether within a certain number of years, I would certainly be dishonest in the discharge of my duty if merely for the sake of propitiating certain views I gave my support to any proposal which was likely to place the Railways in an unenviable position. That is my position with regard to this Resolution. (Applause.)

**Mr. S. Satyamurti** : You oppose it ?

**The Honourable Sir Muhammad Zafrullah Khan** : Yes.

**Mr. Sami Vencatachelam Chetty** : I am not much surprised at the turn that the debate has taken excepting for the very unfortunate heat that has been imported into this debate by the Honourable the Finance Member. The only contribution of the Honourable the Finance Member to the Indian public and the Government of India seems to be to butt in any motion, whether it concerns his department or not, and have a fling at his pet aversion, the Indian industries. I dare say that in the speeches which he has delivered in public and in the Assembly there has not been a single occasion on which he did not throw a fling or two at the Indian industries and the necessity for the encouragement of those industries. But I have no quarrel with the view that he has taken. We all know where he stands and we are determined to fight his view. But apart from that, he has charged me with having made mis-statements.

From the manner in which he has charged me, but for parliamentary etiquette, he would have merely stated that I was lying. I desire to return that compliment to the Honourable the Finance Member by reading from the corrected version of the proceedings of the Legislative Assembly of the year 1927. Mr. K. C. Neogy, speaking on the general discussion of the Railway Budget, made these following statements. I know the Honourable the Finance Member is in a hurry to say that Mr. Neogy is not the Hansard of Parliament. I shall come to that later. This is what Mr. Neogy said. ....

**Mr. B. Das** : Mr. Neogy is an authority on railways.

**Mr. Sami Vencatachelam Chetty** :

“.....when Sir Charles Innes took charge of this portfolio, and the first attempt which he made to put the Railways on a proper basis was to get this House—rather the predecessor of this House—to agree to a programme of rehabilitation to the extent of 150 crores of rupees. That was in 1922. That was followed by a legislative measure (with which the Honourable the Finance Member is personally familiar) in the House of Commons, the East India Loans Bill, and we find that, while this Bill was under discussion, also on previous occasions, the Members of the House of Commons brought a good deal of pressure to bear on the Government, and asked them to see their way to expedite the railway programme in India. They said, ‘Here is the report of the Acworth Committee recommending expansion of the Railways : what are you doing ? There is unemployment in this land (referring to England).’ Members of Parliament pressed the Government of India to give effect to the policy of expansion of the Railways as recommended by the Acworth Committee. One Honourable Member of the House of Commons put it like this. ‘Employment might then be found for the people there (that is to say India) and that employment might again percolate in this country through the supply to India of engines and other things they are in need of.’”

**Mr. Neogy then went on :**

“Sir, it is impossible for any one to go through the proceedings of the House of Commons in those days and not to be struck by the insistence with which this question was brought up time after time. One Member, whose ire was roused by the fact (I dare say must have been the counterpart of the Honourable the Finance Member) that some small contract had been placed in Germany, raised a hue and cry, and suggested that the East India Loans Act itself should be amended in order to make this impossible in future. Sir, in April, 1922, we find no less a person than the Under Secretary of State for India making this statement :

‘To those of my Honourable Friends—’,

The statement which I am reading is the statement of the Under Secretary of State for India which I have read out in the speech in which I moved this Resolution, and which was considered to be a mis-statement of fact....

**The Honourable Sir James Grigg** : May I rise to a personal explanation.....

**Mr. Sami Vencatachelam Chetty** : I shall not yield. He has refused when I wanted to rise.

**The Honourable Sir James Grigg** : But on a personal explanation I did give way.

**Mr. Sami Vencatachelam Chetty** : Very well.

**The Honourable Sir James Grigg** : I never accused the Honourable Member of any mis-statement of the quotation. What I did accuse him of—and I would do the same in the case of Mr. Neogy—was

[Sir James Grigg.]

the drawing of wrong inferences from the question about facts which I was in a position to know and they were not.

**Mr. Sami Vencatachelam Chetty :** I did anticipate that the Honourable Member would not consider Mr. Neogy accurate enough, and, therefore, I am going to quote Sir Charles Innes's admission that Mr. Neogy was right in saying that. Then it is needless for me to read the statement of the Under Secretary of State for India. With regard to the point that Mr. Neogy may be inaccurate, I may read to you this which by implication admits that Mr. Neogy's statement is correct. These are the words of Sir Charles Innes :

"And let me tell Mr. Neogy, since he has been reading the House of Commons debates to the House, that I myself was taxed at the Imperial Economic Conference."

**The Honourable Sir James Grigg :** That is not inconsistent with what I said.

**Mr. Sami Vencatachelam Chetty :** Then there is no difference of opinion happily. (Laughter.)

**The Honourable Sir James Grigg :** If the Honourable Member wants me to repeat what I said, it was that the whole discussion in the English House of Commons and at the Imperial Economic Conference—I was actually present at the meeting at which Sir Charles Innes was tackled—was the question whether, if they had got orders to place in Europe they should place them in England in preference to the continent. That is what I said, and the insinuation of the Honourable Member was that the pressure put upon Sir Charles Innes was to place orders in England rather than in India. That is not so.

**Mr. Sami Vencatachelam Chetty :** There is no insinuation. There is an open claim made in the Parliament that the East India Loans Act must be amended in order to place orders.....

**The Honourable Sir James Grigg :** It was not accepted.

**Mr. Sami Vencatachelam Chetty :** It might not have been accepted, but that shows the way the wind was blowing. When the Under Secretary of State said, "I am thoroughly alive to the issue and appreciate the claims made by Honourable Members on account of their constituents", does the Honourable the Finance Member mean that he is greater than the Under Secretary of State? I do not believe it. I have been charged with stirring up bad blood. If anything is far distant from my idea and object it is this. It is exactly to avoid stirring up bad blood by killing indigenous industries and encouraging foreign industries that we want this Resolution to be carried. It is the consistent, insistent and persistent speech of the Honourable the Finance Member, always discouraging the encouragement of Indian industries and also interfering in the portfolios of other Government Members and pre-judging the case, that is stirring up bad blood unnecessarily.

Coming to the Honourable the Commerce Member, I have not much quarrel with him. He is a new gentleman.....

**The Honourable Sir Muhammad Zafrullah Khan :** I have always been a gentleman.

**Mr. Sami Vencatachelam Chetty :** I never meant it. I only meant that he is a new Member of this House.

**The Honourable Sir Muhammad Zafrullah Khan :** Not that either. I have been a Member before.

**Mr. Sami Vencatachelam Chetty :** As a new Member of Government.

**The Honourable Sir Muhammad Zafrullah Khan :** I am not even a new Member of Government. I was a Member three years ago.

**Mr. Sami Vencatachelam Chetty :** I am very inaccurate in these small and minor matters. However, it does not matter. But I do not quarrel with him so far as he has represented the Government case. But the whole trouble is this. In 1921 the Government made a promise that they would equip their railway workshops.....

**The Honourable Sir Muhammad Zafrullah Khan :** No. That was never said. All that was said was that tenders for the purchase of locomotives would be placed in India. They did not say that they would equip their workshops.

**Mr. Sami Vencatachelam Chetty :** For what purpose?

**The Honourable Sir Muhammad Zafrullah Khan :** They thought that the Peninsular Locomotive Company was going to manufacture locomotives in India.

**Mr. Sami Vencatachelam Chetty :** Therefore, they intended at one time to encourage the manufacture of locomotives in this country. So their policy must have been to go along with that policy until they found that it was thoroughly uneconomical by actually putting into practice the policy which they have professed, but they do nothing of the sort. In 1921 they issued a communiqué. At every budget discussion the matter is being raised by one Honourable Member or other on this side of the House and every time the Railway Board used to promise that the matter is being looked into. Is that an honest way of dealing with things. If they were really convinced that it was thoroughly uneconomical and that it was not in the interests either of the Railways or of Indian labour and Indian prosperity, it was quite open to them to say so and make it clear that it is impossible to carry out the policy which they at one time thought feasible. They did not do so from 1921 to 1934. They kept quiet. In 1934 again a hue and cry is raised against the policy of the Government and the Commerce Member said on that occasion that he was examining the subject and that his conclusion would be published within a few months. By that time I dare say the Honourable the Commerce Member knew the reply that he would have had to give on account of other considerations, namely, to stop the policy of manufacture of locomotives and engines but he did not say so. Even in the Railway Finance Standing Committee we were told that the matter is being examined and it is now stated that it is practically impossible to do so. Well, Sir, we are not willing to take that statement merely because the Government has said so. Let us have the opportunities of examining the data upon which they have come to this conclusion.

**The Honourable Sir Muhammad Zafrullah Khan :** You are welcome to do so.

**Mr. Sami Vencatachelam Chetty :** Give us this opportunity and if you had given us this opportunity before this motion was tabled and convinced us that the case of the Government was sound, we would not have tabled this motion. But you keep everything in the dark. At least you are afraid to publish these things, lest they should be critically examined and the case of the Government exposed. Now, Sir, I do not want to weary either the Honourable the Commerce Member or this House by quoting examples of countries, having a smaller demand for locomotives, having their own workshops. The Honourable the Commerce Member himself must be apprised of that information as to how other countries are getting their supplies fulfilled. Is it suggested that India alone should be the country which should depend upon foreign supplies, when every other country, whatever its requirements, can have its own workshops. If so, it is only a credulous public that can accept this statement, without critically examining the basis upon which it is made. The Honourable the Finance Member, I am afraid, has attempted to kill two birds with one stone. He not only prejudiced the case for the railway workshops being equipped for the construction of locomotive engines but also referred to Indian industries generally. He has laid down a policy today, that he is not going to accept any proposition for taking up and encouraging any industry which will not produce articles at a price which can compete with imported articles. I suppose that was what he said. That is the proposition which he should bring forward when a suitable opportunity arises and then it will be time enough for us to discuss that in detail. It will be unjust on the part of the Honourable the Finance Member to give expression to such *ipse dixit*s, knowing as he does the views of this Assembly and I hope that this Assembly will take an early opportunity to contradict the *ipse dixit*s of the Honourable the Finance Member.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly recommends to the Governor General in Council that immediate steps be taken to equip State Railway Workshops with necessary additional plant and machinery to ensure manufacture of all locomotive requirements within the Railway Workshops.”

The Assembly divided :

AYES—65.

Aaron, Mr. Samuel.  
Abdul Matin Chaudhury, Mr.  
Abdullah, Mr. H. M.  
Asaf Ali, Mr. M.  
Ayyangar, Mr. M. Ananthasayanam.  
Azhar Ali, Mr. Muhammad.  
Bajoria, Babu Baijnath.  
Banerjee, Dr. P. N.  
Baqui, Mr. M. A.  
Bardaloi, Sriji N. C.  
Bhagavan Das, Dr.  
Chattopadhyaya, Mr. Amarendra Nath.  
Chettiar, Mr. T. S. Avinashilingam.  
Chetty, Mr. Sami Vencatachelam.  
Chunder, Mr. N. C.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Datta, Mr. Akhil Chandra.

Desai, Mr. Bhulabhai J.  
Deshmukh, Dr. G. V.  
Essak Sait, Mr. H. A. Sathar H.  
Fazl-i-Haq Piracha, Khan Sahib Shaikh.  
Gadgil, Mr. N. V.  
Gaubha, Mr. K. L.  
Ghulam Bhik Nairang, Syed.  
Giri, Mr. V. V.  
Govind Das, Seth.  
Gupta, Mr. Ghansham Singh.  
Hosmani, Mr. S. K.  
Jodha, Mr. K. M.  
Jogendra Singh, Sardar.  
Joshi, Mr. N. M.  
Khan Sahib, Dr.  
Khare, Dr. N. B.  
Lalehand Navalrai, Mr.  
Maitra, Pandit Lakshmi Kanta.

# MANUFACTURE OF LOCOMOTIVE REQUIREMENTS IN STATE RAILWAY WORKSHOPS.

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AYES—contd.

Malaviya, Pandit Krishna Kant.  
Mangal Singh, Sardar.  
Mudaliar, Mr. C. N. Muthuranga.  
Muhammad Ahmad Kazmi, Qazi.  
Muhammad Nauman, Mr.  
Murtuza Sahib Bahadur, Maulvi Syed.  
Nageswara Rao, Mr. K.  
Pant, Pandit Govind Ballabh.  
Parma Nand, Bhai.  
Raghubir Narayan Singh, Choudhri.  
Rajan, Dr. T. S. S.  
Raju, Mr. P. S. Kumaraswami.  
Ranga, Prof. N. G.  
Saksena, Mr. Mohan Lal.  
Sant Singh, Sardar.

Satyamurti, Mr. S.  
Sham Lal, Mr.  
Shaukat Ali, Maulana.  
Sheodass Daga, Seth.  
Siddique Ali Khan, Khan Sahib Nawab.  
Singh, Mr. Ram Narayan.  
Sinha, Mr. Anugrah Narayan.  
Sinha, Mr. Satya Narayan.  
Sinha, Mr. Shri Krishna.  
Som, Mr. Suryya Kumar.  
Sri Prakasa, Mr.  
Umar Aly Shah, Mr.  
Varma, Mr. B. B.  
Vissanji, Mr. Mathuradas.

NOES—45.

Abdul Aziz, Khan Bahadur Mian.  
Acheson, Mr. J. G.  
Ahmad Nawaz Khan, Major Nawab.  
Ayyar, Diwan Bahadur R. V. Krishna.  
Ayyar, Rao Bahadur A. A. Venkatarama.  
Bajpai, Sir Girja Shankar.  
Bhat, Mr. Madhusudan Damodar.  
Blackwell, Mr. J. H.  
Bower, Mr. E. H. M.  
Chapman-Mortimer, Mr. T.  
Chatarji, Mr. J. M.  
Clow, Mr. A. G.  
Craik, The Honourable Sir Henry.  
Dahal, Dr. R. D.  
Desai, Mr. S. P.  
DeSouza, Dr. F. X.  
Gajapatiraj, Maharaj Kumar Vijaya Ananda.  
Ghuznavi, Sir Abdul Halim.  
Graham, Sir Lancelot.  
Griffiths, Mr. P. J.  
Grigg, The Honourable Sir James.  
Hands, Mr. A. S.  
Hockenull, Mr. F. W.  
James, Mr. F. E.

Lal Chand, Captain Rao Bahadur Chaudhri.  
Leach, Mr. F. B.  
Lee, Mr. D. J. N.  
Lister, Mr. T.  
Lloyd, Mr. A. H.  
MacLachlan, Mr. D.  
Milligan, Mr. J. A.  
Mitchell, The Honourable Mr. D. G.  
Morgan, Mr. G.  
Mukherjee, Rai Bahadur Sir Satya Charan.  
Owen, Mr. L.  
Rajah, Rao Bahadur M. C.  
Rau, Mr. P. R.  
Row, Mr. K. Sanjiva.  
Sarma, Mr. R. S.  
Scott, Mr. J. Ramsay.  
Sher Muhammad Khan, Captain Sardar.  
Singh, Mr. Pradyumna Prashad.  
Sircar, The Honourable Sir Nripendra.  
Tottenham, Mr. G. R. F.  
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

At this stage, Mr. N. M. Joshi rose to his feet to move his Resolution.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. The Chair cannot allow any more Resolutions to be moved today, as there is no time left. Dr. Khan Sahib.

## MOTION FOR ADJOURNMENT.

BOMBING OF WOMEN AND CHILDREN IN THE TRANS-FRONTIER VILLAGES BY THE INDIAN ARMY (AIR FORCE).

**Dr. Khan Sahib** (North-West Frontier Province : General) : Sir,  
4 P.M. I move :

“ That the House do now adjourn.”

Sir, I am going to speak on this motion and to lay before the House all the facts which are in my possession. It is for the House to condemn



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or justify the action of this so-called civilized Government. As for myself, I am convinced that the whole system is immoral. It is based on discrimination and exploitation which leads to indignation and ultimately brings about its own destruction. I am sure that the treatment which this Government are meting out to the Frontier tribesmen today is enough to bring about its end in the very near future. To say that I can lay before the House the exact number of women and children killed, buffaloes, cows and goats destroyed, houses of the poor Pathans (and by house you should understand the mud hut in which they live) destroyed, will be not true and I will be deviating from the correct line and will be adopting the methods of a false propagandist which is not my creed. Sir, on the 19th of August, above the Gandab valley, aeroplanes began bombing the houses of the trans-Frontier tribesmen. As for giving them notice, the first notice which I saw personally in the Peshawar press was published on the 22nd of August. You hear again and again Government declaring in their communiqués that they warn the people to get out of their houses, but I can assure you that the first warning they get is the first bomb which is dropped on them by the aeroplanes. What I say is an absolute fact. As soon as this warning is dropped on them which may cost them some lives, some of them do clear out of their houses, but others stay, and this will be appreciated by those who know the Pathan mentality, they hate to leave their houses, because all that they possess is round about them in their houses, and they would rather like to be buried in them than leave them. So they remain in their houses, and this barbarous action of the Government does not frighten them. They prefer death in their own houses like brave people, and let me ask you where can they go? Everyone has not got even a mud hut there. Anyhow, they have got to face the destruction and why should they not face it in their own houses. In this connection, let me tell you that when the German aeroplanes were flying over London and though they had given the assurance that they will never bomb the civil population, an awful panic was caused among the people there, and as they rushed out for safety, I remember that on one occasion at the Liverpool underground tube station nine people were crushed to death. So, you could imagine the feeling of the people here when bombs are dropped when the mere appearance of aeroplanes over London creates such panic though their anti-aircraft guns were firing for their defence. Also there were some aeroplanes in London which went up to fight for their defence. But what is the case here? They have no anti-aircraft guns and you can drop bombs on them without any fear and without taking much risk. Besides, the aeroplanes fly so high that they cannot be hit and are out of the range of the ordinary rifle. I will tell you how indiscriminately they drop bombs. They dropped one bomb on a *Qafra* beyond Matta, which is not very far from this scene of action and had damaged many people. In one case they dropped a bomb on one of their own informers who was killed and you will never know anything about that man because his life was only worth eight annas. The only thing that some people might know will be that his dependants will be condemned both by the Government and the people of that part. Then, there is another thing I would like to tell you. On the 26th of August, Luckily the bomb dropped into a muddy ground and did not do any

damage. So, you can see how this bombing is going on. All these aeroplanes pass over my village when they go for bombing purposes and I know how many of them go at night and how many during the day. Now, Sir, I want to bring to the notice of the House the real facts why these conditions are created. I will just read out to the House a communiqué of the Government and then I will explain it because it is very deceptive. The communiqué reads thus :

"About 21st July a lashkar of Upper Mohmands under Ghulam Nabi, son of the late Chaknaur Mullah, crossed the border into Gandab and attacked the Halimzai Mohmands. The latter assisted by detachments from the Musa Khel and Tarakzais succeeded after heavy fighting in driving the hostile lashkar across the border inflicting casualties which are reported to have numbered about 20. Gandab is now clear of hostile lashkars and the situation is at present quiet. It is unlikely however that Ghulam Nabi will accept this defeat and further attacks on the Halimzais are feared. It has therefore been decided to send a column into the Gandab valley to assist the Halimzais and in connection with this move to construct a track fit to carry M. T. from administered territory into Gandab. There is no intention of keeping troops permanently in the Gandab valley and they will be withdrawn as soon as conditions return to normal. It is hoped that its presence will have the effect of deterring the upper Mohmands from further incursions into Gandab and will also have a steadying effect on the tribesmen in Bajaur where Government have demanded the surrender of three agitators who have recently been attempting to disturb the peace of the country."

Now, Sir, all these tribes are not in the British territory. When they have trouble amongst themselves, what right the Government have to interfere with them. There is a man who was unknown. He is a Halimzai. The Government took him into their hands and gave him money. They made him a big Malik and provided him with service rifles and encouraged him to fight the tribesmen. I hope the Foreign Secretary who comes from Peshawar knows the man. Although in all probability he will not like to mention his name, I think he will realise in his own heart that what I am saying is true. Sir, this road was made. What for? Did these people go and attack British territory? That, you are not told. Why all this false propaganda of the tribes disturbing the British area? They never do so. In every case of disturbance, it is the Government that take the first step. The Government destroy their homes, they interfere with their internal affairs. Sir, suppose a man goes into your house and takes away some things from your house. If you have got any power to kick him out, do you think you will keep quiet? That is the whole question. The point is that Government are always making incursions into their territory without any provocation on the part of the tribes. The Government provoke these tribesmen and then they create trouble. There is another point which I have already referred to and which you should remember, that is, that the interpreters between these tribesmen and the British Government are corrupt. (Hear, hear.) It is these interpreters that create the trouble for economic purposes. They want to make money by creating this mischief. I may tell you, Sir, that every Political Officer knows this, but he has not the courage to confess this. (Shame, shame.) I suppose his political position does not allow him to tell the truth. Sir, I know personally some of these Assistant Political Officers who make money on these occasions. I may tell you that some of the British officers are afraid of these Political Agents.

Now, Sir, coming to the road that was made, may I ask, Sir, what was the idea in making a road? The people on the Frontier are left to wonder what is the idea of the British in making these roads. The

[Dr. Khan Sahib.]

people on the Frontier think that the British are going to extend this road to *Nawagai* and from there straight off to *Khar*, *Munda* and *Barwa* connecting it with *Chakdara*, *Chitral* road. It is for that purpose that the Government are creating this situation. If so, why not be straightforward and say so, why make the poor people fight for nothing. Why not have an honest person as an Agent, and why not have an honest understanding?

**The Honourable Sir Nripendra Sircar** (Leader of the House) : I rise to a point of order. The adjournment motion refers to a specific matter, that is to discuss the matter of the bombing of women and children on the Frontier. But the Honourable Member now seeks to discuss the whole policy of Government in the Frontier.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair understands the Honourable Member does not want to go into the general Frontier policy and that he was saying that this bombing has taken place in pursuance of a certain plan of the Government.

**Dr. Khan Sahib** : I am going into the whole affair with a view to giving the House the correct information as to how this bombing is brought about. (Hear, hear.) I want to tell the House as to what is at the bottom of this whole affair, as to what is the real cause of all this trouble. I submit, Sir, that unless you know the real cause, you cannot pass judgment on the effect. Unless the real cause is known, the House cannot decide whether the action of the Government is right or wrong.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has only one minute more left. The time limit is fixed at 15 minutes.

**Dr. Khan Sahib** : I have got much to say, and I hope you will give me a few minutes more.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must finish within his time limit.

**Dr. Khan Sahib** : Then, Sir, I move that the House do now adjourn.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the House do now adjourn.”

**Mr. G. R. F. Tottenham** (Army Secretary) : Sir, in dealing with this motion on behalf of the military authorities, I may say at once that, if the Royal Air Force were bombing innocent women and children on the Frontier, both they, that is the Royal Air Force, and I would agree with the Honourable Member who seeks to condemn that action. But, Sir, the Royal Air Force do not bomb women and children on the Frontier. Incidentally I may point out—and the Honourable Member should have known it himself—that they are not at present engaged in bombing trans-frontier tribes. Their action is being taken against certain definite hostile sections of the tribes in that area which lies between the administered border of the North-West Frontier Province and the Durand line, which is the Frontier of India, and not beyond the Frontier of India. Now, Sir, it is not for me, even if I had the time, to describe the situation that has led up to the present operations or to defend the policy of Government in ordering these operations. That is an aspect of the case which can be dealt with more fitly and far better by my Honourable friend, the

Foreign Secretary, who I hope will speak later. I am only concerned with the action taken by the defence forces, that is to say, in this particular case by the Royal Air Force, in implementing the policy of the Government of India ; and I must confine myself strictly to that topic. Now, Sir, it is sufficient in order to explain that action to say that certain definite and repeated acts of aggression have wantonly been perpetrated against the Gandab road, in the lower Mohmand area, in defiance of the agreement which was made with the tribes when that road was built just two years ago ; and Government have decided that military operations are necessary in order to disperse those lashkars, to protect the road and to restore law and order. I must ask the House to take it from me that no Government could tolerate the existence of such a state of affairs without taking some action of some kind. Well, Sir, that decision having been taken, the question was what action should be taken. We now have at our disposal both the Army and the Royal Air Force. There are Honourable Members opposite who have urged us from time to time to increase the strength of our Air Force.

**An Honourable Member** : But not to murder people.

**Mr. G. R. F. Tottenham** : They would, therefore, probably agree that we are fully justified in using that Air Force, provided that we do so in the proper manner. Now, Sir, the great advantage that the tribesmen have always possessed in the past in the mountainous and remote regions that they inhabit is the advantage of inaccessibility ; and the great advantage that the air arm has given to us is that it enables us to annihilate distance and so to bring it home to the tribes that their inaccessibility is, or is becoming, a thing of the past. In suitable circumstances and with proper precautions and safeguards, the Air Force can be of inestimable value. It can save time, it can save money and it can be more humane in that it causes a smaller number of casualties both amongst our own troops and amongst the enemy. Let us now, therefore, consider the conditions in which the Air Force is always used and in which it is being used on the present occasion. I have explained these general principles before, in a debate which took place exactly two years ago today, about the bombing of a village known as Kotkai, but I think the explanation can stand repetition. Well, Sir, in the first place the Air Force can be, and is often, used for the dispersal of hostile bodies in the field. The nature of the country, it is true, makes it comparatively easy for these hostile bodies to take cover, but still effective action can be, and often is, taken against them from the air ; and, as far as I know, no objection has ever been raised to such action. In the second place, air action can be taken to carry the war into the enemy's country and to bomb the areas from which these lashkars have come. But, Sir, if ever, in the process of these operations, a village has to be bombed, it is an invariable practice to give at least 24 hours' notice. These notices are dropped in the village itself from the aeroplane and no bombing takes place until at least 24 hours after the notice has been dropped. There is thus ample time to remove women and children and valuable property from the village, and in practice, we know that the village is generally completely evacuated before the bombing takes place. In the third place, Sir, when it is a question of bombing areas rather than of bombing hostile bodies actually in the field, there is no such thing as indiscriminate bombing to which the Honourable Member opposite referred.

**Dr. Bhagavan Das** (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, on a point of information, may I ask why, after a village has thus been completely evacuated, it should be necessary to drop bombs on it ?

**Mr. G. E. F. Tottenham** : If the Honourable Member will kindly let me proceed with my speech, I will endeavour to explain that. I was saying that when it is a question of dropping bombs on an area rather than of bombing of hostile bodies in the field there is no such thing as indiscriminate bombing. Every aeroplane that goes up for the purpose of bombing an area is provided with a map on which the precise target to be aimed at is marked clearly and a photograph is taken of every bomb that is dropped for that purpose in order to see whether that target was hit or not. And that, Sir, provides a very effective check against indiscriminate bombing. Lastly,—and I will now meet the Honourable Member's point,—it is by no means always necessary or desirable to bomb or destroy houses even in a village that has been completely evacuated. A bomb or two may be dropped in the vicinity of the village merely to warn inhabitants that it is still unsafe for them to return to their habitations and so in course of time, sometimes quickly and sometimes not so quickly, the discomfort caused and economic pressure does eventually induce surrender without any serious loss of life. Now, Sir, if that form of warfare can be effective,—I do not claim that it can be always effective in all circumstances or that it is always suitable,—but if in certain circumstances that form of warfare can be effective, then I do maintain that no one can criticise it on the ground of its being inhumane. Any form of warfare which secures the object in view with less loss of life and less expenditure of money must have a great deal to commend it ; and I, Sir, for one cannot comprehend the mentality of those who profess to be horrified at the idea of killing a few of the enemy but seem to pay no attention to loss of life amongst our own Indian and British soldiers, and who see nothing monstrous in the idea of discharging a shell or a bomb from the muzzle of a gun or a howitzer up into the air and thence eventually into a village but who hold up their hands in horror when practically the same bomb is carried by an aeroplane and dropped on precisely the same target.

Now, Sir, to turn to the present operations. In the present operations the Royal Air Force are co-operating with the Army ; they are not carrying out operations on their own. The Army has advanced up the Gandab road and in co-operation with the Royal Air Force they have repelled attacks from these lashkars in the field and have inflicted a certain number of casualties. In the meanwhile, other aeroplanes have proceeded further afield and by the sort of action that I have just described they have been carrying out a blockade of the areas on which the lashkars are based. A few villages have actually been bombed, but in this case more than the usual notice has been given. The bombing notice was actually issued on August 17 and bombing operations did not commence until August 19. Moreover, in some of these villages which have been bombed particular targets have been selected,—the houses of well-known leaders of these hostile bodies. It is possible, I do not deny it, that a few casualties may have been caused in this process, but we have no official information that there have been such casualties, much less that there have been casualties amongst women and children ; and I notice that the Honourable Member who moved this motion had no definite information

on that subject himself. But the point I want to make clear is that, in carrying out blockading operations of this kind, it certainly is not the intention to cause loss of human life. To my mind, as I said before, the great value of the Royal Air Force on the North-West Frontier is that it is gradually depriving the tribesmen of the advantages of inaccessibility. As the realisation of that loss is borne in upon them, so we may hope that the corresponding advantages of accessibility will be realised and that they will begin to wish to exchange a life of adventure and disregard for order for a more orderly existence ; that they will begin to ask for proper communications and to follow peaceful pursuits. If the aeroplane could be regarded as the forerunner of the homely motor-bus,—and I am sure that all Honourable Members here will agree with me that there can be nothing more civilising or more civilised than that respectable vehicle,—then I am sure that Honourable Members opposite would not be so ready to criticise action by the Air Force on the Frontier, but instead would learn to welcome it.

**Mr. K. L. Gauba** (East Central Punjab : Muhammadan) : Sir, I think we can congratulate Dr. Khan Sahib on having found an adjournment motion which can be discussed on the floor of the House. (Laughter.) We can equally congratulate the Army Secretary on having boldly come and faced the House instead of seeking the shelter of a Viceregal veto.

The point in justification of the bombing of villages that the Honourable Member, who has just spoken, made was that adequate notice is given to these villages before bombing is resorted to. Now, Sir, I would ask him this thing. If instead of 24 hours' notice, a week's notice were given to London to evacuate before it was bombed, would the bombing of London be justified ? After all, is it only a question of notice ? If an act is improper and unjustified, according to the canons of international law or the so-called civilised law of my Honourable friend opposite, no amount of notice can make an improper act proper. (Cheers.) Sir, we had a great deal of criticism of the Germans during the war. They were described as barbarians, as Huns, as baby-killers, etc., because they dropped bombs on London. I ask, Sir, are these brave persons, who go up in a few bombs on London. I ask, Sir, are these brave persons, who sit in Simla and the Royal Air Force machines, these brave persons, who sit in Simla and authorise these acts, are they in a different category from those persons who dropped and authorised bombs on London and Belgium ? I ask, what is the difference between the two ? Is it the difference of the people and the country on which these bombs were dropped rather than the nature of the persons who dropped those bombs ? Not many weeks ago, I was in London walking in Hyde Park on a Sunday afternoon. There was a tub thumper of the British Empire Society who was haranguing an audience on the question of friendship with Germany. He was criticising the Prince of Wales for saying that we should forget the deeds of the War and make friends with the Germans. He said : " How can we make friends with these people ? How can we shake hands with these people, who dropped bombs on innocent women and children, who behaved in a barbarous manner during the War ; how can we shake hands with them ? " There was an Englishman present, not an Indian, and he stood up and said : " But all this is happening in the North-West Frontier of India ? " The policy, therefore, Sir, that my learned friend opposite has sought to defend is not a policy that can be defended. The case he has made out in justification of bombing of these villages is a very very poor case. In these villages you had not only mud huts, but you have also places of worship.

[Mr. K. L. Gauba.]

Bombs are dropped on these places of worship, and these places of worship are destroyed. What would my learned friend say if a bomb is dropped on St. Pauls? Does it make any difference if bombs are dropped on St. Pauls, or on a mosque or on a temple? You want to have one code for your own acts and another code for the acts of others.

Sir, I will not detain the House any longer. After all, we hope to censure the Government on this question. The Government may or may not take notice of it. It may be consigned to the record of the limbo of the long list of Government defeats, but, any way the civilized world will know that, so far as India is concerned, India is no party to the barbarism of bombing innocent women and children. (Applause.)

**Fandit Krishna Kant Malaviya** (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, from what little I know of the Army Secretary and from what I have heard from my Honourable Colleagues here, I think and I believe, Sir, that he is the most reasonable amongst the officials who adorn the Treasury Benches opposite.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

But I was surprised to hear from him this evening that he thought that the use of bombs was justified if that was used for the purpose of civilizing a tribe that inhabits the North-West Frontier of India. I know, Sir, that during the War, as has been just said by my Honourable Colleague, Mr. Gauba, when bombs were dropped on London, a hue and cry was raised, and soon after the War was over, this question was raised before the League of Nations whether the dropping of bombs on civil population would be justified even in wars. So far as I remember, Sir, the League of Nations decided that the dropping of bombs on civil population was a most unjust and improper thing to do. I also remember, Sir, that His Majesty's Government then and there pleaded for an exception in their favour by saying that they would be justified in the use of bombs so far as the North-West Frontier of India was concerned. What was bad for the White races thus became justified and good for us coloured people. I knew, Sir, then, that the emergency would be created and that His Majesty's Government as well as the Indian Government would always be ready with their bombs so far as the North-West Frontier was concerned. Neither the Army Secretary nor the Honourable the Mover of this motion have taken us into their confidence and told the House what was the underlying motive, what was the cause of this civilizing mission. But this much I can tell the House and the Honourable the Army Secretary, that in the year 1933, I had information from responsible friends that there was going to be a miniature war on the North-West Frontier of India. I am not prepared to name the persons, because it will be a breach of confidence, where friends meet they discuss so many things, but I am prepared to place before the Army Secretary, to prove the truth of my assertion, an article which I wrote for my paper the *Abhyudaya* in 1933, in which I said that there was going to be a miniature war in 1934 and 1935. I did not mention the North-West Frontier for I would have been hauled up in the name of Official Secrets Act. I could not then mention all the facts relevant to the raid that is being conducted, but

the printed article is there, and a reference can be made to it, and it will be seen that it referred to nothing else but what is going on today and what has been happening during the past months on the North-West Frontier. I can very well understand the Honourable the Army Secretary pleading and defending the use of bombs and proving it to be as economical as compared to that of the rifle. In this connection I might say that there is a book published in London by, I think, the Daily Telegraph Press, and the title of the book is "Tax Collection by Bombs". It is mentioned there that in Mesopotamia when these friends of ours, who are bent on civilizing the backward races of the world, wanted to realise their dues, they used to drop a notice near the defaulter's hut, giving 12 or 24 hours' notice, and as soon as that hour arrived, the aeroplane would be seen hovering in the sky and it dropped bombs on the huts of the defaulters. It did not care whether the inmates of the house were old people, whether they were women or children, whether they were confined to bed or what their condition was. My friends, here, can well realise that when these friends of ours can drop bombs for the realization of a few rupees, they would easily do much more when there is a question of making roads acquiring territory, and expansion of boundary. I am very sorry, Sir, that the Army Secretary, for whom I have a great regard, should, of all the official Members here, have taken upon himself the responsibility of laying down this principle that the dropping of bombs was the only economical and effective measure by which he could civilize the backward tribes of the North-West Frontier. I can only say that we Indians, who have a civilization of our own, can never, never fall in with his views. With these few words, Sir, I support the adjournment motion moved by my Honourable friend, Dr. Khan Sahib.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official) : I have great regard and respect for my Honourable friend, Dr. Khan Sahib, who comes from the same province as myself and for his sentiment and sympathy for the people of the North-West Frontier Province for which I have the same too. But I am sorry to say that I cannot understand the object of the adjournment motion. If it is for the sake of saving women and children from being bombed, he has not given us any figures, he has not said a word as to how many women or children were killed during the recent bombing. So far as my personal knowledge goes, there has been no such death.

**An Honourable Member** : How do you know ?

**Major Nawab Ahmad Nawaz Khan** : If there had been any private information or official communiqué or newspaper reports, I would have understood his point to be right. But I have not heard anything to show that women or children were killed. Secondly, he has not criticised the bombing system, which was discussed a few years ago in this House and it was properly replied to. If the new Members of the House want to acquaint themselves with it, they can see the debates of this House (Simla Session, 1933) and satisfy for themselves....

**Dr. Khan Sahib** : On a point of personal explanation, Sir. I have said distinctly that women and children were killed, buffaloes, cows and goats were killed, houses were destroyed, but I could not give the exact number.

**An Honourable Member** : The Army Secretary has admitted the fact.

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**Major Nawab Ahmad Nawaz Khan :** Let me take it for the sake of argument. But Dr. Khan Sahib has no personal knowledge ; he was simply informed by some irresponsible people, he himself was not there. We know that even in newspapers sometimes all sorts of lies for propaganda are published.....

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : On a point of order, Sir. The Honourable Member has no right to say that newspapers tell all kinds of lies.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : I am sure, the Honourable Member will not repeat it.

**Major Nawab Ahmad Nawaz Khan :** If the Honourable Member wishes to be satisfied by *Kissa Khani Gazette*, he must see the *Khyber Mail*. It is an English paper and not Urdu, and he can read it. Sir, so far as I know there have been no casualties amongst women and children, at all. (Interruption.) Has any Member got any extraordinary means of information ?

**An Honourable Member :** Were you in one of those aeroplanes ?

**Major Nawab Ahmad Nawaz Khan :** My Honourable friend, Mr. Gauba, has stated that 24 hours' notice or 48 hours' notice is not sufficient, and he has compared those small villages with London, the biggest city in the world.

**Mr. K. L. Gauba :** On a point of personal explanation. I said time and notice are immaterial.

**Major Nawab Ahmad Nawaz Khan :** The frontier villages are very small, and generally for the whole day the people are out, and they come back only in the evenings. 24 or 48 hours' notice is quite sufficient to warn people to save themselves, their wives and children and their property. There is one important thing to be remembered. The North-West Frontier Government does not want to bombard the villages. It is only when crimes are committed by the tribesmen that Government are compelled to take strong measures against them. There are two ways of punishing the tribesmen for their crimes, and that is, to send forces either by land or by air.

**An Honourable Member :** Or by sea.

**Major Nawab Ahmad Nawaz Khan :** There is no sea fortunately. It is for Madras and Calcutta, and for that purpose the Indian Navy is being trained. I ask this House that if the Frontier Government are compelled to take strong measures against the tribes then what course should they adopt ? There are two courses open, either by bombing or by sending forces by land.

**Mr. S. Satyamurti :** Why not make peace with them ? What is the difficulty ?

**Major Nawab Ahmad Nawaz Khan :** We do always try to make peace.....

**Mr. S. Satyamurti :** " We " ? Who are you ? Are you the Government ?

**Major Nawab Ahmad Nawaz Khan :** When nothing else avails, the last resort is to punish them. Then, as I have said, there are two ways, one is bombing and the other is to send force by land. By land

is more expensive and there is a greater loss of life both to the tribes and to the Indian army, therefore, bombing is more humane, economical, quick and effective one.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : In what way are the 24 hours' notices sent ?

**Major Nawab Ahmad Nawaz Khan :** Papers are thrown by aeroplanes and there is no other notice because people know it very well. I would ask the Chair to kindly ask the Opposition not to interrupt me too much unnecessarily.

**Mr. S. Satyamurti :** The best thing is to sit down.

**Major Nawab Ahmad Nawaz Khan :** I would ask Honourable Members not to hear one side only. They must also hear the other side from me. To punish the tribes by sending forces by land would be very costly and also would involve a greater loss of life both to the tribes and to our Indian Army, which is undesirable from economic and humane point of view. If the Honourable Members would only go there and see for themselves, they will come to the conclusion that bombing is more humane, because there is no loss of life and it is also very cheap. It is of very great advantage to India that we should save our lives and save our money.

**An Honourable Member :** Our honour does not count ?

**Major Nawab Ahmad Nawaz Khan :** If we send aeroplanes, we shall spend only one thousand rupees, whereas if we send land forces, we shall have to spend one lakh of rupees—mark the difference please. If Honourable Members like Mr. Desai will go to see the Frontier with other Congressite Members, they will request the Government to send only aeroplanes and not land forces.

**Maulana Shaukat Ali** (Cities of the United Provinces : Muhammadan Urban) : I want myself to go tomorrow.

**Major Nawab Ahmad Nawaz Khan :** In response to the request made by Maulana Shaukat Ali, I would ask him that he should also accompany Mr. Bhulabhai Desai and go to the Frontier, that there should not be two opinions which is customary with us, Indians, unfortunately.

**An Honourable Member :** Is it an offer on behalf of Government ?

**Major Nawab Ahmad Nawaz Khan :** I say that we should all go together.

**Some Honourable Members :** The Honourable Member's time is up.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : There is one minute more.

**Major Nawab Ahmad Nawaz Khan :** I must be given the advantage of too much and unnecessary interruptions that have been made. Sir, then there is another mistake which my friend, Dr. Khan Sahib, has made.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Honourable Member's time is up. As it is an adjournment motion, the Chair cannot give him more time.



**Several Honourable Members :** I move that the question be now put.

**Mr. J. G. Acheson** (Foreign Secretary) : Before the debate is ended, I should like to say a few words. First of all, I would like to say that I was very much interested indeed, for the first time, to have the pleasure of listening to the speech of the Honourable Member from the North-West Frontier Province. I must confess, however, that I was a little surprised by the general tenor of his remarks. He rather reminded me of a famous character in one of Charles Dickens' stories, a gentleman, I believe, of the name of Mr. Dick, who whatever subject of conversation was introduced could not avoid introducing into it the mention of the head of King Charles. The head of King Charles appears to the Honourable Member from the North-West Frontier Province to be some mythical creature in the shape of a Political Officer or political subordinate and it is a matter of great regret, from the point of view of accuracy of presentment of facts that the Honourable Member cannot keep this particular King Charles' head out of his discourse. I was also very interested to hear Mr. Krishna Kant Malaviya's display of his powers of prophecy or of his powers of extracting information from secret sources, information which was not known even to myself and I claim to have considerable knowledge of these matters. I should be very much interested to know in confidence what were exactly the sources of his information.

Seriously, I think it is necessary that the House should turn from the presentation of facts made by the Honourable Member from the North-West Frontier Province and listen for a little to the actual political history of the present disturbances, which have given rise to this debate—in other words the recent history of the relations of Government with the Mohmands. I would ask Honourable Members kindly to listen to these facts with a dispassionate mind and to banish all prejudice from their minds and I am sure they will agree with me in the conclusions which I reach. The Mohmands—I apologise for a little history—are one of the chief tribes in the North-West Frontier Province. They are divided roughly into the Upper Mohmands and the Lower Mohmands. The Indo-Afghan frontier through the Mohmand territory has never been demarcated, with the result that there has been a great deal of confusion regarding which of the Upper Mohmands belong to India and which to the neighbouring country. The Government of India have been engaged in warfare with these Mohmands more than with any other tribe on the Frontier, and that is saying a great deal. It was found necessary, owing to aggression by this tribe, to send expeditions into their country in 1898 and again in 1908. There were further troubles with the Mohmands in the succeeding years, and they again came to notice prominently at the beginning of the Great War, when they were the first tribe to take advantage of the hostilities in Europe to embarrass Government. This they did by invading the Peshawar district and embarking on wanton acts of aggression against the people of British India. That is a point of view which I would like Members to appreciate, as also the people of the Peshawar district, including the Honourable Member for the North-West Frontier Province. Again there were invasions in 1915 and 1917; these were carried out under the aegis of a very well-known personage known as the Haji of Turangzai. I would remind the House that these operations were carried out not in the

hills—there was no question of Government forces advancing wantonly into the hills to lift the tribal “purdah”—but in the plains of Peshawar which were invaded by these people. After these operations, the Lower Mohmands entered into closer relations with Government and entered into engagements which they have on the whole carried out with conspicuous loyalty. In the Upper Mohmand country, however, the nucleus of hostile activity remained and not only was this the centre of the hostile activities which were directed against Government and against the law abiding people of the Peshawar District but it also became the centre also of a number of desperate and dangerous outlaws wanted on charges of murder, chiefly in the Peshawar district. The more dangerous the murder, often of women and sometimes even of children, the more welcome the perpetrator appeared to be and the more friendly the asylum did he seem to receive. It would have been perhaps not quite so serious a matter if these desperate characters had remained inactive in their trans-border asylum, as does happen in other parts of the trans-border country; but they did not do so. From their centre in the Upper Mohmand country, they proceeded to make a series of raids and incursions, open or secret, chiefly into the Peshawar district, for the purpose of engaging in robberies, assassinations and abductions. These inroads continued and were a constant source of friction between the Government and the Upper Mohmands. Armed raids again took place in 1927, 1930, 1932 and 1933 and again in 1935. In 1933, in order to protect the lower Mohmands and the law-abiding people of the Peshawar district from being invaded by the tribesmen from the Upper Mohmand country, Government had to come to the assistance of the Lower Mohmands with armed force. Otherwise the lower tribes complained that they would be unable any longer to maintain their footing and would have no option but to accept the dictation of the upper tribes. The troops advanced, and a route was made at the request of the Lower Mohmands and very largely with their own labour, with their own hands,—so anxious were they to get some security from these perpetual inroads.

**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadan Rural) : Was it not forced labour ?

**Mr. J. G. Acheson** : Not at all, it was very willing indeed, as I can testify myself. The road was made and an agreement was entered into with the Upper Mohmands, very willingly on their side, after a certain amount of hostilities, that, provided the road was not carried over into their own country, they would on their side refrain from attacks against the Lower Mohmands, British India, and the new road. This state of affairs lasted until this year of 1935. This year a number of particularly atrocious murders were committed in the Peshawar district by outlaws operating from their base in the Upper Mohmand country. Government could no longer disregard this state of affairs which were becoming extremely serious, and it was found necessary to call on the Safi tribe—the tribe of the Haji of Turangzai—who were giving harbour to these outlaws and—also a very unusual thing—giving them an honoured position in their tribe, whereas the ordinary outlaw living in the tribal country has to eke out a very miserable existence there; Government, I say,

[Mr. J. G. Acheson.]

had to call on the Safi tribe to discharge its responsibilities by either turning out these outlaws or at least restraining them from their criminal activities in the district. No notice was taken, and a certain number of the Safi tribe were ultimately arrested and held as hostages by Government. The reply to this action was a descent by Badshahgul, the eldest son of the Haji of Turangzai, on the Gandab road with a lashkar consisting of contingents of Upper Mohmand tribesmen, together with some malcontents from the Lower Mohmands. The road was broken up and attacks were made on posts actually within the Peshawar district. The Ghalanai agreement, whereby the Upper Mohmands had undertaken to respect the road and to refrain from aggression on their neighbours and the District, was thereby flagrantly and wantonly broken. To repel this aggression, Government have had to move troops into the Gandab valley, and they are now engaged in operations in order to prevent a recurrence of this aggression. Honourable Members will see from this account, which I have made as brief as I can, that the whole history of this tribe has been one of wanton and repeated aggression, (*Voices of "Oh! Oh!"*), and from all this and particularly from these recent events it is quite evident—and I think the entire House will agree with me—that it was incumbent on Government to take action to remove the immediate threat to the traffic on the road, including the traffic of Upper Mohmand tribes who are the chief users of the road, and the menace to the Peshawar district. Government had to take this action, and if they had not taken this action, they would have been failing in their duty. Now it is a question whether minimum action to remove the immediate menace is sufficient or whether it is not necessary to take such action as will prevent any future recurrence of these repeated inroads—so expensive to life and property. I think in a question the other day by the Honourable Member from Madras he referred to the "cat and mouse policy" of the Government. If by that he meant that Government, instead of making what is known as "burn and scuttle" expeditions, should grasp the nettle firmly, then there is a good deal to be said for that point of view.

**Prof. N. G. Ranga :** Make an honest peace with them !

**Major Nawab Ahmad Nawaz Khan :** If they do not make peace with us, what shall we do ?

**Mr. J. G. Acheson :** The question is whether Government are really to surrender to these constant acts of aggression committed in recent years under the leadership of well-known murderers and outlaws. I have here a few details. I should like to read out an account of the activities of some of the people at present living under the Haji's patronage in this nest of outlaws in the Safi country. These are just a few at random :

" On the 27th May, 1934, Bahadur Sher of Tarnab in Peshawar District crept up behind one Aziz-ur-Rahman, with whom Bahadur Sher was at enmity, while Aziz-ur-Rahman was ploughing with another man called Nauroz. The murderers shot at both men and succeeded in killing Nauroz. The murder was particularly cold-blooded as the culprits had no enmity whatever with Nauroz, but only shot him as he happened to be a servant of Aziz-ur-Rahman. Bahadur Sher then absconded and took refuge with the Haji at Lakarai. Subsequently in September, 1934, he came down again to the Peshawar District and waylaid a Sikh marriage procession. A lorry driver was

wounded and one of the male passengers was shot dead. The womenfolk were treated mercilessly, one girl having her wrists dislocated by the outlaws while they were wrenching off her bangles."

I do not wish to take up too much of the time of the House, and I will give only two more of the instances I have marked here. One of the outlaws.....

**Mr. M. Asaf Ali (Delhi : General) :** May I know what exactly does the Honourable the Foreign Secretary mean by "outlaw" ?

**Mr. J. G. Acheson :** An outlaw is a man who has committed an offence in British India and who refuses to surrender himself to justice.

**Mr. M. Asaf Ali :** He is not a British subject ?

**Mr. J. G. Acheson :** Yes, he is a British subject.

Then, Sher Afzal (the accomplice of Nauroz already mentioned), after absconding joined the gang of the notorious miscreant Chimnai who was being harboured by the Haji of Turangzai. On 16th November, 1934, he accompanied the gang when they ambushed a police patrol killing one constable and wounding three others. Some weeks later the gang including Sher Afzal wreaked its vengeance on the whole family of a Lambardar who had helped the police, by murdering a man, a woman and a child aged 12 years, and wounding three other children, one a baby of two years. The gang then returned to the asylum afforded by the Haji.

**Prof. N. G. Ranga :** Do you swear by it all ?

**Mr. J. G. Acheson :** I have got full particulars of all these cases here. The most notorious is that of Mahmud, who last year at Mardan took a little boy into an out-house to cut his throat and then murdered two defenceless ladies while they were tending the sick. I have always heard that Dr. Khan Sahib is a man well-known and respected for his charity and humanity in the N.-W. F. Province. I believe he keeps a dispensary in which he attends to the sick free of charge. (Loud Applause.) But, Sir, from the facts which I have just recited to the House, I fear that politics have brought the worthy Doctor into rather bad company.

**Mr. S. Satyamurti :** Bad company !

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The Honourable Member has one minute more.

**Mr. J. G. Acheson :** Well, I would just say this, that it is quite clear that action has to be taken ; and I think everyone will agree that the action to be taken should be action which is the most economical of the lives of our own British and Indian soldiers and also of the tribes—people themselves ; and I think my friend, the Army Secretary, has in his speech amply established that this action involves, as an essential ingredient, the use of air power under proper regulation and control. (Loud Applause.)

**Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) :** Sir, I regret very much that in the enthusiasm of defending his position and in his very first maiden speech, if I am not mistaken, the Honourable the Foreign Secretary should have classed

[Mr. Bhulabhai J. Desai.]

us by one comprehensive name of what he called "bad company". I am extremely glad, however, that the bad company.....

**Mr. J. G. Acheson :** On a point of personal explanation, Sir, I was not referring to the Honourable Member's Party.

**Mr. Bhulabhai J. Desai :** Sir, I would not have intervened in this debate but for the fact that from our point of view this particular matter involves a question of principle, on which, though we may not have the power and the authority to enforce our views and our decisions, God willing, some day we shall do so.

The question that is involved in this is this—the propriety of the use of bombs and instruments of that character during semi-warlike or warlike operations on civil population. It is a question on which I have no doubt—and I have studied it to a certain extent—opinions have differed at many conferences including the Disarmament Conference where, if I am not mistaken, Sir John Simon was not prepared to assent to that broad proposition. It is perfectly clear and there is no doubt in the matter that there are people who stand for that view and it is, therefore, up to us who stand for that view to assert it to the extent to which we can, whether we can actually stop it or not. The issue before the House is not whether this particular expedition should have been undertaken or not. It is an entirely wrong view of the present motion before the House. In fact, on the one hand, both my honourable friends opposite and the Chair are very keen on confining us to the one particular matter—I am repeating the words of my honourable friend opposite—but when it suits them they lay themselves out as broadly as they like. Who ever wanted a discussion on this present occasion whether or not this particular expedition was justified and yet I venture within the limited time that I have got at my disposal to say that the policy on the Frontier, considering the very history that the Foreign Secretary has chosen to give to this House, is one of which we have always and constantly complained. On his own showing here is a tribe against which, from the year 1908 to the year 1935, there may have been some grounds for an expedition but more often it is just an excuse, I believe, for the maintenance of the army at the North-West Frontier as being a danger and menace to India without which the present expenditure of 58 crores cannot be justified. Once you have got an army there is always an inclination—almost a justification for its use, and I will presently point that out when I deal with the speech, the almost adroit speech, of my honourable friend Mr. Tottenham on which I congratulate him. I almost wish he had been a lawyer and not a soldier. For, indeed, the very fact that they have got this army is said to be an excuse for the purpose of what? Each time, he said, when we are within our borders, we must take under our wing a little beyond our border. If we have taken them within our wing, we must fly a little beyond that border and keep on doing that all the time. In fact, it is this talk of warfare piling up the armaments at the expense of the poor people of this country. I would not have referred to this but for the justification that was attempted by the Honourable the Foreign Secretary by giving the history this evening.

I now come to the real issue. The only issue that is raised on this motion is whether or not, according to the opinion of this House, bombing of civil population during an expedition is justified, and I believe Dr. Khan Sahib himself has said that we may not have the actual control of the direct action of the policy of the Government, because, on their own confession, they have demonstrated themselves to be first irresponsible and, secondly, demonstrated themselves on their own confession to be the agents of a foreign autocrat. That is the position they have taken up. It is a position of which I make a present to them. But the fact remains that so far as the moral responsibility of any of their acts is concerned, this House will always rise to the occasion and assert its opinion even though it may not actually be listened to. I know they have got used to these defeats. I do not know the meaning of that word. I wonder if it is this that the Government in India is going to be conducted according to their opinions and contrary to the feelings and opinions of those who are solemnly invited here as the representatives of the people and who had to undergo the immense expense of elections under the pretence of a representative Government. I hope and trust that what has become with them a habit shall be an exception in the future. I hope and trust that this Government if it is ever going to justify itself will justify itself only in exceptional matters in differing from the majority of the House. If they will not do that, then what will happen is a matter the consequences of which will be entirely on their own heads. I hope they will not be able to say that they want more and more laws—the subject of a future discussion—in order to put down the awakening of national consciousness and in order that we may not be able to assert our rights against those who choose to govern this country in this irresponsible manner.

The issue therefore is a grave one. We stand here for this principle that whatever may be the peril,—we shall always stand for a civilised principle, and, indeed, we are more civilized though we may be less scientific and less mechanised. I do claim that we are certainly more civilised. We shall certainly stand for civilized methods even if we have to enter upon a war. Therefore, we stand for the principle that even during warfare, so far as the civil population is concerned, it shall be safe from the ravages of the instruments like bombs that were attempted to be used. Now, what was the reply of the Honourable Mr. Tottenham. He said that the Honourable Members on this side wanted more aeroplanes and therefore he drew the most extraordinary conclusion that those aeroplanes must be used. I think that is the principle of the Government of India. They always say "Remember, we can always disregard it though we are not bound to do so". Therefore, the argument is this: because there are aeroplanes, therefore they must be used. If that is the argument, I hope and trust that that conclusion will not commend itself to such common sense as we possess. Therefore, the fact that we desire more air-arm for our future protection against great eventualities will not, I hope and trust, be twisted into a desire or a requirement or a request that it shall be used against women and children on the trans-Frontier tribes. In fact, he did not deny bombing of civil population. The only ground on which he justified this action was notice. Well, I am one of those who believe that this is not a matter of notice at all. If it is a matter of notice, then it



[Mr. Bhulabhai J. Desai.]

becomes a very different proposition. Then you wipe out the principle altogether. Then you admit the justification of that particular use of that arm in those particular conditions and then you leave them at the mercy of those who think what is good notice, what is notice and what is adequate notice. I am familiar with such excuses. Sir, it is practically admitted that bombing was done. All that is said is that notice was given on the 17th and the bombing took place on the 19th and that is all that is said in justification of it. Indeed, if you take out the beginning and the end of all the speeches that have been made on behalf of the Government, all that is said is this : Does this House stand for this that a notice having been given on the 17th, bombing on the civil population on the 19th is justified or not.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

There is no other issue before the House so far as I can see. That is the only justification that was sought to be given. I further say that the economy of it is no excuse. I am not one of those who believe that economy justifies means fair or foul. In fact, where is the question of economy when we are concerned. There is no economy when this country's administration or expense is concerned. There is no question of economy, but some excuse must always be trotted out and economy is now trotted out as an excuse for an act which otherwise would be held to be wrong. If the act is wrong, it is wrong and no question of economy will justify it. I, therefore, say that we are amongst those who stand for this principle that the civil population shall not be treated in the manner in which it has been done.

**Mr. G. R. F. Tottenham :** I began my speech by saying that if it were a fact that the civil population were being bombed, I should unhesitatingly have condemned it. But my whole speech was intended to show that the civil population were not being bombed, and, as far as I know, there is no evidence before the House that they are.

**Mr. Bhulabhai J. Desai :** Well, there is no evidence before the House that the civil population was not bombed, and if the civil population was not bombed, what was the point of bringing in the question of notice. It is impossible to believe that the civil population was not bombed. Why was notice necessary ? Why was notice pleaded ? To whom was the notice given ? Why was the notice given at all ? Why was it pleaded that two days notice was regarded as adequate ? I wish to say two things. I say that notwithstanding the fact that we may stand, and we are prepared to stand, any type of treatment at the neglect, at the contempt and at the rejection of every vote which we shall have the right to call for, we shall still stand and register our opinions and not only register our opinions, but make the Government of India believe that the discretionary power of flouting our opinions should not become the habit of the rulers of this land. It is against the scandalous way in which the opinions of this House have been treated during the last three months that we are here to protest ; and whether or not this expedition goes on, whether or not many more or many less women and children die by the striking of bombs, God willing, we shall not stand here in justification of such acts. We do not care whether it is economic or uneconomic to carry on a war-

fare in other ways. In my humble view, it is not justified ; in my humble view, it is merely baiting and keeping up the show that you are fighting in the Frontier if only to justify the maintenance of such a huge armament as a burden on this country. That is my humble view. The only issue I stand upon now is this, that neither economy nor notice shall be a justification for the barbarous behaviour displayed by the Government on the Frontier, and, by the vote we are going to register, we shall show to the Government that this shall not be done. (Applause.)

**Maulvi Syed Murtuza Sahib Bahadur** (South Madras : Muhammadan) : Sir, I want to congratulate both the Army Secretary and the Foreign Secretary on their having secured the services of our Honourable friend, Major Nawab Ahmad Nawaz Khan, who attempted to support the Government cause much more ably and effectively than the two Secretaries have done. So our Honourable Major deserves the thanks of the Government. Now, Sir, my Honourable friend, Major Nawab Ahmad Nawaz Khan, poses himself to be a great sympathiser of the Frontier people. Every Pathan of the North-West Frontier will exclaim : " Save us from these so-called friends and so-called sympathisers ! " Sir, on every occasion when the question relating to the North-West Frontier comes up before this House, our friend the Nawab Sahib gets up and takes delight in justifying every inhumane action on the part of the Government. The Army Secretary wanted to prove that bombing was a very effective, economic and humane action. But he failed to use superlative degree. None could have prevented him from saying that throwing bombs was the most effective and most humane action. After the able speech of the Leader of the Opposition, no speech, in my opinion, was necessary, but I participated in the debate simply to show to the House that the so-called sympathetic representative of the North-West Frontier is not at all their sympathiser, nor is he their representative and that the real sympathiser is only Dr. Khan Sahib. (Hear, hear.) Again, Sir, he said that as one of the oldest Members of this Assembly he could say and prove anything and everything which he has given expression to. But I may tell him that I am the oldest Member of the Assembly (hear, hear) and so, my Honourable friend cannot pride himself as being the oldest Member of the House which is not at all a fact. What is the meaning of his criticising the Opposition saying " you are new to the Assembly and therefore you must refer to the previous debates that took place on previous occasions on this subject " ? I submit, Sir, that every time this gentleman comes forward to justify the action of the Government however inhumane and however unsympathetic and however highly revolutionary such actions may be to the sense of humanity. But for the intervention in the debate of my Honourable friend, Major Nawab Ahmad Nawaz Khan, I would not have stood up to make these remarks. With these few observations I support the motion for adjournment so ably moved by my Honourable friend, Dr. Khan Sahib. (Applause.)

**Several Honourable Members :** The question may now be put.

**Mr. President** (The Honourable Sir Abdur Rahim) : Does the Honourable Member, Dr. Khan Sahib, wish to reply ?

**Dr. Khan Sahib :** Yes, Sir. Only for a few minutes. Sir, I shall begin my reply by saying just a word about the Foreign Secretary. He referred to the expedition of 1897. I think by that he meant the Malakand-Chitral expedition.

**Mr. J. G. Acheson :** I rise to correct a point of fact, Sir. I referred to the Mohmand operation of 1898, not the Malakand-Chitral expedition.

**Dr. Khan Sahib :** The Honourable Member referred to events after that expedition.

**Mr. J. G. Acheson :** What all I said was in connection with the Mohmand operations.

**Dr. Khan Sahib :** Well, Sir, the Government made an agreement with the Malkand tribes. I will tell you how they make their agreements with the tribes. They made an agreement with the tribes with whom they are now at war. They said in that agreement of 1897 that Government would never interfere with their internal affairs, that the Government would never go near their land. Now, you have seen it, Sir, how they have bombed Agra....

**Mr. J. G. Acheson :** With which tribes are you dealing now ?

**Dr. Khan Sahib :** Just near the Malakand. As I already said, it is all a question of foreign policy. Now the Government have made a road and they have taken their land. By this action of Government that agreement has gone to pieces. The agreement which the Government draw up is always an agreement of the oppressor. What they say must be right. There is no argument allowed and when an agreement is made, the other party has to obey it implicitly, though the Government may disobey certain parts of the agreement. It is by force that the Government enforce these agreements and the tribesmen are always dissatisfied.

Another point, to which I wish to refer, is the question of outlaws. They have got on the Frontier, the Scouts, the Militia, the Khassadars and the Frontier Constabulary : with all of them they cannot protect us from these outlaws. I say that the fault lies with the police in many cases and they are supposed to be in league with the outlaws. It is said that the police take a share in the loot of these outlaws.

**Mr. J. G. Acheson :** King Charles' head again.

**Dr. Khan Sahib :** Another thing which he referred to was about the corruption on the Frontier. He says, there is one corrupt man on the Frontier. I will ask the Foreign Secretary to think over this matter. I do not like to say things in this House which may not be true. Let the Government appoint a committee to go into the question of corruption and put me as a member on it.

**Mr. President (The Honourable Sir Abdur Rahim) :** The House is not dealing with the question of corruption in the Frontier.

**Dr. Khan Sahib :** It was the Foreign Secretary that first referred to it. The Government had appointed a committee for investigating into the corruption, and, as soon as they read my speech in the Assembly inience yet. So, Sir, I say, if the Government are sincere, they can come to an honest agreement with the tribes. I assure the Government that everything will be alright provided they use the right means, because the tribes are an honest lot, they are the most straightforward people and they are always afraid of the Political Department, who say one thing and do another. That is the difficulty.

Now, I come to the Army Secretary. I think he said that a warning was given on the 17th. I am not aware of it. In what way did they give notice ? Did they send a motor car loaded with pamphlets ?

**Mr. G. R. F. Tottenham :** The warnings were dropped from aeroplanes and they were also communicated verbally.

**Dr. Khan Sahib :** In what language was the pamphlet issued ? Who was there to read them out to the men ? They are all illiterate. Another thing is, did the Army Secretary send motor cars and aeroplanes for their luggage and babies and cattle to be removed in two days ? They have no conveyance but have to walk. They have to carry their loads on their backs.

**Mr. J. G. Acheson :** Sir, on a point of fact, they publish a newspaper in Pushtu and English.

**Dr. Khan Sahib :** I am very sorry that the Foreign Secretary does not know that the Mohmands are absolutely illiterate. He may be talking of those people who come and live in this country but there I think they cannot read anything. Of course they read the Quran but they do not understand it.

As for my Honourable friend, the Nāwab Sahib, the less said the better. He is an adopted child of the Government (Laughter) and, whether right or wrong, he must stand for his nation. But, luckily for us, and unluckily for the Government, his speeches are so self-condemned,—that it requires no answer.

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

“ That the House do now adjourn.”

The Assembly divided :

AYES—57.

Aaron, Mr. Samuel.  
Abdul Matin Chaudhury, Mr.  
Abdullah, Mr. H. M.  
Asaf Ali, Mr. M.  
Ayyangar, Mr. M. Ananthasayanam.  
Azhar Ali, Mr. Muhammad.  
Ba Si, U.  
Banerjee, Dr. P. N.  
Baqi, Mr. M. A.  
Bardaloi, Srijut N. C.  
Bhagavan Das, Dr.  
Chattopadhyaya, Mr. Amarendra Nath.  
Chettiar, Mr. T. S. Avinashilingam.  
Chetty, Mr. Sami Vencatachalam.  
Chunder, Mr. N. C.  
Das, Mr. B.  
Das, Mr. Basanta Kumar.  
Das, Pandit Nilakantha.  
Datta, Mr. Akhil Chandra.  
Desai, Mr. Bhulabhai J.  
Deshmukh, Dr. G. V.  
Essak Sait, Mr. H. A. Sathar H.  
Fazl-i-Haq Piracha, Khan Sahib Shaikh.  
Gadgil, Mr. N. V.  
Gauga, Mr. K. L.  
Ghiasuddin, Mr. M.

Ghulam Bhik Nairang, Syed.  
Giri, Mr. V. V.  
Govind Das, Seth.  
Gupta, Mr. Ghansham Singh.  
Hosmani, Mr. S. K.  
Jedhe, Mr. K. M.  
Jogendra Singh, Sirdar.  
Joshi, Mr. N. M.  
Khan Sahib, Dr.  
Khare, Dr. N. B.  
Lalchand Navalrai, Mr.  
Maitra, Pandit Lakshmi Kanta.  
Malaviya, Pandit Krishna Kant.  
Mangal Singh, Sardar.  
Mudaliar, Mr. C. N. Muthuranga.  
Muhammad Ahmad Kazmi, Qazi.  
Muhammad Nauman, Mr.  
Murtuza Sahib Bahadur, Maulvi Syed.  
Nageswara Rao, Mr. K.  
Pant, Pandit Govind Ballabh.  
Raghubir Narayan Singh, Choudhri.  
Rajan, Dr. T. S. S.  
Raju, Mr. P. S. Kumaraswami.  
Ranga, Prof. N. G.  
Saksena, Mr. Mohan Lal.

AYES—*contd.*

Sant Singh, Sardar.  
Satyamurti, Mr. S.  
Sham Lal, Mr.  
Shaukat Ali, Maulana.  
Sheodass Daga, Seth.  
Siddique Ali Khan, Khan Sahib Nawab.  
Singh, Mr. Ram Narayan.  
Sinha, Mr. Anugrah Narayan.

Sinha, Mr. Satya Narayan.  
Sinha, Mr. Shri Krishna.  
Som, Mr. Suryya Kumar.  
Sri Prakasa, Mr.  
Thein Maung, Dr.  
Umar Aly Shah, Mr.  
Varma, Mr. B. B.  
Vissanji, Mr. Mathuradas.

## NOES—44.

Abdul Aziz, Khan Bahadur Mian.  
Acheson, Mr. J. G.  
Ahmad Nawaz Khan, Major Nawab.  
Ayyar, Diwan Bahadur R. V. Krishna.  
Ayyar, Rao Bahadur A. A. Venkatarama.  
Bajpai, Sir Girja Shankar.  
Bhat, Mr. Madhusudan Damodar.  
Blackwell, Mr. J. H.  
Bower, Mr. E. H. M.  
Chapman-Mortimer, Mr. T.  
Chatarji, Mr. J. M.  
Clow, Mr. A. G.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
Desai, Mr. S. P.  
DeSouza, Dr. F. X.  
Gajapatiraj, Maharaj Kumar Vijaya Ananda.  
Ghuznavi, Sir Abdul Halim.  
Graham, Sir Lancelot.  
Griffiths, Mr. P. J.  
Hands, Mr. A. S.  
Hockenhull, Mr. F. W.  
James, Mr. F. E.

Lal Chand, Captain Rao Bahadur Chaudhri.  
Leach, Mr. F. B.  
Lee, Mr. D. J. N.  
Lister, Mr. T.  
Lloyd, Mr. A. H.  
MacLachlan, Mr. D.  
Milligan, Mr. J. A.  
Mitchell, The Honourable Mr. D. G.  
Morgan, Mr. G.  
Mukherjee, Rai Bahadur Sir Satya Charan.  
Owen, Mr. L.  
Rajah, Rao Bahadur M. C.  
Rau, Mr. P. R.  
Row, Mr. K. Sanjiva.  
Sarma, Mr. R. S.  
Scott, Mr. J. Ramsay.  
Sher Muhammad Khan, Captain Sardar.  
Singh, Mr. Pradyumna Prashad.  
Sircar, The Honourable Sir Nripendra.  
Tottenham, Mr. G. R. F.  
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 5th September, 1935.

## LEGISLATIVE ASSEMBLY.

Thursday, 5th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## QUESTIONS AND ANSWERS.

## COST OF INDIA'S DELEGATION TO THE INTERNATIONAL LABOUR CONFERENCE AND THE LEAGUE OF NATIONS.

122. \*Mr. S. Satyamurti : (a) Will Government be pleased to state the cost of India's delegation to the Labour Conference and to the League, separately, during each of the last five years ?

(b) Has any member of such delegation, being a Prince or a rich merchant, ever declined to receive travelling and other allowances from Government ?

The Honourable Sir Nripendra Sircar : (a) A statement is laid on the table.

(b) No.

Statement showing the cost of India's delegations to the International Labour Conference and the Assembly of the League of Nations during the last five years.

| Year.           | International Labour Conference. | Assembly of the League of Nations. |
|-----------------|----------------------------------|------------------------------------|
|                 | Rs.                              | Rs.                                |
| 1930-31 .. .. . | 44,449                           | 50,552                             |
| 1931-32 .. .. . | 43,918                           | 21,428                             |
| 1932-33 .. .. . | 15,111                           | 3,710                              |
| 1933-34 .. .. . | 14,967                           | 2,320                              |
| 1934-35 .. .. . | *20,900                          | †726-15-0                          |

\*Actual expenditure not available. Figure constitutes revised estimate.

†Actual expenditure not available. A sum of £2,550 has been provided in the revised estimate, and the figure shown above represents the expenditure incurred in India only.

**Prof. N. G. Ranga :** When do Government propose to review the working of the Tariff Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise out of this question.

**COST INCURRED BY THE GOVERNMENT OF INDIA IN THE TRANSPORT OF BRITISH TROOPS AND OFFICERS.**

125. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state the cost incurred by them in the transport of British troops and officers to and from India when they are joining service, or when they are retiring, or on leave, during each of the years 1932-33, 1933-34 and 1934-35 ?

(b) How much of this cost was paid to private shipping enterprise and to whom ?

**Mr. G. R. F. Tottenham :** (a) and (b). The expenditure incurred in England on the transport of British troops and officers during each of the years 1932-33, 1933-34 and 1934-35 was as follows :

|                 | Rs.       |
|-----------------|-----------|
| 1932-33 .. .. . | 49,36,080 |
| 1933-34 .. .. . | 54,67,933 |
| 1934-35 .. .. . | 59,84,000 |

Most of this expenditure represents India's share of the troop transport service which is paid for through the War Office. No figures are available of amounts paid by the India Office to private shipping firms on account of individual passages engaged by them.

The statement which I am laying on the table in reply to part (b) of the question gives the information asked for in respect of expenditure incurred in India.

*Statement showing amounts paid to various shipping enterprise on account of packet, freight and Lee concession passages.*

| Shipping Company.                   | 1932-33.  | 1933-34.  | 1934-35.  |
|-------------------------------------|-----------|-----------|-----------|
|                                     | Rs.       | Rs.       | Rs.       |
| 1. Peninsular Oriental S. N. Co. .. | 13,10,798 | 12,50,518 | 13,36,549 |
| 2. British India S. N. Co. .. ..    | 78,281    | 78,587    | 99,138    |
| 3. Orient S. N. Co. .. .. .         | 21,336    | 6,750     | 25,172    |
| 4. Ellerman's City & Hall Line ..   | 1,07,644  | 1,52,280  | 1,03,276  |
| 5. Anchor Line .. .. .              | 1,83,905  | 1,70,610  | 1,52,945  |

| Shipping Company.                           | 1932-33.  | 1933-34.  | 1934-35.  |
|---------------------------------------------|-----------|-----------|-----------|
|                                             | Rs.       | Rs.       | Rs.       |
| 6. Bibby Line .. .. .                       | 38,858    | 28,138    | 29,870    |
| 7. Henderson Line .. .. .                   | 28,845    | 11,970    | 15,246    |
| 8. Lloyd Triestine Line .. .. .             | 1,67,973  | 1,48,144  | 1,45,504  |
| 9. Imperial Airways, Ltd. .. ..             | 16,392    | 19,120    | 51,918    |
| 10. Indian National Airways Coy. ..         | ..        | ..        | 1,680     |
| 11. Canadian Pacific Line .. .. .           | 2,920     | 2,145     | 3,900     |
| 12. N. Y. K. Line .. .. .                   | 6,217     | 3,775     | 5,527     |
| 13. Blue Funnel Line .. .. .                | 54        | 7,513     | 1,640     |
| 14. Cunard Line .. .. .                     | 374       | ..        | 2,747     |
| 15. Hansa Line .. .. .                      | ..        | ..        | 1,613     |
| 16. Indian African Line .. .. .             | 560       | 1,210     | 3,549     |
| 17. Aberdeen Commonwealth Line ..           | 3,081     | ..        | ..        |
| 18. Messageries Maritimes .. ..             | 267       | 987       | ..        |
| 19. Union Castle Line .. .. .               | 1,000     | ..        | 2,812     |
| 20. Union Steamship Coy. of New Zealand. .. | 1,600     | ..        | ..        |
| 21. Indo-China S. N. Co. .. .. .            | 325       | 1,056     | ..        |
| 22. East Asiatic Line .. .. .               | ..        | ..        | 2,805     |
| 23. Dollar Line .. .. .                     | 1,063     | ..        | 4,434     |
| 24. Royal Dutch Mail (Rotterdamsche Lloyd)  | 2,389     | ..        | 4,189     |
| 25. C. S. K. Line .. .. .                   | 710       | ..        | ..        |
| Total .. .. .                               | 19,74,592 | 18,82,603 | 19,94,604 |

**Mr. S. Satyamurti :** May I take it, therefore, that no Indian shipping interest had any share in this expenditure ?

**Mr. G. R. F. Tottenham :** There is a list of about 25 different shipping companies to whom payments are made. I do not think any of them are Indian shipping companies, and that would not be so, because the traffic is between England and India.

[5TH SEP. 1935.]

EXPANSION IN THE ROYAL INDIAN MARINE AND FACILITIES FOR THE TRAINING OF INDIANS.

126. \*Mr. S. Satyamurti : (a) Will Government be pleased to state whether, and if so, what expansion in the Royal Indian Marine they are contemplating ?

(b) What facilities they propose to give for the training of Indian officers and men in connection with the defence of India at sea ?

Mr. G. R. F. Tottenham : The Honourable Member should know that the Royal Indian Marine has been replaced by the Royal Indian Navy.

(a) None at the moment.

(b) Facilities already exist at the Indian Naval Dockyard in Bombay for the training of ratings for the Royal Indian Navy. Its Indian officers receive their initial training in England, mainly at Royal Naval establishments or in Royal Navy vessels.

Mr. S. Satyamurti : How many Indians are being trained as officers at the present moment ?

Mr. G. R. F. Tottenham : I should require notice. I think five or six are under training at the present moment.

Mr. S. Satyamurti : How many of them are being trained in India and how many in England ?

Mr. G. R. F. Tottenham : All the officers are trained in England.

Mr. S. Satyamurti : Are there no facilities for training in India ?

Mr. G. R. F. Tottenham : There is no training of officers in India.

Mr. S. Satyamurti : Are there any proposals for their training in India ?

Mr. G. R. F. Tottenham : No, Sir.

Mr. T. S. Avinashilingam Chettiar : Is there no Indian who has finished his training ?

Mr. G. R. F. Tottenham : Yes. There are a good many of them who are already serving in the Royal Indian Navy. They have all been trained.

Mr. S. Satyamurti : Why are there no proposals for training in India Indian officers for the defence of India at sea ?

Mr. G. R. F. Tottenham : In order to train Indian naval officers in India, it would be necessary to establish a training centre, and that would be very expensive for the extremely small naval force that we maintain. It would not be possible to train naval officers at the Indian Military Academy at Dehra Dun, and we should have to have a separate institution at Bombay or elsewhere and the expense would be out of all proportion to our requirements.

Mr. S. Satyamurti : Is expense any consideration of the Army Department of the Government ?

Mr. G. R. F. Tottenham : Oh, yes. Constantly.

REVISION OF THE MAXIMUM AND MINIMUM CHARGES ON THE INDIAN RAILWAYS.

127. \*Mr. S. Satyamurti : (a) Will Government be pleased to state what steps they are taking for a revision of the maximum and minimum charges on the Indian Railways ?

(b) Have they received representations from the Railways expressing their desire to charge under the minimum, through the fear that they would otherwise lose the traffic ?

(c) In how many cases have they permitted the Railways to go under the minimum ?

(d) On what basis were these minima fixed and when ?

(e) Are Government prepared to associate non-official businessmen with the task of readjusting the minimum and maximum at present fixed and also of revising the classification under Railways generally, which has become obsolete ?

Mr. P. R. Rau : (a) The question of revising the Indian Railways' General Classification of Goods, which determines the limits within which Railway Administrations may fix freight rates, was referred to the Indian Railway Conference Association in 1933 for recommendations as to the statistics that should be compiled before any action could be taken to consider on what lines the revision should be based. The Association appointed a Special Committee in April, 1934, to report on the statistics that would be necessary. The report of this Committee was considered by the Association at their meeting in October, 1934, when they recommended that as an alternative to the compilation of statistics proposed which would involve an initial expenditure of perhaps about Rs. 20 lakhs, the Calcutta group of Railways should examine whether the revision could not be made on other lines with less preliminary expenditure. The point was further considered by the Association at a meeting in March, 1935, and in accordance with the recommendations then made by the Association, a Committee appointed by them met representatives of commerce, industry and agriculture at Delhi on the 29th July, 1935, for an informal discussion. Meantime, the Calcutta group of Railways are pursuing their investigation and their report will be considered at the meeting of the Conference Association in October next when their conclusions and final recommendations will be submitted to the Railway Board.

(b) No.

(c) Except as regards coal, I have not been able to trace any case in which rates for public traffic below the prescribed minima have been permitted.

(d) The existing minima of 1/10th pie in some cases and 1/6th pie in others were prescribed in 1891 ; the former was for commodities of low value and was apparently fixed as it approximated to the average cost of carrying goods on State lines at the time. The latter was for higher class goods and was the average rate then earned over State lines.

(e) It has always been the intention of Government to consult trade and commercial interests before coming to any final conclusions in regard to the revision of the classification of goods.

**Mr. S. Satyamurti :** Is there any principle observed by the Government in granting or refusing the grant of permission, and, if so, what is it ?

**The Honourable Mr. D. G. Mitchell :** The question is somewhat vague. I do not quite follow what the Honourable Member means.

**Mr. S. Satyamurti :** What are the considerations which weigh with the Government in giving or refusing permission to other countries, that is, foreign countries, outside the Empire, when they want to run aeroplanes over India regularly ?

**The Honourable Mr. D. G. Mitchell :** So far I am not aware that we have refused permission to any regular air service. So long as we have the ground organisation in working order, we are prepared to allow any foreign country to operate a regular air service across India in accordance with the ordinary International Regulations.

#### DISABILITIES OF INDIAN RESIDENTS IN SINGAPORE.

130. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state whether they have heard that the Indian residents in Singapore are not receiving proper treatment and full legal rights, and whether the Government of India ever represented this matter to the Colonial Office ?

(b) Have Government received any complaint of the inadequacy of advice and facilities given to Indians by the British Councils in Java ?

**Sir Girja Shankar Bajpai :** (a) and (b). No, Sir.

**Mr. S. Satyamurti :** Is that a technical answer (I mean no offence), or do Government say that they have no knowledge at all of the ill-treatment of Indians in Singapore ?

**Sir Girja Shankar Bajpai :** It is not a technical answer. On receipt of the notice of this question, I actually made inquiries from the Agent of the Government of India in the Federated Malay States and the Straits Settlements, and he says he is not aware of any ill-treatment of Indians. If my Honourable friend will give me any specific instances, I shall be very glad to make inquiries.

**Prof. N. G. Ranga :** Is it a fact that there are certain parks to which Indians cannot have admission ?

**Sir Girja Shankar Bajpai :** No, Sir. I have no information to that effect.

#### MANUFACTURE OF AEROPLANES IN INDIA.

131. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state whether they are aware that the progress of aviation in India is materially checked on account of the cost of imported aeroplanes ?

(b) In connection with the air defence of India has the Military Department represented to Government that it is essential that the aeroplanes should be manufactured in this country ?

(c) What steps are Government taking to promote the manufacture of aeroplanes in India ?

(d) Have Government made any enquiries whether all the materials for the making of an aeroplane are not available in the country ?

(e) In any negotiations with the manufacturers of aeroplanes, do Government propose to give equal opportunity and preference to an Indian company ?

**The Honourable Mr. D. G. Mitchell :** (a) No. It is true that the cost of aeroplanes in India is higher than in the countries of origin, but the market in India is at present so small that the cost of manufacture in India would almost certainly be prohibitive.

(b) No.

(c) The first stage in the development of a manufacturing industry is the assembly of imported manufactured components. This business is being developed both by aircraft operators in India and by agents of the manufacturing firms. With business at its present volume it would be unwise to accelerate the process artificially.

(d) The component parts of an aeroplane contain a large variety of materials which are developed to a very high standard of perfection in the course of manufacture. For reasons which I have already given, manufacture in India is not at present possible, and the only profitable line of enquiry is in connection with raw materials. An investigation into the suitability of Indian timber for use in the manufacture of aircraft is in progress.

(e) Does not arise.

**Mr. S. Satyamurti :** May I take it, therefore, that there are no negotiations contemplated with the manufacturers of aeroplanes ? I am talking of clause (e) of the question.

**The Honourable Mr. D. G. Mitchell :** There are no negotiations at present going on for the manufacture of aeroplanes in India.

**Mr. S. Satyamurti :** With reference to clause (a) of the question, have Government considered the possibility of developing a market outside India ?

**The Honourable Mr. D. G. Mitchell :** That would be even more unprofitable, when there is no market in India itself.

**Mr. S. Satyamurti :** May I take it, therefore, that we can never compete with foreign countries at some time or other ?

**The Honourable Mr. D. G. Mitchell :** As soon as the demand in India grows large enough to justify the erection of a manufacturing plant for the manufacture of aeroplanes at a reasonable cost, then, after satisfying the Indian demand, we may perhaps hope that India itself will be able to get into the position of an exporting country.

**Mr. S. Satyamurti :** Will my Honourable friend, in conjunction with his colleague to his left, develop a demand for the manufacture of aeroplanes ?

#### AMENDMENT OF THE INDIAN COMPANIES ACT.

132. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether Mr. Sen, the Special Officer in connection with the revision of the Indian Companies Act, has submitted his report ;

- (b) when this report will be published ;
- (c) whether it is the intention of Government to appoint a committee consisting of a businessman, a chartered accountant and a senior Registrar of Companies, to consider the issues and make their recommendations, on which a Bill could be framed ;
- (d) when Government propose to introduce a Bill amending the Indian Companies Act ?

**The Honourable Sir Nripendra Sircar :** (a), (b) and (d). The Honourable Member is referred to the reply given to Mr. B. Das's starred question No. 1068 on the 27th March, 1935.

(c) Government have received opinions of the Registrar of Companies, of Calcutta, Madras and Bombay, and also opinions of businessmen, and they are still receiving further opinions. Government has not yet decided whether the appointment of a Committee will be necessary.

**Mr. S. Satyamurti :** Sir, since the last answer was given, has any progress been made ?

**The Honourable Sir Nripendra Sircar :** Yes, Sir ; I believe there is another question directed to that, but I have no objection to giving the information to my Honourable friend. Since the last answer was given, we have received, not only further opinions, but certain bodies representing mercantile interests have also made certain representations to us.

**Mr. S. Satyamurti :** Are Government aware of the imperative and urgent need for the amendment of this Act, and will they be good enough to expedite it ?

**The Honourable Sir Nripendra Sircar :** I can assure my Honourable friend that I am doing my very best to expedite it, and I am losing no time over it.

**Mr. Lalchand Navalrai :** May I know, with respect to clause (d), when the report will be published ?

**The Honourable Sir Nripendra Sircar :** I have got to refer my Honourable friend to the answer given on the previous occasion. There is no intention of doing so at present. The report is purely departmental.

**Mr. Lalchand Navalrai :** May I also know from the Honourable Member if Mr. Sen has given any attention to the question of Provident Funds in Karachi ?

**The Honourable Sir Nripendra Sircar :** If there is no desire to publish that confidential departmental report, I am not going to disclose part of it by answering this question.

#### PLIGHT OF INDIANS IN REGARD TO THE CLOVE TRADE IN ZANZIBAR.

133. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state whether they have seen a copy of the views of the London Chamber of Commerce, desiring that the clove trade in Zanzibar should be run as a monopoly trade by the Clove Growers Association ?

(b) Is it true that Mr. Menon's report also has expressed an apprehension on this matter ?

(c) If this is true, are Government prepared to consider the plight of the Indian merchants who have built up the clove trade in Zanzibar ?

(d) What do Government propose to do about it ?

**Sir Girja Shankar Bajpai :** (a) The Honourable Member presumably refers to certain Press reports of an alleged resolution of the London Chamber of Commerce, criticising certain functions of the Clove Growers' Association. Government are informed that the reports are incorrect. The Chamber passed no resolution on the subject.

(b) Yes.

(c) and (d). The attention of the Honourable Member is invited to the reply given by me yesterday to his question No. 118.

**Mr. S. Satyamurti :** But, are Government doing anything to protect the rights of Indian merchants, in view of this possibility, because Mr. Menon expressed an apprehension in this matter ?

**Sir Girja Shankar Bajpai :** Sir, Mr. Menon's report was primarily concerned with what he apprehended would result from the operation of the Clove Growers' Decree, and, as I explained to my Honourable friend yesterday, at the stage when he wrote the report, it was merely an apprehension. Since then the matter has been the subject of correspondence between the Government of India and the Secretary of State for the Colonies, and the Secretary of State for the Colonies says that the local authorities say that those apprehensions have not been realised in fact ; and Government are now aiming at ascertaining the exact facts with a view to determining what action is needed.

**Mr. S. Satyamurti :** Are they in a position to say that the Clove Growers' Association has definitely dropped this proposal ?

**Sir Girja Shankar Bajpai :** I do not know which particular proposal my Honourable friend is referring to. The Clove Growers' Association was brought into being for the purpose of being put in a privileged position as regards the purchasing of cloves from the producer.

**Mr. S. Satyamurti :** Have they dropped this proposal to run this, as a monopoly trade ?

**Sir Girja Shankar Bajpai :** Strictly, in the legal sense of the words, there is no monopoly, so far as the export business is concerned, the Clove Growers' Association is exporting, and there are at least six other firms—I am speaking from memory—who are also exporting, private firms.

#### ESTABLISHMENT OF A LONDON BRANCH OF THE RESERVE BANK OF INDIA.

134. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) when they propose to establish a London Branch of the Reserve Bank of India ;

(b) on the Branch being established, whether Government propose to place the whole of their London balances with the Reserve Bank ; and

(c) what is the amount of their balances and with whom they are at present on deposit or on loan ?



**The Honourable Sir James Grigg :** (a) Government are informed by the Reserve Bank that they hope to be in a position to establish the London Branch about the beginning of October.

(b) Since the Reserve Bank assumed its full banking functions on the 1st of July, Government are placing the whole of their balances both in India and London with it and the Secretary of State's balance is being reduced to a Current Account which he maintains with the Bank of England to fulfil his statutory requirements.

(c) The amount of Government balance with the Reserve Bank can be ascertained from the statements which the latter publishes weekly. The Reserve Bank is bound to keep the Secretary of State's balance with the Bank of England at a figure sufficient to meet his requirements from time to time and has full discretion to employ the remainder as and where it pleases subject to the provisions of the Reserve Bank Act.

**Mr. S. Satyamurti :** As a matter of fact, where are they placing these balances—the balances remaining over after the minimum necessary to meet the Secretary of State's statutory requirements?

**The Honourable Sir James Grigg :** I have not the recent returns before me, but I shall be quite glad to show them to the Honourable Member and he can see quite readily how much of the balances are kept in India and how much are kept in sterling securities.

**Mr. S. Satyamurti :** Are they being kept to the best advantage of this country?

**The Honourable Sir James Grigg :** Sir, the Indian Legislature having decided to entrust the control of that sort of thing to the Reserve Bank, I must assume that the Bank will do it better than the Government of India did it in the past.

**Prof. N. G. Ranga :** Will the management of our loan policy in London be entrusted to the Reserve Bank of India?

**The Honourable Sir James Grigg :** So long as the present regime holds, i.e., until the new Government of India Act comes into operation, the Secretary of State remains responsible for sterling loans in London.

#### PURCHASE OF STORES MADE ABROAD.

135. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state the result of the scrutiny by the Indian Stores Department of indents by Government Departments sent to the London Stores Department through the High Commissioner?

(b) Is it true that the purchases made abroad are on the increase in spite of this precaution and that many items are still being purchased abroad, which are either made in India, or could be produced in India?

(c) Is it true that the rupee tender system is not strictly applied to purchases for :

- (i) the Master-General of Supplies,
- ii) the Canteen Control Syndicate,

(iii) the Chief Controller of Stores of various Railways, and

(iv) the Railway Board?

(d) If this is so, what is the reason for the departure from this system recommended by the Legislature and accepted by Government?

**The Honourable Mr. D. G. Mitchell :** (a) The information desired by the Honourable Member is contained in the Annual Administration Reports of the Indian Stores Department which are available in the Library of the House. The Report for 1934-35 will be published shortly.

(b) There was an increase in the value of the purchases during 1934-35, but there has been no departure from the Stores Purchase Rules.

(c) The Master General of the Ordnance, the Railway Board and the State-managed Railways strictly observe the rupee tender system. The Company-managed Railways are free, under the terms of their contracts with the Secretary of State, to make their own arrangements for the purchase of stores and cannot be compelled to adopt the rupee tender system, though efforts are being made to induce them to adopt it as far as possible. The system does not apply to the Canteen Contractors Syndicate, which is a private concern.

(d) Does not arise.

**Mr. S. Satyamurti :** Sir, with reference to the answer to clause (b) of the question, may I know the reason for the increased purchases abroad?

**The Honourable Mr. D. G. Mitchell :** The increase was almost entirely due to special purchases of equipment made on behalf of the Royal Air Force.

**Mr. S. Satyamurti :** With reference to the answer to clause (c) of the question—I did not hear my Honourable friend clearly—may I take it that of the four classes mentioned there, except two, all others observe the rupee tender system strictly?

**The Honourable Mr. D. G. Mitchell :** I am sorry I did not hear the Honourable Member clearly. Will he kindly repeat the question?

**Mr. S. Satyamurti :** With reference to the answer to clause (c) of the question, may I know if, of the four categories I have mentioned there, all of them observe the rupee tender system, except two?

**The Honourable Mr. D. G. Mitchell :** That is correct.

**Mr. S. Satyamurti :** May I know what are the functions of this private concern, what Departments of the Government they supply, what they supply, and what the values of their supplies are?

**The Honourable Mr. D. G. Mitchell :** I am afraid I must require notice of that question. I know nothing about the Canteen Contractors Syndicate.

#### RETURN ON THE TOTAL CAPITAL COST OF NEW DELHI.

136. **\*Mr. S. Satyamurti :** Will Government be pleased to state what return on the total capital cost (including interest) of New Delhi



they received during the years 1933-34 and 1934-35, stated as percentage on the total outlay ?

**The Honourable Mr. D. G. Mitchell :** The information is being collected and a reply will be placed on the table of the House in due course.

**Mr. S. Satyamurti :** Have Government any proposal to increase this inadequate return ?

**The Honourable Mr. D. G. Mitchell :** Can the Honourable Member ask a supplementary question on an answer which has not yet been given ?

**Mr. B. Das :** May I remind the Honourable Member for Industries that the Accountant General, in connection with the Appropriation Accounts of 1933-34 on the civil works, made out the receipts that are coming in in respect of buildings in certain areas, and that he estimated the actual returns that are coming in in respect of those buildings ? Was not the attention of the Honourable Member drawn by anybody of his Department to those remarks ?

**The Honourable Mr. D. G. Mitchell :** I suggest Honourable Members wait and see the figures given in the reply before they ask supplementaries.

**Mr. S. Satyamurti :** Are Government satisfied that they are getting an adequate return on the capital outlay on New Delhi ?

#### RETURN ON THE TOTAL CAPITAL COST OF SUKKUR BARRAGE.

137. **\*Mr. S. Satyamurti :** Will Government be pleased to state what return on the total capital cost (including interest) of Sukkur Barrage they received during the years 1933-34 and 1934-35, stated as percentage on the total outlay ?

**The Honourable Sir James Grigg :** The figures for 1933-34 are given in Account No. 33 of the Finance and Revenue Accounts for that year, copies of which are in the library. The accounts for 1934-35 are not yet ready.

**Mr. B. Das :** Is the Bombay Government paying any interest on this loan ?

**The Honourable Sir James Grigg :** The Honourable Member had better look into the account first and then put supplementary questions.

**Mr. S. Satyamurti :** Have the respective liabilities of the Bombay Government of the new province of Sind, and of the Government of India in respect of this Sukkur Barrage, been settled ?

**The Honourable Sir James Grigg :** No, but I think they are in the process of being settled.

#### NEGOTIATIONS FOR A TRADE AGREEMENT WITH THE IRISH FREE STATE.

138. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state how far the negotiations for a trade treaty have advanced with the Irish Free State ?

(b) What are the principal difficulties and objections ?

(c) Who is negotiating on behalf of the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Negotiations are still in progress.

(b) I am not yet in a position to make any statement on the subject.

(c) The High Commissioner for India is conducting the negotiations on behalf of the Government of India and under their instructions.

**Mr. S. Satyamurti :** For how long, have the negotiations been going on ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot say exactly.

**Mr. T. S. Avinashilingam Chettiar :** What is the answer to clause (b) ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not yet in a position to make any statement on the subject as to what the difficulties are.

**Mr. S. Satyamurti :** What is the latest information with reference to answer to part (c) of the question ? I am not asking about difficulties, but I want to know what is the latest stage of these negotiations.

**The Honourable Sir Muhammad Zafrullah Khan :** The latest stage is that they are progressing and correspondence is being exchanged.

**Prof. N. G. Ranga :** Do Government give any trade preference to the Irish Free State commodities ?

**The Honourable Sir Muhammad Zafrullah Khan :** The subject is being discussed and certain proposals are being examined by the Government of India.

**Mr. S. Satyamurti :** What is the regime today ? Are we giving any preference to Irish Free State goods ?

**The Honourable Sir Muhammad Zafrullah Khan :** Not so far as I am aware.

**Prof. N. G. Ranga :** Is the balance of trade in favour of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** Heavily.

#### NEGOTIATIONS FOR A TRADE AGREEMENT WITH CANADA.

139. **\*Mr. S. Satyamurti :** (a) Will Government be pleased to state how far the negotiations for a trade treaty have advanced with Canada ?

(b) What are the principal difficulties and objections ?

(c) Who is negotiating on behalf of the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The proposals of the Canadian Government are at present under the consideration of the Government of India ;

(b) I am not yet in a position to make any statement on the subject.

(c) The negotiations are being conducted by direct correspondence between the Governments of India and Canada.

**Mr. S. Satyamurti :** For how long, have these negotiations been going on ?

**The Honourable Sir Muhammad Zafrullah Khan :** For some months.

**Mr. S. Satyamurti :** When do they hope to finish ?

**The Honourable Sir Muhammad Zafrullah :** In the course of the next few months.

GOVERNOR GENERAL'S RECOMMENDATIONS WITH REGARD TO THE SUPPLEMENTARY DEMANDS UNDER THE GENERAL AND RAILWAY BUDGETS.

140. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

(a) the date or dates of the Governor General's recommendations under section 67 of the Act with regard to the supplementary demands under the General and Railway budgets for the year ;

(b) the form in which that recommendation is made ; and

(c) whether a copy of the recommendations will be placed on the table of the House, and if not, why not ?

**The Honourable Sir James Grigg :** (a) There were no supplementary demands for Railways during the current year. The Governor General's recommendation for the supplementary demands under the General budget was obtained on the 4th April.

(b) and (c). This is purely a domestic matter and there is no specific form in which the recommendation is made. I would invite reference to the ruling given by the Chair on the 30th March, 1935, that a recommendation of the Governor General for a certain appropriation of revenues need not be communicated to the Assembly in a formal manner through the Chair.

**Mr. S. Satyamurti :** What is the informal manner in which they are usually communicated ?

**The Honourable Sir James Grigg :** That is a question on which the Honourable Member has already been answered.

**Mr. S. Satyamurti :** I want to know whether the recommendation is actually made. I want to know whether the Governor General at all makes the recommendation, or whether the Members of Government simply say that he has made the recommendation ?

**The Honourable Sir James Grigg :** The Honourable Member had better put that question to the legal authorities.

**Mr. S. Satyamurti :** I want to know, for the purpose of the enlightenment of this House, whether this recommendation was actually made by the Governor General as an obligation on the part of the authorities to the Members of this House ?

**Sir Lancelot Graham :** Our position remains unchanged. The actual publication of the blue book which contains the demands is evidence enough of the fact that a recommendation was made. I think you, Sir, were satisfied at the time, but I am sorry to say that we have not been able to satisfy my Honourable friend, Mr. Satyamurti. The endorsement of the recommendation of the blue book has been made merely to comfort my friend. It is quite unnecessary constitutionally.

ALLOTMENT OF CERTAIN SHARES OF THE RESERVE BANK TO THE EMPLOYEES OF THE IMPERIAL BANK OF INDIA.

141. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

(a) whether it is a fact that certain shares in the Reserve Bank were promised to the employees of the Imperial Bank of India, before or after the allotment to the general public ;

(b) if so, how many and on what principle or authority ; and

(c) whether it is a fact that shares which are refused to the general public are being allotted to the employees of the Imperial Bank, and if so, for what reasons ?

**The Honourable Sir James Grigg :** (a) No.

(b) Does not arise.

(c) No.

CREATION OF AN ADDITIONAL POST OF SECRETARY IN THE FINANCE DEPARTMENT.

142. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

(a) whether it is a fact that an additional post of Secretary, or Assistant, or Under Secretary is being created in the Finance Department of the Government of India ;

(b) if so, for what reason ; and

(c) whether it is not a fact that a not inconsiderable share of the work of the Finance Department has been taken over by the Reserve Bank ?

**The Honourable Sir James Grigg :** The Reserve Bank of India has taken over the currency functions of the Government of India which were previously performed by the Currency Department. The work of the Finance Department of the Government of India itself has not been appreciably affected by the inauguration of the Reserve Bank.

A post of Additional Secretary in the Department was created last winter in connection with the inauguration of the Reserve Bank. This post was held by Sir James Taylor till his appointment on the 11th February last as Deputy Governor of the Bank. It then lapsed. A post of Additional Secretary was again created with effect from the 29th March, 1935, and Mr. J. C. Nixon was appointed to it in order to deal with the special financial problems which arise in connection with the

creation of new Provinces and the inception of Provincial Autonomy, all of which is, of course, new work. It has been found necessary to afford Mr. Nixon some assistance, and Mr. K. C. Srinivasan, a Class II Officer of the Indian Audit and Accounts Service, has been placed on special duty in the Department for the purpose from the 24th July, 1935, for a period of three months. It is proposed further to appoint temporarily an Additional Under Secretary to meet the growth of work in the Department.

**Mr. S. Satyamurti :** Who sanctions these extra appointments ? Is it the Finance Department ?

**The Honourable Sir James Grigg :** I am afraid I do.

**Mr. S. Satyamurti :** May I take it, therefore, that the petitioner and the judge are the same in this case ?

**The Honourable Sir James Grigg :** Unfortunately, Sir, that is only too true.

**Mr. S. Satyamurti :** For how many years have these temporary appointments been going on in this Department ?

**The Honourable Sir James Grigg :** I am afraid my memory goes back only to 15 months.

**Mr. S. Satyamurti :** All this time, they have been having extra appointments ?

**The Honourable Sir James Grigg :** Most of the time.

**Mr. S. Satyamurti :** When do Government hope to have this Department reduced to its sanctioned strength, and not have these extra appointments ?

**The Honourable Sir James Grigg :** I should have thought from the views which the Honourable Member has expressed that the Finance Department ought to be strengthened and not weakened.

**Mr. S. Satyamurti :** Strengthened by the individuals becoming more intelligent and more efficient, and not by adding to the number of officers uselessly ?

**The Honourable Sir James Grigg :** How can that be done ?

#### NEGOTIATIONS FOR THE INDO-BURMAN TRADE AGREEMENT.

143. **\*Mr. S. Satyamurti :** Will the Honourable the Commerce Member be pleased to state :

- (a) whether the negotiations for the Indo-Burman Trade Agreement have been completed ;
- (b) if not, at what stage they are at present ;
- (c) whether Government propose to place the matter before the Assembly during this session ; and
- (d) if not, why not ?

I do not want answers to parts (a) and (b), as they have already been answered.

**The Honourable Sir Muhammad Zafrullah Khan :** That is what I was going to say myself.

(c) and (d). The Honourable Member will have noticed that the agreement has been drawn up in the form of provisional draft Orders in Council. These Orders will not assume final shape till they have been considered by Parliament under the procedure laid down in sections 309 and 475 of the Government of India Act. The Government of India are, therefore, of opinion that no useful purpose would be served by these Orders being discussed in the House at this stage.

**Mr. S. Satyamurti :** Are Government of opinion that Parliament will not pay any weight to the opinion of this House, before confirming these draft Orders in Council ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have not said that.

**Mr. S. Satyamurti :** Then why do Government say that no useful purpose will be served by discussing that matter in this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** As these draft Orders in Council have not yet been issued, any opinion expressed at this stage could serve no useful purpose.

**Mr. S. Satyamurti :** May I take it, therefore, that Government propose that, after these draft Orders in Council are issued, and before they are confirmed by Parliament, this House will be given an opportunity to discuss these draft Orders in Council, and express its opinion on them ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot undertake to afford that opportunity.

**Mr. S. Satyamurti :** May I know the reasons why Government refuse to undertake the elementary duty of consulting public opinion in this country ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government have in their possession a good deal of public opinion expressed on this subject in this country.

**Mr. S. Satyamurti :** Do Government think that this Assembly is not the best authority to express the public opinion of India on this vital matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have not said that.

**Mr. S. Satyamurti :** Why, then, do Government not propose to give an opportunity to this Assembly to express its opinion on this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have explained my position.

**Mr. S. Satyamurti :** What is that position ?

**The Honourable Sir Muhammad Zafrullah Khan :** The position is that the matter is at a stage when it cannot be discussed in this House.

**Mr. S. Satyamurti :** Is it too early to discuss it ?

**The Honourable Sir Muhammad Zafrullah Khan :** There will be time enough for this House to express its opinion on the two agreements when they are issued as Orders in Council.

**Mr. S. Satyamurti :** I want to know if the Honourable Member proposes to consult this House after the agreement has been concluded and not before. Sir, you remember the history of this case. Are we to be treated in the same way again ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member, the Chair thinks, has answered that question.

**Mr. S. Satyamurti :** My question is whether Government propose to say that it is too early now to submit the agreement before this House, and they propose to submit it when it is too late ?

**The Honourable Sir Muhammad Zafrullah Khan :** The position of Government is that these agreements have been arrived at between the two Governments, and, therefore, any criticism of these agreements must wait till the question of their renewal arises.

**Mr. S. Satyamurti :** Therefore, Government do not believe in taking the opinion of this House before they make up their minds !

**The Honourable Sir Muhammad Zafrullah Khan :** They have already made up their minds and have published their views on the subject.

**Mr. S. Satyamurti :** And they cannot change their mind ?

**The Honourable Sir Muhammad Zafrullah Khan :** They can, and the House will not be too late in expressing its opinion with regard to any changes which may be suggested in those agreements.

**Mr. T. S. Avinashilingam Chettiar :** When does the Honourable Member expect to place these agreements before this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** It will be open to the House to take proper steps to discuss these agreements once they are published as final agreements.

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable Member to the left continues to interrupt by his loud conversations, the Chair cannot follow the proceeding.

#### SUGGESTION *re* IMPOSITION OF A PROHIBITIVE DUTY ON ZANZIBAR CLOVES.

144. \***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have received a representation from the Imperial Indian Citizens' Association, Bombay, on the question of the recently passed decrees by the Government of Zanzibar ;

(b) whether the Association suggested the imposition of a prohibitive duty on Zanzibar cloves so long as Indian grievances remain unredressed ; and

(c) whether Government have considered their representation, and what action they propose thereon ?

**Sir Girja Shankar Bajpai :** (a) and (b). Yes.

(c) The representation is under the consideration of Government.

**Mr. S. Satyamurti :** With reference to the answer to part (c), do I understand the Honourable Member to say that they are considering all the representations, or the suggestion contained in part (b) of the question ?

**Sir Girja Shankar Bajpai :** I referred specifically to the suggestion contained in part (b) of the question.

**Maulana Shaukat Ali :** May I know whether, in considering the position of Indian settlers in Zanzibar, Government consider the position of Indian settlers to be more important than that of the original inhabitants of Zanzibar who have been doing this clove trade for several years ?

**Sir Girja Shankar Bajpai :** The protector of the original inhabitants of Zanzibar is the Government of Zanzibar, and I, therefore, cannot answer that part of the question which relates to the protection of the interests of the original inhabitants of Zanzibar. The Government of India are the protectors of Indian interests, and those interests are constantly receiving their attention.

**Maulana Shaukat Ali :** While the Indian settlers of Zanzibar complain of being exploited by the White European Settlers, there are also the original inhabitants of Zanzibar who are also exploited. If there is any discrimination made between the Indian merchants and other European merchants, Government are justified in taking action. Is it not the duty of the Government to see that the original inhabitants are not exploited by any outsider and that their interests also are not overlooked ?

**Sir Girja Shankar Bajpai :** I can assure my Honourable friend that the Government of Zanzibar will fully look after the interests of the original inhabitants of Zanzibar.

#### INDIAN MILITARY SERVICE FAMILY PENSION FUND.

145. \***Mr. F. E. James :** (a) Will Government kindly state when the existing Indian Military Service Family Pension Fund (pre-war for regular officers of the Indian Army) was established ?

(b) What are the conditions of the Fund as to subscriptions and donations, and what are the pension and other benefits enjoyed by the families of subscribers ? When were these last determined ?

(c) When was this Fund closed to new entrants ?

(d) Do Government make any contribution to the Fund, or is it raised solely by the subscriptions of members and interest thereon ?

(e) What is the average rate of interest earned by the Fund, since it was closed to new entrants ? Has the interest thus earned been added to the capital of the Fund ?

(f) Are annual balance sheets published for the benefit of subscribers ? If not, why not ?

(g) When was the last balance-sheet published ?

(h) What is the total amount now standing to the credit of the Fund ? In what account and with what banks is that amount held ?

(i) What is the approximate present number of beneficiaries (1) actual and (2) contingent, and the total amount of pensions now being paid ?

(j) Is any actuarial valuation of assets and liabilities made periodically ? If so, what was the date and result of the last valuation ? If not, why not ?

(k) By whom and through what agency in India is the Fund administered ? Have the subscribers, as such, any direct voice or representation in the Fund ?

**Mr. G. R. F. Tottenham :** (a) 1st January, 1873.

(b) The information is available in Appendix I of Pension Regulations for the Army in India, a copy of which is in the Library. The rates of pension, etc., were last revised from 1st January, 1932.

(c) 1st January, 1915.

(d) The fund is raised solely by members' subscriptions and the interest thereon.

(e) The rates of interest since 1st January, 1915 are :

|                                            |              |              |             |
|--------------------------------------------|--------------|--------------|-------------|
| to 31st March, 1919                        | ..           | ..           | 4 per cent. |
| 1st April, 1919 to 31st October, 1928      | ..           | 5½ per cent. |             |
| 1st November, 1928, to 31st December, 1932 | 5 per cent.  |              |             |
| 1st January, 1933, to 31st December, 1934  | 4½ per cent. |              |             |
| Average annual rate 4.977 per cent.        |              |              |             |

Interest, so far as it is not required for payment of current pensions, is added to the balance each half year.

(f) Yes.

(g) In November, 1934, giving the accounts for the year ending 31st March, 1934.

(h) £6,600,369-18-10 on 31st March, 1934, the last completed year for which figures are available.

The balance forms part of the general balances of the Government of India to which contributions are credited and pensions charged.

(i) As at 31st March, 1934 :

|            |    |           |    |    |    |       |
|------------|----|-----------|----|----|----|-------|
| Actual     | .. | Widows    | .. | .. | .. | 1,592 |
|            |    | Sons      | .. | .. | .. | 205   |
|            |    | Daughters | .. | .. | .. | 1,018 |
| Contingent |    | Wives     | .. | .. | .. | 2,931 |
|            |    | Sons      | .. | .. | .. | 1,376 |
|            |    | Daughters | .. | .. | .. | 2,003 |

Pensions paid during 1933-34 amounted to £313,729.

(j) Yes, every five years. The report of the Actuary on the last valuation was published in the Gazette of India, Army Department notification No. 672, dated the 14th November, 1931.

(k) The fund is administered by the Secretary of State for India, but the accounts of receipts and payments made in India are maintained by the Controller of Army Factory Accounts. Though the Secretary of State for India in Council has reserved to himself the absolute right to

make any alterations in the regulations of the Fund, it is his practice to obtain the wishes of the subscribers before any major alteration is carried out.

**Mr. F. E. James :** May I ask whether copies of the annual reports are made available to all subscribers and beneficiaries ?

**Mr. G. R. F. Tottenham :** Yes, Sir.

**Mr. F. E. James :** In view of the fact that the fund is raised solely from the subscriptions of members and interests thereon, will the Government of India represent to the Secretary of State the desirability of early appointment of Commissioners under section 273 of the Government of India Act and the removal of the fund from the general balances of the Government of India ?

**Mr. G. R. F. Tottenham :** A reference to the new Government of India Act which the Honourable Member has quoted makes it clear that the initiative in that matter must come from the beneficiaries of the fund. It is not for the Government to take the initiative.

**Captain Sardar Sher Muhammad Khan :** Is there any scheme under the consideration of the Government of India to open this fund to officers recruited from the Indian Military Academy ?

**Mr. G. R. F. Tottenham :** Not this fund. This fund was closed in 1915.

**Captain Sardar Sher Muhammad Khan :** Will Government create this sort of fund for the regular officers of the Indian army ?

**Mr. G. R. F. Tottenham :** I have no doubt that such arrangements will be made.

#### NUMBER OF EXCESS OFFICERS AND SUBORDINATES ON STATE RAILWAYS.

146. **\*Mr. Muhammad Azhar Ali :** (a) Is it a fact that in the Report by the Railway Board on Indian Railways for 1933-34, Volume I, under the caption 'Staff', it has been stated :

" It will be noticed from the statement that during the year no appointments were made in the gazetted ranks of State-managed railways, mainly on account of financial stringency and excess of officers in certain departments in consequence of abolition of a number of posts during the years 1931-32 and 1932-33 " ?

(b) If the answer to part (a) be in the affirmative, will Government please state :

- (i) the number of excess officers ;
- (ii) the railways on which these excesses are ;
- (iii) the number of excess subordinates ; and
- (iv) the railways on which these excesses are ?

(c) If there be no excess among subordinates, will Government please state why this distinction in treatment has been made to these servants of the Crown in India ?

**Mr. P. R. Rau :** (a) Yes.

(b) and (c). Excesses existed in the superior services but were counterbalanced by vacancies in the Lower Gazetted Service ; and there

were no excesses among gazetted officers as a whole. The number of subordinates who were in excess of requirements varied from time to time. Every effort was made to absorb surplus subordinate staff but owing to the large number of such staff as compared with vacancies many of them had to be discharged.

#### INCREASE IN THE BRITISH IMPORTS INTO INDIA.

147. \***Mr. T. S. Avinashilingam Chettiar** : (a) Will Government state whether it is true that the British imports into India have increased since 1932 ? If so, by how many crores ?

(b) What are the reasons for this increase ?

(c) Is it mainly due to the Ottawa Agreement ?

(d) Have the Indian exports to Britain increased ? If so, by what amount ?

(e) Is it true that the export trade of India with other countries has suffered since the Ottawa Agreement ?

(f) If so, are Government prepared to consider the advisability of terminating the Ottawa Agreement and forming new trade agreements with other countries ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) and (d). The Honourable Member's attention is invited to the Annual Statement of the Sea-borne Trade of British India for the fiscal year ending the 31st March, 1934, Volume II, and the Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1935, copies of which are in the Library of the Legislature.

(b), (c) and (e). Government do not propose to offer an opinion on these questions pending the discussion of the results of the Ottawa Agreement which has been promised for next Budget Session.

(f) Does not arise.

**Mr. T. S. Avinashilingam Chettiar** : What is the reply to the second part of (a) ?

**The Honourable Sir Muhammad Zafrullah Khan** : All this information is available in the published statements.

**Prof. N. G. Ranga** : Is it or is it not true that British imports into India have increased since 1932 ? The Honourable Member has not given a reply to that part.

**The Honourable Sir Muhammad Zafrullah Khan** : It is a matter of figures, and the Honourable Member can make the calculation himself.

**Prof. N. G. Ranga** : The Honourable Member representing Government is expected to have made the calculation and given a direct answer to the question, whether it is true or not that British imports have increased.

**The Honourable Sir Muhammad Zafrullah Khan** : I do know the results from the information contained in the published Annual Statements just as it is possible for the Honourable Member to know the results from the same statements. It is for them to draw their own

conclusions. If the statistics say that the one is 5 and the other is 7, then they could surely make a deduction and reply that the result is 2.

**Mr. T. S. Avinashilingam Chettiar** : I want to have a definite answer, " Yes ", or " No ", to my question whether the imports have increased ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is referring him to the publications. He can find out the answer.

**Mr. T. S. Avinashilingam Chettiar** : Then, how to put supplementary questions ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Afterwards.

#### REFUSAL OF SANCTION BY THE GOVERNOR GENERAL FOR THE INTRODUCTION OF A BILL TO AMEND THE BOMBAY PORT TRUST ACT.

148. \***Mr. T. S. Avinashilingam Chettiar** : (a) Will Government state whether they are aware that Mr. L. R. Tairsee, Member of the Bombay Legislative Council, had given notice of a Bill to amend the Bombay Port Trust Act so as to secure the appointment of an Indian as the Chairman of the Bombay Port Trust and that he had asked for the previous sanction of the Governor General ?

(b) Is it a fact that the Governor General has refused to give sanction for the introduction of the Bill ?

(c) Has the Indian Merchants' Chamber, Bombay, sent up a memorandum to Government in this connection ?

(d) What reply have Government given ?

**The Honourable Sir Nripendra Sircar** : (a) and (b). Yes.

(c) Yes.

(d) A copy of Government's reply is laid on the table.

No. 232-P. & L. (5)/35.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

Simla, the 18th July, 1935.

FROM

H. DOW, ESQUIRE, C.I.E., I.C.S.,  
Joint Secretary to the Government of India,

TO

THE SECRETARY,  
INDIAN MERCHANTS' CHAMBER,  
JEHANGIR WADIA BUILDING,  
ESPLANADE ROAD, FORT, BOMBAY.

SIR,

I am directed to reply to your letter No. 1477 of the 12th June, 1935. In that letter you ask Government to define their attitude with regard to legislation recently proposed by a member of your Chamber to render compulsory the appointment of an

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LEGISLATIVE ASSEMBLY.

[5TH SEP. 1935.]

Indian to the post of Chairman of the Bombay Port Trust. You further request that measures be taken to secure that all Port Trusts in India, and the Bombay Port Trust in particular, should have a majority of Indian trustees.

2. As regards the first point, I am to point out that the reasons of the Governor General for refusing assent to the introduction of a Bill under sub-section (3) of Section 80A of the Government of India Act cannot be called in question and are not open to discussion. The Government of India, however, have no difficulty in defining their own attitude to the general question. They consider that it would be contrary alike to public policy and to the interests of the port to make a statutory provision that Chairman of Port Trusts should be appointed on racial grounds. In this connection I am also to invite your attention to Section 111 (1) of the Government of India Bill which is now before Parliament.

3. As you point out, the Bombay Port Trust Act was amended as recently as 1922 in order to give wider representation to Indian business interests. It is the policy of Government to see that, in the constitution of Port Trusts, due weightage is given to all important interests concerned in the welfare of the trade of the Port, and, so far as the elected element is concerned, Government are not aware of any recent changes in relative interests of such importance as to make a further adjustment again necessary. At the same time, there seems no reason to doubt that, *pari passu* with the progress of Indianisation in Government services, those interests which have to rely on nomination by the Local Government will be increasingly represented by Indians.

4. The considerations given above apply equally to other Port Trusts in India, with regard to which also you will realise that Government must give greater weight to expressions of local opinion than to the views of your Chamber.

I have the, etc.,

(Sd.) H. DOW,

Joint Secretary to the Government of India.

**Mr. T. S. Avinashilingam Chettiar :** What are the grounds on which sanction was refused ?

**The Honourable Sir Nripendra Sircar :** The grounds are contained in the copy of the letter which I have laid on the table.

**Mr. S. Satyamurti :** Do Government consider that, to reserve the Chairmanship of a Port Trust to an Indian in his own country, is racial ? It is never considered racial in any other country. What are the racial considerations involved in this, please ?

**The Honourable Sir Nripendra Sircar :** They are to be found in the letter which I have laid on the table.

**Mr. S. Satyamurti :** I have read that letter where it is said that to give sanction to a Bill of this kind will mean raising racial considerations. I am asking the Government for a statement of the reasons as to why they consider reserving the Chairmanship of an Indian Port Trust to an Indian in his own country will raise racial considerations. I have never heard of such a proposition anywhere in the world.

**The Honourable Sir Nripendra Sircar :** The reasons have been stated in that letter. My Honourable friend is entitled to draw an opinion opposite to that which has been drawn by others.

**Mr. S. Satyamurti :** What is the opinion of the Government of India on which they base this statement that reserving the Chairmanship of an Indian Port Trust for Indians will raise racial considerations ?

**The Honourable Sir Nripendra Sircar :** That is contained in the letter. There is nothing further for me to add.

**Mr. S. Satyamurti :** There is nothing in that letter. Zero plus Zero is Zero.

**The Honourable Sir Nripendra Sircar :** That is a matter for opinion, whether it is zero or one hundred.

DIRECT REPRESENTATION OF INDIANS ON THE FIJI CENTRAL LEGISLATURE.

149. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether it is a fact that the Central Legislature of the Fiji Islands has deprived Indians of their rights enjoyed till now in regard to direct representation on the Legislature ?

(b) Has the Indian Association approached the Colonial Office with an appeal to protect the Indian interest ?

(c) What action have Government taken in this matter ?

**Sir Girja Shankar Bajpai :** (a), (b) and (c). The Honourable Member presumably refers to a Resolution passed by the Fiji Legislative Council, recommending that for the system of election to the Legislative Council, the system of nomination should be substituted. The Indian Association, Fiji, have made representations against this proposal to the Colonial Office. The Government of India will consult the Standing Emigration Committee of the two Houses of the Central Legislature and then communicate their views to the Colonial Office.

**Mr. T. S. Avinashilingam Chettiar :** Has the Resolution come into effect ?

**Sir Girja Shankar Bajpai :** The Resolution has not come into effect. As a matter of fact, the dissolution of the Legislative Council has been postponed by one year in order to enable this question to be considered.

**Mr. Sri Prakasa :** Is it a fact that the Government of Fiji have decided to take over the municipalities of Suva and Levuka ?

**Sir Girja Shankar Bajpai :** There is a question on that subject down on the order paper. When that comes up, my Honourable friend will, I hope, get satisfaction.

BENEFIT OF POOR RELIEF TO THE INDIANS IN NATAL.

150. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Are Government aware that the Finance Minister of Natal has stated, in his reply to the recent representation by the Natal Indian Congress for the extension of the benefit of poor relief to the Indian cases, that it is not possible to introduce legislation to include Indians under the Old Age Pension Scheme which applies to Europeans ?

(b) Have Government made any representations to the Government of Natal in this matter ?

(c) If so, what is the result of such representations ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) and (c). The Minister promised to do what he could to see that some provision was made for aged and indigent Indians. No representations were considered necessary after this assurance.



**Mr. T. S. Avinashilingam Chettiar :** What is the result of the representations ?

**Sir Girja Shankar Bajpai :** They are still under consideration.

#### DEVALUATION OF INDIAN CURRENCY.

151. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Are Government aware that most of the countries of the world have been devaluating their currencies ?

(b) Are Government aware that through devaluation they have been seeking to give an encouragement to their export trade ?

(c) Are Government aware that the export trade of India has considerably suffered because of this policy of devaluation adopted by other countries ?

(d) Do Government intend to devalue the Indian currency to counteract the harm done by the devaluation of currencies by other countries ?

**The Honourable Sir James Grigg :** (a) Government are aware that the currency of some countries has been devalued.

(b) The devaluation was in most cases occasioned by the absolute impossibility of preserving the old parties and not by a deliberate act of policy having for its object the encouragement of export trade.

(c) This is a matter of opinion.

(d) Certainly not. I can imagine nothing more damaging to the true interests of India, particularly those of the cultivator.

#### DEFICIT IN THE RAILWAY BUDGET.

152. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Are Government aware that the actuals in the Railway Budget estimate for the current year are much below the estimates for the year ?

(b) What is Government's revised estimate for the year ?

(c) Do Government expect to have a deficit ? If so, by what amount, and how do they propose to meet the deficit ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) It is too early to frame a revised estimate.

(c) The budget estimates anticipated a deficit of about two crores, but they were based on the assumption that our earnings would be about three crores better than last year. As, however, the earnings for the first four months are below last year's, it is likely that, unless the position improves, the deficit in the year will be considerably more than anticipated. Any deficit that is ultimately found to exist will be met by temporary borrowings from the Depreciation Fund ; but I may add that railway administrations have been asked to reduce working expenses wherever possible and to examine every possibility of increasing revenue.

**Mr. T. S. Avinashilingam Chettiar :** Do they propose to impose a cut in salaries again ?

**The Honourable Sir Muhammad Zafrullah Khan :** There is no such proposal at present under consideration.

**Mr. S. Satyamurti :** Have Government heard from the Railway administrations, in answer to their exhortation to reduce working expenses and to increase the revenue ?

**The Honourable Sir Muhammad Zafrullah Khan :** A meeting was held between the Honourable the Finance Member, the Agents of Railways, the Members of the Railway Board and myself some time ago when this question was discussed and tentative suggestions were made. The Agents were asked to consider those suggestions in detail and any others that might occur to them or be sent to them, and the question will be more fully discussed with the Agents next October.

**Mr. S. Satyamurti :** Have Government considered the particular question of rail-road competition, in respect specially of passenger traffic ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is also one of the questions that is being considered.

**Mr. S. Satyamurti :** Have Government decided that, if there is a deficit next year, they will raid the depreciation fund again ? Have they consulted the Finance Department and have the Finance Department any voice in the matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have answered that question in reading out my written answer.

**Mr. S. Satyamurti :** Have Government come to their conclusions, after consulting the Finance Department ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government includes the Finance Department.

**Prof. N. G. Ranga :** Was the suggestion ever considered of offering better facilities for third class passengers and making third class travelling more popular ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Government have considered that.

**Mr. S. Satyamurti :** Have Government taken any steps to see that the third class passenger is made a welcome visitor, and not an unwelcome stranger who is not wanted on the railways ?

**The Honourable Sir Muhammad Zafrullah Khan :** They are constantly considering the comfort and convenience of third class passengers and making such improvements as are possible.

**Mr. S. Satyamurti :** What are the recent improvements made ?

**The Honourable Sir Muhammad Zafrullah Khan :** One of the recent improvements contemplated is a new type of third class carriage which is in course of construction and which Honourable Members or such of them as are interested will be invited to examine in the cold weather at Delhi.

**Seth Govind Das :** Do Government really know what are the difficulties of third class passengers ?



**The Honourable Sir Muhammad Zafrullah Khan :** They are being constantly told.

**Mr. Sri Prakasa :** Does not the Honourable Member think that the best way of making third class carriages popular is to ask the high officers of Government to travel third class and give them only third class travelling allowances ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

**The Honourable Sir Muhammad Zafrullah Khan :** May I answer that question, Sir ?

**Mr. President** (The Honourable Sir Abdur Rahim) : It is not necessary.

**The Honourable Sir Muhammad Zafrullah Khan :** I did travel third-class myself last March, to find out.

#### DEPRECIATION ALLOWED UNDER THE INCOME-TAX RULES.

153. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether it is true that under the Income-tax Rules, a definite sum of five per cent. is allowed on machinery for depreciation ?

(b) Is it a fact that this five per cent. is calculated on the basis that the machinery will last for twenty years, under the presumption that it is worked only during day ?

(c) Are Government aware that many of the cotton-mills, factories and others are being worked both during day and night, and yet a depreciation of only five per cent. is allowed by the Income-tax authorities ?

(d) Is it true that under the British Income-tax Law, depreciation is allowed on machineries according to the number of hours of working ?

(e) Are Government prepared to consider introducing in Indian Income-tax law the same principle allowing a depreciation according to the hours worked by the machineries concerned ?

**Mr. A. H. Lloyd :** (a) No. There is a variety of rates ranging from five per cent. to 25 per cent. but the general rate for unspecified machinery is 5 per cent.

(b) It is not a fact that the presumption mentioned by the Honourable Member has been made in estimating the probable life of different classes of machinery.

(c) Yes, except in cases where the prescribed rate of allowance exceeds 5 per cent.

(d) There is no such provision in the British law ; but I understand that in practice the Commissioners have allowed increased depreciation in the case of certain particular industries or particular mills in which unusually long hours have been worked. The industries affected do not include the cotton textile industry.

(e) Government have the whole question under consideration.

**Mr. T. S. Avinashilingam Chettiar :** On what basis is the rate of five per cent. allowed ?

**Mr. A. H. Lloyd :** Roughly on the basis that the machinery will probably last for 20 years.

**Mr. T. S. Avinashilingam Chettiar :** When a greater amount of work is done in mills, etc., as mentioned in clause (c), will Government consider a greater percentage of depreciation ?

**Mr. A. H. Lloyd :** I have answered that question in my reply to part (e) of the question.

#### RECRUITMENT OF PROBATIONERS IN THE TRAFFIC DEPARTMENT OF THE CALCUTTA PORT TRUST.

154. **\*Mr. Basanta Kumar Das :** (a) Will Government be pleased to state whether it is a fact that towards the end of the year 1929, the Commissioners for the Port of Calcutta appointed probationers in their Traffic Department in order to train them up for the officers' posts ?

(b) Were probationers in the Traffic Department of the Calcutta Port Trust appointed in the years 1930 to 1934 ?

(c) If the answer to parts (a) and (b) be in the affirmative, how many such probationers were taken in, and what different nationalities and religions do they belong to ? What are their respective qualifications and on what emoluments were they appointed ?

(d) Did the Port Trust authorities while recruiting these probationers have in view the object of absorbing them in the permanent establishment against probable vacancies which were anticipated to occur by the time the probationers completed their period of training ?

(e) What was the period of training prescribed for these probationers ?

(f) How many probationers completed their period of training in the years 1930, 1931, 1932, 1933 and 1934 ?

(g) Did any vacancy, or vacancies, occur or were any new posts created in the senior rank of Calcutta Port Trust services in the Traffic, as also in other Departments, such as Marine and Engineering, in the years 1930, 1931, 1932, 1933 and 1934 ? If so, how many of these vacancies and posts were filled up by probationers who completed their period of training ?

(h) If none of the probationers were appointed in any of the vacancies or posts in the senior rank of the Port Trust services in the Traffic or in other Departments, will Government be pleased to state the reason why they were not appointed ?

(i) Is it a fact that of the candidates from all over India who applied for appointment as 'Traffic Probationers' on that occasion, those who were, after a preliminary elimination, asked to appear before a Board for final selection were paid second class fare from their respective stations to Calcutta and back ? If so, how many of the candidates living outside Calcutta were granted interviews, and what was the amount spent on their travelling allowances ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) Eight probationers were appointed in 1934.

(c) A statement containing the information asked for is laid on the table.

(d) Yes.

(e) Three years with the possibility of the period being extended to four years.

(f) 1930 and 1931—none.

1932—Six.

1933 and 1934—none.

(g) and (h). Vacancies in senior ranks did occur, but none of these were filled by probationers as they were not qualified to fill senior posts. No new posts were created in the senior ranks of the Traffic Department. Traffic probationers had no qualifications for posts in the Marine and Engineering branches.

(i) Yes. Twenty-six candidates were interviewed. Second class fares to and from Calcutta were given to candidates who came from outside Calcutta, but it is not possible now to give the total amount spent on travelling allowance, as a detailed investigation of old records would require to be made, involving an expenditure of time and labour that would be entirely incommensurate with the value of the results obtained.

*Statement showing the qualifications, nationality, etc., of the probationers recruited in the Traffic Department of the Calcutta Port Commissioners.*

PROBATIONERS APPOINTED IN 1929.

| Educational qualifications. | Nationality.       | Religion.  |
|-----------------------------|--------------------|------------|
| B. A. .. ..                 | Indian .. ..       | Hindu.     |
| Senior Cambridge .. ..      | Anglo-Indian .. .. | Christian. |
| B. Sc. .. ..                | Indian .. ..       | Hindu.     |
| Senior Cambridge .. ..      | Anglo-Indian .. .. | Christian. |
| B. Sc. .. ..                | Indian .. ..       | Hindu.     |
| B. Sc. .. ..                | Indian .. ..       | Muslim.    |
| Senior Cambridge .. ..      | Anglo-Indian .. .. | Christian. |

PROBATIONERS APPOINTED IN 1934.

|                        |                    |            |
|------------------------|--------------------|------------|
| B. A. .. ..            | Indian .. ..       | Hindu.     |
| B. A. .. ..            | Anglo-Indian .. .. | Christian. |
| B. A. .. ..            | Indian .. ..       | Sikh.      |
| Senior Cambridge .. .. | Anglo-Indian .. .. | Christian. |
| Matric .. ..           | Indian .. ..       | Hindu.     |
| I. A. .. ..            | Anglo-Indian .. .. | Christian. |
| B. A. .. ..            | Indian .. ..       | Hindu.     |
| Senior Cambridge .. .. | Anglo-Indian .. .. | Christian. |

All 15 probationers were appointed on a salary of Rs. 100—50—200 per mensem.

**Mr. Basanta Kumar Das :** With regard to part (i) of the question, how many of those who came from outside were appointed ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have no information at present : if the Honourable Member is anxious to have the information, I shall obtain it for him, if it is readily available.

MOTIONS FOR ADJOURNMENT.

INTERESTS OF INDIANS CONCERNED IN ZANZIBAR.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have received notice of a motion for adjournment from Pandit Govind Ballabh Pant : he proposes to ask for leave to move for an adjournment of the business of the House today with a view to discuss a matter of urgent public importance, namely, the extension of the moratorium by the Zanzibar Government and the failure of the Government to safeguard the interests of Indians concerned in Zanzibar. Have Government anything to say in the matter ?

**The Honourable Sir Nripendra Sircar** (Leader of the House) : If I might make a submission.....

**Mr. F. E. James** (Madras : European) : May I rise to a point of order ? It has been unfortunately quite impossible for Members on this side of the House to hear what the adjournment motion is on. I wonder, Sir, if you would be so kind as to explain to us what the motion is.

**Mr. President** (The Honourable Sir Abdur Rahim) : I will read it again : there is already a notice of an adjournment motion regarding the accoustics of the House. But I shall read out this motion again : it is that the business of the House be adjourned for the purpose of discussing a matter of urgent public importance, namely, the extension of the moratorium by the Zanzibar Government and the failure of the Government to safeguard the interests of Indians concerned in Zanzibar.

**The Honourable Sir Nripendra Sircar** : Sir, I say that if the matter is forced on us today, I have certain objections : but I am proposing a course which can only be sanctioned by the Chair : I understand my Honourable friend has no objection to it or rather he would like it : I have no objection to this matter coming on on Monday, reserving to myself the liberty to raise such objections as I may be advised—such objections as I might have taken today. I find that the Chair has power to do that and it has been done on previous occasions. If you agree with this course, you might let this stand over till Monday, because there is some chance of our coming to some kind of arrangement : if it is not, then the motion could be disposed of then.

**Mr. President** (The Honourable Sir Abdur Rahim) : It is very unusual to adjourn a motion of this sort for several days : I know what has been done before : it has been taken up the next day or the day after—so far as I can recollect : but, so far as I am aware, there is nothing in the rules to prevent me from doing it, and if the Honourable Member, who has given notice of the motion, has no objection, I shall take it up on Monday, and I shall hear any point of order or any objection that may be raised then.

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I have no objection, and I expect that the occasion for raising objections will not arise.

#### ACOUSTICS OF THE ASSEMBLY CHAMBER IN SIMLA.

**Mr. President** (The Honourable Sir Abdur Rahim) : As regards the other motion, several complaints have been made to me regarding the acoustics of this House : we are all familiar with the difficulties of making ourselves heard to the more distant parts of the House. This is a difficulty which has been experienced all along, and the matter has been under consideration whether anything can be done to improve the position, and I am hoping that before the next Session at any rate something will have been done and that the Government will help the Assembly in this matter. In the meantime, I may announce to the Members of this House that if any Member who is sitting far away wishes to speak, he may come closer to the seats available lower down.

**Pandit Lakshmi Kanta Maitra** (Presidency Division : Non-Muhammadan Rural) : What about hearing, Sir ? What about those who want to hear the Honourable Members sitting in front ? We want a ruling in respect of that.

**Mr. President** (The Honourable Sir Abdur Rahim) : Nothing more can be done now.

#### ELECTIONS OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ AND THE STANDING COMMITTEE FOR ROADS.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that upto 12 noon on Wednesday, the 4th September, 1935, the time fixed for receiving nominations for the Standing Committee on Pilgrimage to the Hedjaz and the Standing Committee for Roads, one nomination for each of the Committees was received. As there is only one vacancy in each of the Committees, I declare Khan Sahib Shaikh Fazli-Haq Piracha and Pandit Lakshmi Kanta Maitra to be duly elected to the Standing Committee on Pilgrimage to the Hedjaz and the Standing Committee for Roads, respectively.

#### THE CRIMINAL LAW AMENDMENT BILL.

**The Honourable Sir Henry Craik** (Home Member) : Sir, I must begin.....

**Sardar Sant Singh** (West Punjab : Sikh) : May I rise to a point of order in this connection ? The copy of the Bill that was introduced in this House some days back contains a mere reference to certain sections of the Criminal Law Amendment Act of 1932. May I know if Honourable Members of this House wishing to propose certain amendments to the various sections—will those amendments be directed to the Act which has not yet expired or will the amendments be directed with reference to the clauses there ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That question does not arise at present : when the time comes, the Honourable Member can raise his point.

**The Honourable Sir Henry Craik** : I was going to say that I owe an apology to the House for the somewhat unintelligible form of the Bill which I am asking it to take into consideration. But that is the worst of amending and consolidating Bills, that they are not intelligible unless they are read in connection with the original Acts. I have, however, made arrangements that copies of the original Acts, that is the Emergency Press Act of 1931 and the Criminal Law Amendment Act of 1932, should be placed in the hands of Honourable Members, and I hope that those are now in the possession of all Honourable Members.....

**Some Honourable Members** : Not all Members : only half.

**The Honourable Sir Henry Craik** : I can only regret that, but I have done my best, and I think probably more copies will be available today. Meanwhile, I might venture to suggest that if Honourable Members would follow my observations by the Act of 1932, they will, I think, be able to find them intelligible.

The House is aware that the Criminal Law Amendment Act, passed in 1932, expires about three months hence. The Bill which I am now asking the House to take into consideration proposes to renew most but not all of the provisions of that Act. It adds nothing new to that Act. I am very conscious that in inviting the House to share the responsibility of renewing those provisions I am asking it to undertake a very real responsibility ; but I would ask the House to believe that we should not have made this request had we not been honestly convinced that we should have been false to our own responsibility if we had decided to take what would obviously have been a far easier course.....

**Sardar Sant Singh** : What is the motion before the House ?

**The Honourable Sir Henry Craik** : I will move it at the end of my speech : I was saying that we would have been false to our own responsibility if we had decided to take what would obviously have been a far easier course and decided to discard the weapons which the present Act provides for dealing with movements which threaten the peaceful progress of India.

**Sardar Sant Singh** : What is the motion before the House ?

**The Honourable Sir Henry Craik** : The motion before the House is that the Bill be taken into consideration. I can move it at the end of my speech.

**Sardar Sant Singh** : In that case, I will be deprived of the opportunity of raising my point of order.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is the usual practice.

**Sardar Sant Singh** : If he moves it at the end of his speech, then I cannot move.....

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the Honourable Member's point of order ?

**Sardar Sant Singh** : My point is that there is no proper Bill before the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then the Honourable Member ought to have objected at the introduction stage.

**Sardar Sant Singh :** The convention is not to oppose a Bill at the introduction stage. Now, there is no proper Bill before the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the meaning of "no proper Bill before the House" ?

**Sardar Sant Singh :** My submission is that the Bill is framed in such a way,—for instance, I will read clause 2 of the Bill. It says :

"Sub-section (3) of section 1 and sections 2, 3, 4, 6, 8, 15, 17 and 20 of the Criminal Law Amendment Act, 1932, are hereby repealed."

Then, clause 4 says :

"In sub-section (4) of section 1 of the Criminal Law Amendment Act, 1932, the words and figures....."

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the objection ?

**Sardar Sant Singh :** My objection is that, during the Second Reading stage, if Honourable Members of this House wish to propose certain amendments, it will not be possible for them to do so in the absence of the wording of the clauses that are not given in the Bill itself. We cannot, of course, be expected to propose amendments to the sections of an Act that has not yet expired.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair does not think that is a proper objection.

**Sardar Sant Singh :** Sir, the Act has not expired yet.

**Mr. President** (The Honourable Sir Abdur Rahim) : All the Chair can say at present is that the Honourable Member must make his best attempt to frame any amendment he likes, and, if he finds any difficulty, he can ask for a ruling from the Chair as to whether the form adopted by him is in proper form or not.

**Mr. Mohan Lal Saksena** (Lucknow Division : Non-Muhammadan Rural) : I rise to a point of order, Sir. At page 27 of the Legislative Manual of Business and Procedure, in paragraph 76, it is stated—I am referring to the proviso at the bottom of the page :

"Provided that no such motion shall be made until after copies of the Bill have been made available for the use of Members, and that any Member may object to any such motion being made unless copies of the Bill have been so made available for three days before the day on which the motion is made."

My objection is this, that the motion is being made today, and three days before today copies of the Bill were not made available.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair understands copies of the Bill were placed on the table on the morning of the second.

**Mr. Mohan Lal Saksena :** No doubt, a copy of the Bill was made available on the morning of the second, but my submission is this, it is not three days, and the Bill is not complete by itself, because it relates to another Act which is made available only today, and only a few Honourable Members have got copies.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair does not think there is any substance in the point of order. The Bill was made available on the morning of the second.

**The Honourable Sir Henry Craik :** The Act of 1932 was admittedly directed mainly, but not entirely, against the Civil Disobedience Movement. In putting it before the House in 1932, Sir Harry Haig made it quite clear that Government had in mind not only the Civil Disobedience Movement, but two other threats to peaceful progress, namely, terrorism and Communism. To these I would like to add what now seems to be an even more dangerous threat, and that is the baneful shadow of communal dissension. That evil is, to our deep regret, becoming day by day a graver menace to the peace of the country. It is against these three dangers, terrorism, Communism and communal unrest, as well as against Civil Disobedience, that the existing Act provides most necessary safeguards, and we should be acting contrary to our convictions, and, in our view, endangering the peace of the country, if we had decided to relax these safeguards so long as the triple menace in question is still in existence....

**An Honourable Member :** Quadruple.

**The Honourable Sir Henry Craik :** Triple, I think.

**An Honourable Member :** Civil Disobedience.

**The Honourable Sir Henry Craik :** I am coming to Civil Disobedience. As regards Civil Disobedience, it is, of course, accepted that the movement has been suspended. I have the highest authority, that of the Congress President himself, for the statement that while it has been suspended, it has not been stopped.....

**An Honourable Member :** Thank God.

**The Honourable Sir Henry Craik :** But certain manifestations of that movement have now been quiescent for a long time, and it is for this reason that we have decided to drop those sections of the existing Act that are directed particularly against such manifestations, but at the same time we cannot ignore the possibility that there may be a revival of Civil Disobedience in the comparatively near future. That is another possibility in addition to the triple menace to which I have referred which we have constantly to bear in mind.

Sir, before coming to the actual details of the Bill, I think I owe it to the House to explain why my motion is for consideration and not for reference to a Select Committee. For one thing time is an important consideration, though not, I quite admit, the conclusive consideration, but my main reason for not suggesting that the Bill should be referred to a Select Committee is the fact that while we are dropping certain provisions of the existing law, we are not adding in any way to the existing law,—our Bill includes nothing whatever that is new. Now the provisions of the existing law have of course been before the country for the last three years, and all interested in the question, directly or indirectly, must be familiar with those provisions. The existing Act was discussed at very great length in this Assembly in 1932. The discussion lasted, I think, for no less than 19 days, apart from the discussion in the Select Committee. In these circumstances, we do not consider that it is desirable or necessary that this Bill should be committed to a Select Committee to be considered in detail. We think it preferable that consideration should take place before a Committee of the whole House.

Sir, the first operative clause of the Bill is that which repeals certain sections of the Criminal Law Amendment Act of 1932, and perhaps the

[Sir Henry Craik.]

most important and certainly the most contentious of these is the sub-clause which repeals the sub-section of the Act of 1932 which limited the duration of that Act to three years, or, in other words, the sub-clause which proposes to give permanency to those measures which we suggest should be retained. The House will, of course, expect some justification of that proposal. It may be argued, and no doubt will be argued, that if the Act of 1932 was limited in its duration to three years, why should it be now considered necessary to make part of the Act permanent? In the first place, I would like to remind the House that the Act of 1932, when introduced in the form of a Bill, was designed to be permanent. It was only in its passage through the Select Committee that Government accepted the proposal that its duration should be limited. Events have proved, in our view though I have no doubt not in the view of Honourable Members opposite, that the period given was not, in fact, long enough. Then there is the general consideration that temporary legislation designed to counter subversive movements must have this unsatisfactory feature, that it encourages those who are promoting such movements to cherish the hope that the time will come when their unlawful activities can be resumed. There is no inducement for them to drop plotting and planning for the future. There is, in fact, no inducement for them to bring about what we so ardently desire, and that is a change of heart. On the other hand, a permanent Act can always be repealed if the Government and the Legislature are satisfied that it is no longer required. Now, Sir, that of course is a general consideration with which no doubt all will not agree. And it is not really our primary or main reason for proposing to give this Bill permanency. Our main reason is that of the three dangers to which I have referred, terrorism, communal unrest, and the communist movement, it is impossible to foresee any reasonable period of time within which, at any rate, the first two of these will not be a serious menace to the public peace. The terrorist movement has now been in existence for over thirty years, and though I admit that there has been some improvement recently in this respect, at any rate in Bengal, partly owing to the sterner measures adopted to deal with it, and, partly, I gladly acknowledge, owing to the revulsion of public opinion against the movement, yet the movement is still active and is still drawing recruits and it is impossible at present for us to relax any of our more important precautions. In the last three or four months, there have been several murders and attempted murders—I am speaking of India as a whole and not only of Bengal.....

**An Honourable Member :** Including Jubbulpore.

**The Honourable Sir Henry Craik :** .....and numerous other instances pointing to the conclusion that terrorist conspiracies are still in being. In the north of India we have reason to think that there has been within the last few months a distinct revival of terrorism. As regards the second grave danger, I mean communal unrest, I regret that I can recall no time within my long experience of India when tension has been more acute.....

**An Honourable Member :** So long as the third party remains.

**The Honourable Sir Henry Craik :** .....and more widespread, nor I think any time when all thoughtful opinion, both official and non-official, has been more apprehensive of the future.

**An Honourable Member :** Is not the Communal Award responsible for it? (There were other interruptions also.)

**The Honourable Sir Henry Craik :** I would ask Honourable Members not to interrupt me.

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member is making a serious proposal, and the Chair hopes Honourable Members will listen to what the Honourable the Home Member has to say without interrupting him.

**The Honourable Sir Henry Craik :** I have dealt with terrorism and communal unrest. As regards the third menace, the Communist movement the danger of that movement is one which, I think, is not perhaps fully appreciated by the general public. And that is, of course, very natural. It is not for obvious reasons possible for us to publish all the information we obtain about that movement, but I can assure the House that it is a movement which is becoming steadily and increasingly active and that it is a serious threat, not merely to Government, but to the whole fabric and organisation of society as at present constituted. I will, if the House will allow me, amplify that point at a later stage in the course of my remarks.

I have given very briefly our reasons for making this measure permanent. I do not propose to examine the question of permanency in relation to each individual clause; that would hardly be within the scope of a second reading speech. But I would like to emphasise this. The Bill is intended as a safeguard against revolutionary and subversive movements generally, and in particular, against the three imminent dangers to the public peace which I have described. As regards none of these dangers can we foresee at present any reasonable time when we can safely relax our precautions.

I will now deal with individual clauses of the Bill. To begin with, as I have said, recognising the fact that Civil Disobedience is in abeyance, we are proposing the repeal of five sections which deal with particular forms of the illegal manifestations of that movement. The first is section 2—I am referring throughout to the Act of 1932. We propose to repeal section 2 which deals with the offence of dissuading from enlisting in the Army, Navy, Air force or Police service, section 3 which deals with inducing or attempting to induce public servants to fail in their duty, section 4 which deals with the boycott of public servants, section 6 which makes penal the dissemination of false rumours, and section 8 which confers power on the Courts to compel the parent or guardian of a young person convicted of certain offences to pay the fine inflicted. All these provisions are proposed to be repealed. We propose to retain section 5 which, as I explained at the introduction stage, fills an obvious gap in the ordinary law. That section makes it penal to republish, in whole or in part, a document which has once been proscribed.

Now I come to section 7, a more important section than any of those with which I have dealt already. Section 7 deals with the offence of picketing. It is proposed to retain this section and also to retain the provision that it does not automatically come into force in any area but comes into force only when it is notified by the Local Government. It might, of course, be argued and perhaps will be argued that picketing was a form and indeed one of the principal forms of the Civil Disobe-

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dience Movement. We recognise that that movement is in abeyance, that picketing by promoters of that movement has been stopped, but that is not the reason why we are seeking to retain this section. Every Local Government or practically every Local Government, every Administration in India has stressed the necessity for its retention, for although it is perfectly true that picketing was started as part of the Civil Disobedience Movement or anyhow became a very prominent feature of the Civil Disobedience Movement, it is what I feel I must describe as an evil legacy left by that movement, which has been adopted as a regular method of expressing opposition to Government or opposition to any private persons with whom the picketers happen to differ on religious, political or economic grounds. I will develop that point in a moment but in any case picketing is undoubtedly a form of intimidation and a grave invasion of private rights. As my predecessor said, the public must be protected against this particular form of tyranny. To illustrate what I said just now about picketing having been adopted as a regular method of expressing opposition either to Government or to private persons, I have information to show that picketing is now constantly employed in strikes, more particularly in strikes of Communist origin, and that when so employed it almost invariably leads to violence. Section 7, the section which we propose to retain, has actually been found most useful in dealing with that form of picketing, quite apart from the Civil Disobedience Movement, particularly in Bombay and in Nagpur. In Burma, picketing of an intensive type is a very common feature of school strikes and rapidly becomes intimidation in an extreme form. In the Punjab too this feature has been present. Picketing was employed there only recently in a strike by the students of a Hindu technical institution, not a Government institution. The strike was directed not against Government in any way but against the private persons who were the managing body of that institution. There was another case of picketing in a Government Engineering College which certainly did lead to force and violence. I have rather an interesting story to tell the House as to this form of the use of picketing. In Amritsar there were two rival cinema houses, situated close together, and the proprietor of one of those houses managed to get hold of a particularly popular film, an Indian film. The proprietor of the other house saw all his clientele going day after day into the rival house. So he decided that that would not do at all. He spread about rumours that the film in question contained several gross insults to the Islamic religion and he hired men to picket the rival Cinema house. That went on for several days. The police had to be called in. There were several assaults and so far as I remember there was a really grave danger to the public peace. The movement was put down only by dealing with the picketers under this section. Eventually a small committee of leading and respected Muslims was appointed to undertake a private censorship of the film. They said that there was nothing whatever in the film that could be claimed even by the wildest stretch of imagination to contain any sort of insulting reference to Islam. It was merely a trade dodge to prevent people going into the rival cinema house.

Sir, the experience of every province has been that picketing almost invariably leads to disorder and violence even when it was employed by people who nominally follow the creed of non-violence and that, I think, is sufficient justification for the retention of section 7.

I need not detain the House for more than a minute or two on the next two sections which are of comparatively minor importance and which it is proposed to retain with a few small consequential amendments. The offence of picketing will continue to be cognisable and non-bailable. This is essential, because persons, who are exposed to picketing, have very seldom in our experience the courage to institute complaints. Section 11, another section which is to be retained, gives the Government of India, as opposed to Local Governments, power to declare an association an unlawful association. That was a provision of the original Act of 1908 but it was dropped when the Act was amended in 1922. It is obviously a matter of convenience that in the case of associations of an all-India character which it is necessary to declare unlawful the declaration should be by the Government of India.

Next I come to an important and, I admit, a very controversial section, that is section 13 of the present Act of 1932. That was the section that added six new sections to Act XIV of 1908, the Act which gives Government power to declare associations to be unlawful. The new sections gave Government power to notify and take possession of places used by unlawful associations, to take possession of moveable property found in such places, and to forfeit the funds of such associations. Now my broad general case for the retention of these powers is as follows. If you admit that Government should have the power of formally declaring as unlawful certain associations, certain subversive movements, then I claim that that power should be of an effective nature, that is to say, it should be sufficient to enable Government to bring to a halt the activities of the association which has been declared unlawful. The Act of 1908, without these additions, has been found in practice to be of comparatively little use. It only makes possible the institution of proceedings against individuals either for being members of the unlawful association or for assisting in its activities or in its management. Without these additions, the Act gave no practical power of suppressing the association itself; and in the case of dangerous subversive movements, I submit that what you want, what is really a more effective and indeed humane remedy, is not to prosecute individuals but to suppress the association. Assuming that the revolutionary movements which I have spoken of continue, then it is our case that Government will remain under the duty of countering such associations, and this, we consider, can only be effected if Government has the power to seize their headquarters and to confiscate their funds. Remember that such headquarters have only one purpose, and that is an unlawful purpose. These powers will be specially useful, in our judgment, in dealing with Communist associations—and there are many such associations operating secretly and underground. Their literature, their propaganda and their stock-in-trade are often secreted in carefully concealed headquarters. They are, to our knowledge, receiving regular and steady remittances of money from abroad; and although it is not easy to lay hands on such remittances, the knowledge that we have the power to do so at any rate closes the ordinary channels of communication and adds to the difficulties of the organization. It is, moreover, likely to deter people from subscribing to such movements.

I am well aware that the use of the special additions made by the Act of 1932 to the Act of 1908 has been criticized; the use of these sections has been criticized especially in regard to their application to



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Congress organizations. Now, I am not at the moment going to defend their use ; it would hardly be relevant, but I want to point out that those powers have frequently been used in the past against unlawful associations completely distinct from and having no connection with Congress. They have been used against terrorist organizations and latterly against several Communist bodies, and I believe in Burma against a number of associations connected with the recent disastrous rebellion.

Sir, I have spoken more than once of Communism, and I have said that it is a growing danger the seriousness of which is perhaps not generally appreciated by the public. Perhaps I may be allowed at this stage to amplify those remarks, because Communism is one of the three subversive movements against which this Bill is directed. The movement, as I have said, works underground, in India at any rate, and the average citizen knows comparatively little about it. But those of us who have had the chance of studying its methods and its literature are left in no kind of doubt that it aims at bringing about, as quickly as it can, an armed revolution. That revolution is to be brought about—I quote their own words—“ by the armed insurrection of the widest possible masses of the working class, the peasantry, and the revolutionary petty bourgeoisie ”. The movement is, of course, aimed against all forms of what is broadly described as “ imperialism ”, but it is even more hostile to the political aims and methods of the Honourable gentlemen opposite. (Laughter.)

**An Honourable Member :** Not hostile to yourself ?

**The Honourable Sir Henry Craik :** The Communist movement condemns the objects and aims of the Congress Party root and branch, and it seems to be specially hostile, curiously enough, to the left wing of the Congress—to what is generally known as the Congress Socialist Party, which in a very recent publication it described as “ having the aim of drawing the oppressed and exploited masses to its side under the show of sham socialist promises ”. Its latest pronouncements are absolutely opposed to any alliance, any form of alliance, with any section of the Congress. Its object is—here again I quote its own words—“ to be a completely independent political organization of the vanguard of the working classes, carrying on a merciless struggle both against Imperialism and against Bourgeois National Reformism ”, that is, against the Congress movement. (Laughter.) The first step in its struggle is to be the organization of political general strikes, and from that it is of course an easy step to an armed rising of the masses, with the object of sweeping away, not only the Government but the whole fabric of society as now constituted, including of course eventually all religions and all the great social structures which in this country are based on religion. At the moment the objects of the Communist Party are directed especially towards a general strike ; and with this object it is trying—I am glad to say not very successfully—to capture the genuine trades unions. What the genuine trades unions themselves think of the Communist Party, I have ample evidence to show. They are perfectly alive to the danger, and in some cases have expelled from their unions people who are avowed Communists. (Interruptions.) In one case an important Railway Union, one of the largest, I believe, in India, expelled the Communists from its body,

and the General Secretary of the union issued a statement which I should like to quote. He said :

“ We have now come to realise that these organisers (*that is the communists*) are not primarily interested in the immediate work of the genuine trades unions. Belonging as they do to the communist school of thought and openly professing the communist philosophy involving undisguised preaching of violence, they were primarily interested in exploiting the union for their specific objective. We find them giving the slogan of a general political strike in season and out of season, when we definitely know that the workers in their present disorganised condition cannot be effectively mobilised to a strike even for their own economic demands.”

He added :

“ Many of the branches strongly protested against the activity of these Communist workers and the headquarters of the union have been called upon to disown and denounce their policy.”

Now, Sir, surely nobody can deny that that is potentially a most dangerous movement. Remember that it is financed largely from outside India. There is a regular traffic, I am sorry to say, of young Indians being sent to Moscow for training in Communist and revolutionary methods.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Question !

**The Honourable Sir Henry Craik :** I am absolutely sure of my facts, and I can quote instance after instance. It is absurd to say “ question ”. Some of these young men actually found their way back to India and are actively engaged in propagating the Communist doctrine of violent rebellion.

Now, Sir, I leave that subject and come to what is probably the most controversial part of what I fear is likely to be an extremely controversial Bill, and that is sections 14, 15 and 16 of the existing Act, which continued in its present form the Emergency Press Act of 1931. We propose that those provisions should be continued. Now, on this subject of the history and activities of the Indian Press I have an almost embarrassing amount of material and I have had considerable difficulty in picking and choosing what I should place before the House today. I think, however, that it is desirable that I should begin by briefly reminding the House of the recent history of press legislation. In 1910 a Press Act was passed which was broadly, though not in details, on the lines of the Act now in force, that is to say, the Emergency Act of 1931. It enabled security to be demanded and in certain cases to be forfeited and so on. That Act was passed in 1910 and continued in force till 1922 when it was repealed. After its repeal for a period of about eight years, that is until the promulgation of the first Ordinance of April 1930, the only control that could be exercised over the Press was under the ordinary law, that is the Indian Penal Code and the Criminal Procedure Code. The experience of those eight years showed that the ordinary law was entirely insufficient to stop inflammatory writings of the most dangerous description in support of terrorism, in praise of terrorist murderers and in the most violent incitement to communal hatred. I think a collection of extracts has been circulated or is going to be circulated to Honourable Members to illustrate that and I will not weary the House with extracts now. I hope at a later stage of the debate other speakers may have an opportunity of amplifying this point and may also have an opportunity of describing how for those eight years a large section of the Press—I do not say, of course, the whole Press but I must say that it was an important section of the Press—was

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devoted to encouraging terrorism and to praising terrorist murderers. I would only like to read to the House one little extract to show that my view is shared (or was shared) in a somewhat unexpected quarter. The extract is from an article published on the 28th of May, 1931, and the writer said :

" I have before me extracts from journals containing some gruesome news, that is, communal incitement, gross misrepresentation and incitement to political violence bordering on murder."

The writer of those lines, Sir, was Mahatma Gandhi himself and the article appeared in his paper *Young India* on the 28th of May, 1931.

Now, I have said that, apart from encouragement to terrorism in those eight years in which the press was under no control, there was steady fomentation and encouragement of communal hatred by a certain section of the press. The House will remember that in April, 1926, there were very serious communal riots in Calcutta which lasted, so far as I remember, for some months off and on. In 1927 the Bengal Government reported that since the riots of April, 1926 :

" Almost every Indian newspaper, forgetful of the larger issues at stake, completely lost its balance and ranging itself uncompromisingly on the side of dissension proceeded to fill its pages with the most provocative articles and to indulge in the most extravagant and biased accounts of alleged incidents. Naturally, the result of this irresponsibility on the part of the Press, together with the equally irresponsible references of a number of prominent Indians, was to spread discord and unrest throughout the mofussil."

The same thing was happening at the same time in the Punjab, where I was then working. Throughout 1926 and in the early part of 1927 the communal situation was most serious and it culminated in severe riots at Lahore in May, 1927, when 27 persons were killed and about 300 wounded as a result of mob violence. Shortly after these riots, the Punjab Government reported as follows :

" It is notorious that many weekly and daily newspapers depend for their circulation on the publication of matter deliberately designed to increase communal hostility and that there exists a considerable class of pamphleteers and cartoonists who thrive by the dissemination of such matter. It is generally admitted by those in close touch with the journalistic profession that the more exaggerated are the stories to which they give currency and the more alarmist the rumours which they spread, the greater is their sale."

That is the sad part of it. It is done only for pecuniary gain. The letter went on to say :

" Attacks on religious leaders are by no means the only stock-in-trade of these journals, nor are they the monopoly of any one community. Vilification of historical personages is another common feature. Thus, abuse of Shivaji appears in Muslim papers, while Timur, Aurungzeb and Mohammad Bin Kasim are frequently held up to obloquy in Hindu journals. Several papers make it a practice to quote obscene passages, especially those dealing with sexual relations, from the scriptures of the opposite religion and the social habits of the different communities are constantly held up to ridicule."

Now, Sir, that was the situation which led up to the promulgation of the first Press Ordinance in April, 1930. The situation was, of course, aggravated by the launching of the Civil Disobedience Movement and the Ordinance was necessitated partly by that but mainly by the very dangerous situation that had by then arisen in regard to terrorism. The Ordinance was promulgated in April, 1930, and expired towards the end

of October of the same year. Within one month of its expiry inflammatory writings were again appearing in the Press and, of course, the Ordinance having expired there was no means left but the ordinary law from checking them. Writing on the 13th December, 1930, that is, about six weeks after the expiry of the Ordinance, the Punjab Government reported :

" Since the Indian Press Ordinance of 1930 lapsed the tone of the Indian-edited newspapers in the Punjab has steadily deteriorated and recently articles of such virulence have appeared as to indicate that the ordinary law has no terrors for editors who are bent on creating disaffection against Government. Since the expiry of the Ordinance prosecutions under section 124-A of the Indian Penal Code have been ordered in two cases and proscriptions in two other cases on account of articles published in the newspapers. But these are only extreme cases where the law has been manifestly broken. Apart from such cases there is a daily flood of articles on the border line, all of which are calculated to arouse disaffection, although they may not be of sufficient virulence to make it worth while to prosecute."

Only 19 days after the lapse of the Ordinance, a Bihar paper published the following poem which is a rough translation :

" Set fire to every house "  
 " Stir up life everywhere "  
 " Allow the breast to be riddled by gun shot "  
 " Drive out the country's enemies "  
 " Dye the cloth with your blood "  
 " Destroy the British rule "  
 " Let the head hang on the gallows "  
 " Throw away the foreign goods."

**An Honourable Member :** What is the name of the paper which published this poem ?

**The Honourable Sir Henry Craik :** I had better not mention the name of the paper. All the other Local Governments similarly reported a rapid deterioration in the tone of the Press and the publication of articles which would have come within the provisions of the Ordinance had it been in force. The Bengal Government, for instance, said :

" Many papers threw off all pretence of opposition to violence. Several papers openly expressed sentiments of approval of the Chittagong Armoury Raid. The *Swadhamith* features an article entitled ' Bravo Chittagong '. An attempt on the life of Sir Charles Tegart passed almost un-noticed, such sympathy as there was being almost entirely for the assassins, one of whom was killed by his own bomb. The assassinations of Mr. Lowman and Lieutenant-Colonel Simpson were condemned so half-heartedly as to leave no doubt as to the insincerity of the writers, while the murderers were praised."

That was the situation when the second Ordinance had to be promulgated in December, 1930. It was necessitated by the complete and rapid deterioration of the Press all over the country in every Province, practically immediately the first Ordinance lapsed. The second Ordinance lasted till the 6th March, 1931, when all the Ordinances were withdrawn after the Pact. Then, again, from March, 1931, till October of that year, a period of about seven months, there was no further control over the Press other than the ordinary law, but unfortunately any hope that the extremist Press would observe a reasonable amount of restraint was disappointed. In all Provinces there was once again an immediate and steady deterioration. In Bengal direct or indirect approbation of terrorism in the Press gained in volume and boldness of expression. Apart from the open glorification of terrorist murderers there were constant histories of revolution



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in different countries and of the lives of revolutionaries, constant poems extolling revolutionary activities in language designedly obscure and professed condemnation of terrorist crimes, coupled with the praise of the self-sacrifice and idealism of the terrorist murderers :

“ There can be no manner of doubt ”,

—the Bengal Government wrote at that time, that was in 1931,—

“ that this elevation of cowardly murder to the plane of heroism and the criminal's expiation of his crime to that of martyrdom had an enormous effect in inciting immature and sentimental minds to follow the example of these so-called patriots. There is no possibility that better counsels will prevail or that the more sober and saner section of society will have any influence in restraining the Press. It is true that there has been a slight improvement in the local Press in the last few days, but this is attributable solely,.....”

—this, I think, is significant,—

“ to fear bred of talk and rumour that the Press Ordinance is to be revived.”

Thus, in the periods from 1922 to early 1930, in November, 1930 and in March and April, 1931, similar causes produced exactly similar effects.

So much for past history of Press legislation. I have shown, I think conclusively, from the experience of no less than three periods, that whenever the control of the Press has been relaxed there has been in certain sections an immediate and dangerous deterioration in its tone. It is idle to argue in face of these incontrovertible facts that all sections of the Press are actuated by a proper sense of responsibility. But the point I wish to make is this, that responsible and properly conducted newspapers which do not indulge in such writings have nothing to fear from this law.

Now, there is one other point in this connection and that is the complete inadequacy of the permanent laws embodied in the Indian Penal Code and the Criminal Procedure Code to restrain the undesirable activities of the Press. I quote again from a letter of a Local Government dealing with this very point :

“ The power of proscription under section 99-A of the Procedure Code is of little avail because the objectionable matter is already published and in circulation before Government can take action. In fact in some cases proscription merely gives an undesirable advertisement to the document which is proscribed. Action under section 108,”.....

—that is the security section of the Criminal Procedure Code,—

“ and prosecutions under sections 124-A and 153-A ”.....

—that is, for promoting communal hatred,—

“ are rendered fruitless by the employment of dummy editors, publishers or printers who are put up for prosecution while the actual person responsible cannot be touched by the law. This practice was not new in 1927.”

This practice is a very old one and has been I believe common in Bengal so far back as 1907. In the north of India during the eight years that there was no control over the Press it became in the case of these gutter journals a regular practice :

“ While proceedings under the Criminal Procedure Code or the Penal Code are frequently protracted, there is nothing in the existing law to restrain the offending press or newspaper from republishing the very matter which is the subject of prosecution.”

Actually to my personal knowledge there is nothing which some of the lowest class of journals welcome more than a criminal prosecution.

Only the dummy editor goes to jail, and the more protracted the prosecution, the greater is the advertisement and the higher goes the circulation of the paper. In the Punjab in the year 1926,—that was when there was of course no special law,—prosecutions under section 153-A, i.e., for incitement to communal unrest, were instituted against the editors of seven newspapers, three being Muslims, two Hindus and two Sikhs. In the first eight months of 1927,—that was when communal unrest was extremely bad and the House will remember that there was a serious communal riot in May, 1927,—the Punjab Government proscribed 11 newspapers and eight books. During the same period 17 papers were warned and proceedings taken under section 153-A of the Indian Penal Code or section 108 of the Criminal Procedure Code against these newspapers. These proceedings, however, had little or no effect in restraining the dissemination of undesirable matter. The Punjab Government's letter went on to say :

“ At the present moment (August, 1927), the tone of the vernacular press as a whole is probably more virulent and more obscene than at any time since 1922.”

That was the year when the Press Act was repealed :

“ The power to proscribe publications that offend.....is of little practical use in the case of newspapers, for objectionable articles can obviously only come to the knowledge of Government after publication, and once a newspaper has obtained two or three hours' start the mischief is done.”

Then, the letter went on to deal with what I have said was a common practice, and I am afraid still is in some cases, of employing dummy editors, and I should like the House to listen to this quotation because it shows how this practice renders the common law of the land entirely futile :

“ Within a short period as many as 10 successive editors were registered for the *Siyasat* of Lahore. The *Zamindar* has in recent years been warned no less than 14 times ; and about a dozen separate prosecutions under the Penal Code have been instituted, most of which have ended in conviction. In not one of these prosecutions, however, was it possible to proceed against the real editor and proprietor. On each occasion a dummy editor had been the victim. Only a few days ago on the arrest of such a nominal editor under section 153-A.....a man who is illiterate and totally blind has been registered as editor of the journal. Similarly on the recent conviction of the editor and proprietor of the *Muslim Outlook* for contempt of court in respect of an article commenting on a High Court judgment, the nominal editorship of this daily paper passed to a man who was formerly a railway guard and later a member of a gang of currency notes forgers, who has escaped conviction by becoming an approver. The present editor of a Sikh newspaper which is now being prosecuted under the Indian States (Protection against Disaffection) Act, 1922, is an *ex-convict*, a barber by caste, who was for a time a *syce* in a labour corps and was sentenced to imprisonment for desertion. Nearly all the worst vernacular journals have dummy editors of this type, most of them being *ex-convicts* for whom imprisonment is no real deterrent.”

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : We are all *ex-convicts* on this side.

**The Honourable Sir Henry Craik** : Then imprisonment has no terror for you also. But you don't forge currency notes.

As regards the press provisions I want to emphasise the point that we have no desire whatever to throttle criticism even of the most vigorous kind, provided it is not based on malicious lies and false rumours. The Act is not directed and has not been used against responsible newspapers or presses. It has been used, I claim, with moderation and restraint. I will not quote figures now but no doubt they will come up later in the debate.

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So much, Sir, for the Press Act. I do not think I need trouble the House at this stage with any observations on the remaining sections of the Act of 1932 as none of them are really of any great importance.

Sir, I have endeavoured to present the case for my Bill as dispassionately as possible. I have endeavoured to justify its provisions in no offensive spirit. I am extremely grateful to the House for the patient hearing which they have given me. I should like, before I sit down, to repeat my hope that the debate which will follow will be conducted, though I know it must be controversial, without undue heat or undue bitterness. Many Honourable Members will no doubt differ from us but I would ask them at any rate to give us credit for acting on our sincere convictions. We have to bear in mind two main considerations, we have to keep before us two objects which we think it our duty to pursue. The first is that we have to hand over to the new Governments which are very shortly coming into existence an administrative machine provided with the necessary means of countering the subversive and disruptive forces which may attack it. The new Governments will, as I see the future, be probably more sensitive to the more subtle and dangerous forms of agitation than the present Governments. In particular I fear that they may find more difficulty in dealing effectively with dangerous situations arising out of communal strife. It would obviously be unfair to deprive them at the outset of their career of weapons which we have found indispensable and to place on them the odium of having to forge such weapons anew.

The second object which we conceive it our duty to pursue is this. There is a large section of the population of this country which really has very little interest, if any, in political movements of any kind. All up and down the country there are millions, even in the constituencies represented by Honourable Members opposite, there are millions of quiet decent people with but little interest in national development, who take no part, if they can help it, in any form of agitation. (Interruptions.) I think Honourable Members might allow me to conclude without interruption.

✓ **Some Honourable Members :** Please go on.

✓ **The Honourable Sir Henry Craik :** All that these people ask for is to be allowed to pursue in peace "their lawful occasions", to enjoy freedom and toleration in their possessions and freedom and toleration in the observance of their religion. To these innumerable and voiceless millions what is called in cant phrase "countrywide agitation" of any kind usually entails a certain amount of suffering and misery, either economic or domestic. From being drawn into such suffering it is the duty of Government to protect these people.

Sir, my final word is this : that the object of this legislation is not to crush the spirit of nationalism. That spirit we are doing our best to develop on peaceful and orderly lines. (Cries of 'Oh !' and Opposition laughter.) While we pursue that object, we must keep before us the words of a very wise statesman, the present Prime Minister of England :

"The price of liberty is eternal vigilance, and it is our duty to keep the State steady at a point where liberty is neither curtailed by untoward restrictions nor abused by unseemly licence."

✓ Sir, I beg to move :

"That the Bill to amend the Criminal Law be taken into consideration." ✓

**Mr. President :** (The Honourable Sir Abdur Rahim) : Motion moved :

"That the Bill to amend the Criminal Law be taken into consideration."

There was a notice from the Honourable Member, Mr. Gauba, that he intended to move an amendment, to refer the Bill to a Select Committee : the Chair understands the Honourable Member does not wish to move it.

**Mr. K. L. Gauba** (East Central Punjab : Muhammadan) : No, Sir : I do not wish to move it.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

✓ **Mr. S. Satyamurti :** Mr. President, the Honourable the Home Member, whose absence from his seat I regret, in his opening speech the other day, as well as today, appealed for the elimination of bitterness from this discussion. I think, Sir, I can promise him in advance that, so far as in us lies, we shall do our best to avoid all bitterness. But, Sir, he claimed that he introduced this Bill on behalf of the Government of India, with a very real sense of responsibility. I want him to believe, Sir, that when we oppose the consideration of this Bill, we do so with an equally serious sense of full responsibility. If today, Sir, we are to run this Government, we shall have no use for this Bill at all. We are absolutely confident that we can govern this country peacefully and in its best interests, without the help of this Bill. He also wanted us, Sir, to believe that they were honestly convinced that this Bill was necessary. I again want him to believe that we are equally honestly convinced that this Bill is not in the best interests of this country. Nearly a generation ago, Mr. President, Lord Morley, the then Secretary of State for India, wrote to Lord Minto, the then Viceroy, "for intractable blindness to all the signs of the times give me a certain sort of high Indian Civilian", and, I think, Sir, for a generation now, the Honourable the Home Member has remained stationary, not only sartorially on his own admission, but also mentally ; and today, we have the same phenomenon of purblindness to all the signs of the times ; otherwise, I cannot understand why, if they have passed the Government of India Act with a flourish of trumpets saying that Swaraj is on the horizon, they should introduce this Bill. A sane but not very progressive Viceroy, Lord Minto,—I read this in Lady Minto's very interesting book "India, Minto and Morley",—said :

"As to repressive legislation, it is all important that it should precede your announcement of reforms in Parliament. I am most anxious that we should get our disagreeable work over, before your announcement is made. We must give the medicine first, and then do all we can to take the case away. If we were to follow up your announcement with stiff legislation and deportation, we should make a fatal mistake. The taste of the last dose would remain in the patient's mouth."

I commend the last sentence to the Honourable the Home Member and his advisers.

[Mr. S. Satyamurti.]

Then, Sir, in answer to a point I raised about the prepublication of the contents of the Bill in the *Statesman*, the Honourable the Home Member categorically and with some temper, I was sorry to note.....

**The Honourable Sir Henry Craik** : No, no.

**Mr. S. Satyamurti** : I accept the correction,—stated that the Government had two categories of press in this country, the “friendly” and the “unfriendly” press, and they would use the friendly press for their propaganda and look askance at the unfriendly press.....

**The Honourable Sir Henry Craik** : I did not say that.

**Mr. S. Satyamurti** : You did not say that, but you meant it, and I want to commend to him a piece of advice which a very ancient man, Maricha, gave to a very ancient Rakshasa, Ravana :

*Sulabhā purashā rājan satatam priya vādinah,  
Apriyasya tu tashyasya vaktā shrotācha durlabhah,*

I will translate it for the Honourable the Home Member :

“Men who talk pleasant inanities are plenty, but those who speak the truth, be it pleasant or unpleasant, are very few, and those who listen to that truth are fewer indeed”;

and I would suggest to my Honourable friend, the Home Member, that, after that admission,—I am very glad the Honourable the Law Member appreciates it, and I hope, Sir, he will act on that, in his dealings with the Government and talk the unpleasant truth, and not the pleasant untruth.

**The Honourable Sir Nripendra Sircar** (Law Member) : I have always done that.

**Mr. S. Satyamurti** : Sir, I suggest to my friend, the Home Member, that when a Member of Government says “I look upon one section of the press as friendly, and upon another section as unfriendly”, he is giving away the entire case for any confidence being reposed in the Government to administer the Press Act impartially. On their own showing, all editors of presses are not equal in their eyes. Some of them are black, some of them are white, some of them, I believe, are black and white in their eyes ; and, therefore, I say that this attitude of the Government is proof positive that the Press Act is a dangerous weapon in the hands of this Government.

Sir, the ugliest feature of this Bill is the cool, audacious assertion that it shall remain permanently on the Statute-book ; and in trying to justify that, Sir, the Honourable the Home Member said temporary legislation against subversive movements encourages the hope that those movements may be resumed. Now, Sir, the Honourable the Home Member evidently believes in only one method of dealing with these movements, namely, attempting to suppress them, but I suggest to him that, from the political philosophy and history of his own country, there is another, saner, better and more effective method of dealing with these movements, and that is, to remove the causes which cause these movements. (“Hear, hear” from Congress Party Benches.) And, so long as the Honourable the Home Member believes that he can suppress these movements, he will find he is grossly mistaken, if he does not adopt ameliorative measures to remove

the causes entirely. I congratulate, Sir, the Honourable the Home Member on having paid the Mahatma the sincerest form of compliment by adopting his phrase “change of heart”. Now, I want to know whether there is any change of heart on the part of this Government when, after having made an Ordinance for six months, after having enacted a law for three years, they now come and say : “We want a permanent measure on the Statute-book”.

Then, my Honourable friend said that it is impossible to see any reasonable period of time within which terrorism, communism or communal menace may come to an end. On that matter, I desire to make two submissions. The Honourable the Home Member read a series of extracts. I listened to them very carefully, and I think I am right in saying that all those extracts came from Bengal or from the Punjab.....

**The Honourable Sir Henry Craik** : There are plenty of them from other provinces.

**Mr. S. Satyamurti** : I know my Honourable friend's resources are unlimited, but he thought that, for the purpose of proving his case, those extracts were enough. I take him at his word.....

**The Honourable Sir Henry Craik** : No.

**Mr. S. Satyamurti** : Should I not take you at your word ?

**The Honourable Sir Henry Craik** : I did not wish to weary the House with more extracts.

**Mr. S. Satyamurti** : You chose the most important, the most significant, and the most dangerous.

**The Honourable Sir Henry Craik** : The most telling.

**Mr. S. Satyamurti** : Therefore, so far as the Honourable the Home Member's sense of values is concerned, the danger is very great in Bengal and in the Punjab. The danger is admittedly, I put it at the lowest, not so great in other provinces. Now, I want to put it to him that, in Bengal, they have a special Act which they have passed recently into law, I believe, for another period of five years, and there are many other Acts besides this permanently on the Statute-book. The same is the case in the Punjab. I want to know why, when these two provinces are supposed to be particularly criminal and when in those provinces there are special Acts, an all-India permanent Act should be sought to be placed on the Statute-book. As for communal troubles I do not want to say a word which will make a bad situation worse. But I do suggest to the Honourable the Home Member to lay his hand on his heart and to say to himself and not to us, whether this Government have done all that they can to promote communal peace and harmony in this country, whether they have not on the whole played the game, sometimes successfully, sometimes unsuccessfully, of pitting one community against another. I, therefore, think that, if the communal situation is not better than what it is, part at least of that responsibility must lie at the doors of this Government.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : It will end with them.

**Mr. S. Satyamurti** : Therefore, it seems to me that there are no valid reasons given for making this measure permanent. For that one reason

[Mr. S. Satyamurti.]

alone, we should oppose this. The Honourable the Home Member's predecessor, Sir Harry Haig, in the course of more than one speech on this Bill in the last Assembly said, "The origin of the Bill is Civil Disobedience," "So long as the movement continues we must have these powers". And in the Statement of Objects and Reasons of this Bill you will notice in paragraph 2 the first sentence reads as follows :

"The Civil Disobedience Movement is at present in abeyance. Government have, therefore, decided not to continue the provisions against those forms of intimidation which were a special feature of that movement, namely, etc."

I do suggest to the Honourable the Home Member that, if he is to go by the statements of his predecessor he should not have introduced this Bill, and I suggest to him the wise words of a statement :

"When a political emergency becomes the normal state of affairs, the time has definitely passed for dealing with it either by executive decree or by legislative enactment. The question, then, is of ameliorative and conciliatory statesmanship."

Then, Sir, we had a few words from the Honourable the Home Member which showed deep and grave concern for the future of the new Governments to be established in this country. The Honourable the Home Member's heart is overflowing with sympathy for these unfortunate new Governments, and, therefore, he must put this weapon on the Statute-book in order to help them start the administration peacefully. What are these new Governments ? On the Government's own showing the new Governments in the provinces are going to be fully responsible Governments, Governors' safeguards being there merely for the sake of being there, and never going to be used. If there is a little of sincerity in that claim for these new Governments, I put it to my Honourable friend that he should show that sincerity by allowing these Provincial Governments to administer these provinces on their own responsibility. Law and order are supposed to be, under the Government of India Act, provincial transferred subjects, for which there will be Ministers responsible to the provincial Legislatures. I want to know why the Honourable the Home Member thinks that he must give a free gift of this Bill to the provincial Ministers, when they have to start their work under the new reforms. And I suggest that the Ministers can be trusted to deal with the situation, with a full knowledge of their own responsibility. Moreover, I want to point out, if I may, that unlike under the present Government of India Act, under the new Government of India Act there are at least seven authorities who can make emergency laws besides the Legislatures,—the Governor General, all the Governors, the Ministers, and so on, and so forth. Therefore, even if an emergency arises, there is ample statutory provision under the new Government of India Act. The real reason, may I suggest, is this, that they contemplate the Government of this country by means of safeguards, and, therefore, in order to protect these autocratic Governors and the Governor General, they want this Bill on the Statute-book, in order to stifle public opinion in the Press and on the platform. Otherwise, I can see no justification for this measure at all. Again, whenever we ask questions here on any matter, even of an all-India importance, if it is technically Local Governments', the questions are over-ruled.—I am not questioning your ruling at all, Mr. President, I am merely drawing a lesson from it—on the ground that they are questions which primarily concern the Local Governments. Do

not law and order primarily concern Local Governments ? Why should the Government of India be so anxious to pass this all-India legislation ? Is it not inconsistent with the spirit of the so-called provincial autonomy ?

I hope that even this Government have not yet become wholly impervious to public opinion. I would ask my Honourable friend, the Home Member, to tell me, apart from Local Governments, what public opinion is in favour of this Bill ? Which associations have sent memorials to the Government in support of this Bill ? Have any public bodies supported this Bill ? Has any Indian newspaper supported this Bill ? For whom are you enacting it ?

**An Honourable Member :** The *Statesman*.

**Mr. S. Satyamurti :** What is this idea of naked autocracy ? Why do you want to enact the law in the teeth of all relevant public opinion ? And, I submit, public opinion is the most relevant consideration in a repressive measure of this extensive kind. I will read the words of a man, whose authority even this Government dare not question on the floor of this House :

"This Bill is a mere copy with certain provisions of the Ordinance which was passed by the Governor General in exercise of his prerogative. But we are asked now to add to the ordinary criminal law of the land, provisions which, I submit with entire confidence to the House, are absolutely inconsistent with the principles of criminal jurisdiction, even as prevalent in this country. The importance of this measure, the serious character of its effects on the lives of the citizens, on their most cherished rights, on their rights of personal protection, and personal liberty, on their rights of property, on their rights of association are all of a character which cannot be said to be at all slight or which can be brushed aside as something unimportant. Now, a measure of this magnitude and importance and seriousness can only be passed by us if we find it absolutely necessary to meet a condition of things which exists at the present moment and if we had the support of public opinion. If public opinion is against it, does he expect us to defy public opinion ? We are here in order to represent and voice public opinion, to din it into the ears of the Government ; and are we the persons to be asked to act contrary to public opinion ? Is not this enough to show that this measure is wholly unjustified and cannot be forced down upon us ? The officials are in a different position. I understand that, they can defy public opinion and they have often done it. But our position is very different. So, I say, we are not in a position to support this measure as admittedly public opinion is hostile to it. This is one conclusive answer. Another conclusive answer is that Government have not proved their case."

These were your words when the Criminal Law Amendment Act was before this House, and even this Government dare not question the impartiality of your judgment or your capacity to pronounce on public questions.

**The Honourable Sir Henry Craik :** The Bill was passed by a large majority.

**Mr. S. Satyamurti :** You will find a different tale this time.

**An Honourable Member :** He had a foretaste of it yesterday.

**Mr. S. Satyamurti :** I want to ask a question. It arose also on my point. Did Government consult public opinion ? Did they consult only the European Chambers of Commerce ? Did they consult the European associations ? I want to ask another question—are all Local Governments in favour of this Bill and do Local Governments mean Ministers also, especially in my province ?

**The Honourable Sir Henry Craik :** I cannot recollect.

**Mr. S. Satyamurti :** Did that Government say in their opinions that their Ministers support them in their demand ?

**The Honourable Sir Henry Craik :** Some of them certainly but I cannot remember.

**Mr. S. Satyamurti :** Have the Madras Government said that their Ministers are in favour of this Bill ? Now, Sir, so far as this Bill is concerned, there are four matters really sought to be dealt with. First is picketing, the second is unlawful associations, the third is more control of the Press, and a new offence, section 5, reading from a proscribed book or document. Now, I suggest that, so far as picketing is done by illegal or unlawful means, it can be dealt with by the ordinary law of the land. I ask my friend, the Law Member, to use his legal conscience, if he interferes in this debate at all, and to tell the House whether I am not right, humble as I am, in my contention that picketing carried on illegally or by unlawful means can be dealt with by the ordinary law of the land.

**The Honourable Sir Nripendra Sircar :** Are you charging me with having a conscience ?

**Mr. S. Satyamurti :** I apologise. As for other forms of picketing, if it is peaceful, I suggest that it should not be interfered with by the Government. I will come to that presently, but let me deal at once with section 5 of the old Act. I must say, as one who has spent two weeks on this very difficult task that it is almost impossible to follow this referential legislation. We have got two or three Acts and we have got to go backwards and forwards. However, I will do my best. Section 5 of the old Act is sought to be re-enacted. That section says :

“Whoever publishes, circulates or repeats in public any passage from a newspaper, a book or other document, copies whereof have been declared to be forfeited to His Majesty under any law for the time being in force, shall be punishable, etc.”

The second clause says :

“No Court shall take cognisance of an offence punishable under this section unless the Local Government has certified that the passage published, circulated or repeated contains in the opinion of the Local Government seditious or other matter of the nature contained in section 99A of the Criminal Procedure Code or sub-section (1) of section 1 of the Press Emergency Powers Act.”

These are very comprehensive words. Sub-section (1) of section 4 of the Press Emergency Powers Act contains only two clauses, inciting to the offence of murder or other offences involving any violence or expressing admiration of any such offence or person, but according to this Criminal Law Amendment Act, which is sought to be made permanent, there are six clauses added to it, seducing any officer or soldier from the army, sedition, causing annoyance to any person engaged in the administration of law, inducing public servants to resign from office, etc., promoting feelings of enmity, prejudicing the recruitment of persons, etc. Now, Sir, if you take the very comprehensive nature of this clause and see what is exactly sought to be done, you will see at once the mischief of this clause. What is sought to be prohibited is not the publication of a seditious book, not the publication of a document which comes within any one of these numerous and comprehensive categories, but the publication of a document or a passage which the Executive in its own unaided discretion will declare to be seditious or otherwise. It may have been proscribed by the Government, but the Government is the last person in the world

to administer any law judicially. Every civilised Government knows it, and leaves it very rightly to the Courts of law.

My objection to section 5 is that it enthrones executive arbitrary discretion in the place of the decisions of the ordinary Courts of law in this country. And that I am right there, I will prove by a quotation from the Honourable Sir Harry Haig himself when he was Home Member. Replying to a similar attack as mine on this clause, he said :

“It has been said that in fact the magistrate will have very little to do in such cases. Now, I quite admit it ; this is really in essence an executive proceeding—the proscription of a book or document. Now, in order to make that executive proceeding effective, one must provide that the publication of any portion of that book or document in defiance of that order should be punishable, and that it is required to prove that the book has been proscribed and that it has been deliberately published or circulated. I frankly admit it—that this is an executive proceeding which, if there is any defiance of it, has got to be completed and followed by a legal process.”

Therefore, there is no judicial discretion in the matter at all ; and I think I may point out that, so far as this particular offence of publishing a seditious document is concerned, if the Government are merely anxious to prevent really seditious books from being published, the Government have got ample power, under section 124A of the Indian Penal Code, section 108 of the Code of Criminal Procedure, and section 99A of the Criminal Procedure Code. They need not have this power at all. Only they want to substitute pure executive discretion for judicial decision in such matters. I submit that this is a very dangerous position, and no Legislature, which claims to be representative or even reasonable, can allow the executive Government to usurp these powers. On this matter again, I have the high authority of a distinguished Englishman which I trust this Government will not brush aside. I am referring to Chief Justice Hewart's book, ‘The New Despotism’. This is what Chief Justice Hewart writes about the tendency of the executive in such matters :

“The business of the executive is to govern. The only persons fit to govern are experts. The experts in the art of Government are the permanent officials, who, exhibiting an ancient and too much neglected virtue, ‘think themselves worthy of great things, being worthy’. Two main obstacles hamper the beneficent work of the expert. One is the sovereignty of Parliament, and the other is the rule of law. To this end, let him clothe himself with despotic power and then because the forms are Parliamentary, defy the law courts.”

This course will prove tolerably simple if he can :

- (a) get legislation passed in a skeleton form, fill up the gap with his own rules, orders and regulations, (b) make it difficult or impossible for Parliament to check the said rules, orders and regulations, (c) secure for them the force of statute, (d) make his own decision final, and (e) arrange that the fact of his decision shall be conclusive proof of its legality, (f) take power to modify the provisions of statutes, and (g) prevent and avoid any sort of appeal to a court of law.”

I think, Sir, every Member of this House will agree with Chief Justice Hewart when he says that :

“We cannot really prefer the executive jurisdiction to the jurisdiction of courts, and our faith in courts is not a mere fetish. It is based on certain fundamental reasons. The work of a court involves many important ingredients, as for example the judge is identified and is responsible for his decision, the case is conducted in public. The result is governed by impartial application of principles. All parties to the controversy are fully and fairly heard. All these elements are absent from executive decisions.”

My objection to section 5, therefore, is that it seeks to punish as an offence, not an offence which is found on evidence, sifted by Courts of law

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in public and found as such, but offences so prescribed by the executive; and if, perhaps, Chief Justice Hewart is a little too strong for the Members of the Front Treasury Bench, I may quote a more respectable individual. Lord Morley, Sir, in one of those numerous delightful letters which he wrote to Lord Minto—he writes in answer to a high official like one of those Honourable Occupants of the Treasury Bench:

“So and so said to me this morning”—*he has left out the name unfortunately*—“You see the great executive officers never like or trust lawyers.” “I will tell you why.”—*I said*—“It is because they do not like or trust law.” (Laughter.) “They in their hearts believe before all else the virtues of will and arbitrary power.” “That system may have worked in its own way in old days, and in those days the people may have had no particular objection to arbitrary rule, but, as you have said to me scores of times, the old days are gone and the times breathe a new spirit, and we cannot carry on upon the old maxims. This is not to say that we are to watch the evil-doers with folded arms, waiting to see what the Devil will send us. You will tell me what you think is needed. I trust and fully believe that you will not judge me to be callous, sitting comfortably in an armchair at Whitehall, while bombs are scattering violent death in India, while men like—so and so are running the risk of murder every hour, for year after year, upon the frontier, while all sorts and conditions of men and women are enveloped in possibilities of hideous horrors like those of fifty years ago. All I can say is”—*and I respectfully commend those words to the Honourable the Home Member*—“we have to take every precaution that law and administration can supply us with”—*not this illegal law, lawless law*—“and meanwhile to face what comes in the same spirit of energy and stoicism combined in which good generals face a prolonged and hazardous campaign.”

Then, Sir, the next section in this Bill which is sought to be perpetuated is section 7—“molesting a person to prejudice of employment on business.”

Now, Sir, in paragraph 2 of the Statement of Objects and Reasons, we find these statements:

“Picketing has not ceased with the civil disobedience movement. It is now recognized not only as a means of opposition to any form of constituted authority but also of causing annoyance to private persons who differ from the political, economic or religious views of the picketers. It is likely to be a main feature of any subversive movement and it cannot be dealt with effectively under the ordinary law.”

I propose, Sir, to contest every one of these statements. As for the question of annoyance, Mr. President, I speak with great hesitation, but it does seem to me to be that public morality, to a certain extent at least, depends upon the fear of annoyance by others, if we do certain flagrant acts in public. No one can live in a community or society without fearing some kind of annoyance or other. We annoy our friends without fearing and I am sure they annoy us. Are we then to enact a law that, to prevent annoyance to my friends, we shall all be wiped out, or *per contra*. Sir, annoyance is inevitable in some form or other in the scheme of society. Not all of us are made of the same sweet temper always, and it does seem to me that to try to protect a man from annoyance, even God cannot do it, and it is only the Government of India that dare attempt to do it. No man can do just what he pleases, and I put it to my Honourable friend, Sir, that, if social reform in any civilised society is to depend merely on legislation, on the fear of punishment, this poor humanity of ours would have made no progress at all. It is because there have been great reformers who, to the annoyance of others, have perpetually brought forth their doctrines, reiterated them and educated public opinion that we have made some progress from the level of the savage and the barbarian:

and it, therefore, seems to me, that we should not attempt this impossible task of eliminating annoyance altogether from public life.

Then, Sir, the Statement of Objects says this:

“It is likely to be a permanent feature of any subversive movement.”

Now, why should there be a subversive movement? Are there subversive movements in England? Why not? Because you govern yourselves: and if we govern ourselves, there will be no subversive movements here. Therefore, the cure for every subversive movement is not suppressive or repressive legislation, but to remove the causes which precipitate such subversive movements. Moreover, I want to suggest to the Government, who have such a pathetic faith in repressive legislation, that affection for Government or respect for law and order cannot be manufactured to order, any more than affection for anybody else.

As for the Civil Disobedience Movement, Sir, to which reference is made in these paragraphs, I am quite sure my Honourable friend, the Home Member, realizes that the Civil Disobedience Movement, as such, cannot be put down by prescribing imprisonment for those who break the laws of the land. That is part of the Civil Disobedience creed, and there is no point in saying that we shall send people to prison. Therefore, so far as that aspect of this paragraph is concerned, there is no point in imagining that by prescribing imprisonment you can put down this picketing.

Then, Sir, there is another sentence in this paragraph: “It cannot be dealt with under the ordinary law.” I join strong issue with the Honourable the Home Member on that. I will merely state the sections, Sir, and read them presently: section 141 of the Indian Penal Code defining unlawful assemblies, especially the fifth clause, sections 349 and 350 of the Indian Penal Code, section 351, section 120A and section 43 and section 505: all these are sections under which, as I say, if there is any molestation by illegal means, people can be punished.

Now, Sir, I want to read only the fifth clause of section 141 of the Indian Penal Code which defines unlawful assemblies. It runs thus:

“An assembly of five or more persons is designated an ‘unlawful assembly’ if the common object of the persons composing that assembly is—

*fifth*—by means of criminal force or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.”

**The Honourable Sir Henry Craik:** Suppose there are not as many as five persons.

**Mr. S. Satyamurti:** I will come to that. Does my Honourable friend agree that at least so far as five persons are concerned, he will eliminate this section?

**An Honourable Member:** No.

**Mr. S. Satyamurti:** Then what is the use of asking this question? Now, do you know what criminal force means according to the Indian Penal Code? My Honourable friend, the Deputy Leader of the Congress Party, reminds me that there can be no organised picketing, except by at least five people, and Congress Members are much more numerous than



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but I decided not to do so. But I will suggest as an argument that the Criminal Procedure Code is an All-India Act, enacted by this Legislature for the whole of India. This section says :

“ In certain areas at the discretion of the Local Government the Criminal Procedure Code shall not apply.”

Perhaps it is technically right, but I suggest to the House that it is very dangerous to give power to the Executive to abrogate from time to time and in certain selected places the application of All-India laws. It is a dangerous thing, and I think this House, on that single ground, must reject these two clauses, along with the other clauses of the Bill.

We have sections 12 and 13 which really contain a number of sections. This is a most extraordinary Bill. Section 13 is called one section, while really there are five or six sections under that one section. I hope, Sir, that the Government have got some good draftsmen who can really make sense out of these, at least in words. I am sorry these references forwards and backwards are really outrageous. Now, Sir, these two sections are sought to be made permanent. The Statement of Objects and Reasons says that it was enacted to strengthen the Criminal Law Amendment Act of 1908, which is a permanent Act. How do the Government know that it is a permanent Act? My Honourable friend, Mr. B. Das, has got a Bill to repeal only a part of the Criminal Law Amendment Act. Have the Government already made up their mind that even if this House passes that measure, they will advise the Governor General to veto the measure and that the Governor General will listen to their advice and certify the Act to be a permanent Act? It is rather very cool even for the Government of India, when there is a Bill to repeal a particular Act, to say that that Act is permanently on the Statute-book.

**Mr. B. Das :** They take shelter behind the Governor General. They have also postponed the date for the discussion of my Bill.

**Mr. S. Satyamurti :** They have also postponed the date. There is another aspect of the question, on which I should like to say a few words :

“ If the Governor General in Council is satisfied to the effect, he may by notification declare an association unlawful.”

The original Act gives power only to the Local Government, whereas this Act wants to give the Government of India that power. The Honourable the Home Member says, if there is an all-India organization, how are we to prohibit it? I submit, Sir, this provision is likely to provoke conflict between the Provincial Governments and the Government of India. Suppose a Provincial Minister in charge of law and order says, “ I do not want to proclaim the Congress an unlawful association in my Province ”, then what is the position of the Government of India? Are they going to treat the association as an unlawful association in spite of the opinion of the Provincial Minister? Otherwise, why do Government want to have this power?

Now, let us see what is an unlawful association? For that, we have got to go back to an ancient Act, Act XIV of 1908 :

“ If the Local Government is of opinion that any association interferes or has for its object the interference with the administration of the law or with the maintenance of law and order or that it constitutes a danger to the public peace, the Government may declare such an association to be unlawful.”

Again, I submit, if there are associations whose object is interference with the administration of the law or with the maintenance of law and order, the present law is amply sufficient and adequate to meet the activities of those associations. The danger comes in only when the Local Government wants to declare as unlawful associations, those which in their opinion “ constitutes a danger to the public peace ”. That power, in the hands of any executive Government, is a real danger to the public peace, not the unlawful association. Who is to be the Judge as to whether these associations are unlawful or not? In this connection, I want to draw your attention, Mr. President, and the attention of the House, to section 17-F, which is the last clause of section 13 of the Criminal Law Amendment Act which says :

“ Save as provided in sections 17-B to 17-E no proceedings purporting to be taken under section 17-A to 17-E shall be called in question by any court and no civil or criminal proceedings shall be instituted against any person for having done, etc.....”

These two sections, sections 17-B. and 17-E. are very small protection. Section 17-B (vi) merely says “ that when movable property is forfeited, a person may make a representation that the property is not liable to forfeiture and the District Judge or the Chief Judge of the Small Cause Court will decide whether the property is or is not liable for forfeiture ”. On that matter, Sir, he cannot go into the question whether the association is really an unlawful association or even whether the information of the Government is correct that this property is likely to be used in furtherance of the activities of the association.

We have got the other section, section 17-E, which gives them power to forfeit the funds of the unlawful associations, and under sub-section (iii) they can again go to a Court, but here again the Court's jurisdiction is limited. They can only say whether the sums are not liable to forfeiture. With these two special exceptions, all the activities of the Government in connection with what they call unlawful associations, on their own judgment—f forfeiting the property and taking possession of immovable property—all these things are not to be questioned in any Court of law. The Government say that their decision is final.

On this matter, I again want to draw the attention of the House to the words of Chief Justice Hewart who said :

“ It is usual to provide that the decision of the Minister shall be final and conclusive. When this is the case, the Courts are powerless to intervene however unjust and absurd a decision may appear to be, and even though it is obviously based on an erroneous view of the law.”

“ But where one is dealing with a decision given without reasons, by an anonymous official, who is not ascertainable, how can any such matter be proved.”

“ It may be that the decision is apparently so perverse that the party against whom it is given has a reasonable suspicion that it was dictated by spite or vindictiveness, or was even corrupt. But without knowing who the deciding official is, it is of course impossible for a person aggrieved to prove anything of the kind, or even to furnish grounds for suspecting it. The victim is, in such a case, perfectly helpless, and entirely without remedy.”

“ It may be said that there is no substantial ground for the fear of unfairness or corruption in the Civil service. As to unfairness, people who have had disputes with public officials may sometimes conceivably hold a contrary opinion. As to corruption, that is a vice from which the Service is completely and undoubtedly free. It is of vital importance that it should so continue.”

[Mr. S. Satyamurti.]

These are the important words :

" But if there were any great extension of the system of giving uncontrolled and arbitrary powers to public officials, it is as certain as that night follows day that corruption might creep in. We might then be cursed with the corrupt bureaucrat. The bureaucratic despot we already have."

Therefore, it seems to me that from whatever point of view you look at it, these sections cannot be tolerated. I want merely to state how these provisions have been applied in the past. Almost every Congress Committee throughout India was suppressed, as unlawful associations. In Madras, I was in charge of a Khadi and Swadeshi exhibition, run not by the Congress, but by the Madras Mahajana Sabha. This exhibition was invaded and all articles were forfeited. But, afterwards, they were returned on our representation. Perhaps my Leader, when he speaks, will add to this list from his ampler knowledge, but I may tell you, Sir, that I know that in Bombay they declared the following associations as unlawful associations :

Labour Welfare Centre,  
Foreign Cloth Boycott Swadeshi Committee,  
Anti-Untouchability Committee,  
Prohibition Committee,  
Municipal Sub-Committee,  
Swadeshi Prachar Mandir,  
Women's Association,  
Nationalist Muslim Party,  
Nationalist Christian Party.

An Honourable Member : Sweetmeat shops.

Mr. S. Satyamurti : Yes, and even sweetmeat shops.

I hope, Sir, as Honourable Members on this side speak later, they will give their own experiences from their own provinces. This law has been ruthlessly abused in the past, and I suggest, therefore, that there is no guarantee that this law will be properly used.

Then, Sir, I come to the *piece de resistance*, as I may call it, of this Act, and that is the provision for what they call the better control of the Press. I suggest that the extracts which my Honourable friend, the Home Member, read prove that in two provinces there are journals which write such things. But I want to ask him whether these journals were proceeded against under the ordinary law, and whether they were convicted and sentenced.

The Honourable Sir Henry Craik : Yes.

Mr. S. Satyamurti : I want to know whether, in spite of his punishment and sentence, all these papers went on writing in the same strain. What I want to know is this. There is no use throwing at me extracts for which the editors were prosecuted and sentenced, unless the Honourable the Home Member is able to supplement that information with the further information that, in spite of these continuous punishments, the newspapers went on publishing such extracts and articles.

The Honourable Sir Henry Craik : Yes.

Mr. S. Satyamurti : I have not heard that yet. I shall be obliged if at the proper time that can be stated. If that is so, I suggest that the

remedy is under the ordinary law to find out who the real man is who abets this crime. You know perfectly well, Sir, that abetment is an offence under the Indian Penal Code. Why are the police so helpless ? They shadow us all the time ; they waste public money, but they are not able to get the criminals. That is what it comes to. If there are people who go on abetting these dummy editors, why do you not find them out ?

The Honourable Sir Henry Craik : We cannot prove it.

Mr. S. Satyamurti : And, therefore, you punish the innocent people, against whom you cannot prove the guilt. That is the greatest confession which you can make against this Bill. You cannot prove a thing against a man, and yet you want to punish him.

The Honourable Sir Henry Craik : But we know.

Mr. S. Satyamurti : You know nothing. What do you know about us ? You think we are all *ex-convicts*, but you really know nothing about us. What do you know about your own Colleagues ? All civilised jurisprudence is based on this—that every man shall be presumed to be innocent, until he is proved to be guilty. Is this Government of India going to say, " I cannot find out who the real editor is ; I am helpless, I am not able to prove it but I know who he is and, therefore, I will punish him " ? When it suits them they say, *Fiat justitia ruat coelum* (let justice be done even though the heavens fall). What is this justice ? You want this power. I am glad I got this from the Home Member, " I cannot prove the charge against certain people, and, therefore, I want to punish those whom I suspect. Therefore, enact this law ". Is any single Member of this House going to give this power to this Government to punish, not those who are found to be guilty, but those who may be guilty or innocent but against whom there is no evidence worth proving ? It seems to me, therefore, that they give away the whole case for these Press provisions.

Then they say that when the Press Act was in force it was all very good and when the Press Act was removed it was all very bad. Sir, I shall tell you one thing as to how they administer the censorship of news in this country. You know the incident in Jubbulpore, which we could not discuss. Do you know that a week before the news appeared in any Indian paper it appeared in the London papers ? The *Daily Herald* flashed it on its front page with big headlines. This Government of India suppressed that news in this country. That is their idea of running the Press Act, and publishing news or running the Government. They have neither the big imagination of a decent Government nor the sense of justice of even the ordinary man. And you have got ample powers to deal with seditious newspapers,—sections 124A, 153A, 99A and 108 of the Criminal Procedure Code. Why don't you use them ? And, Sir, I shall quote the distinguished editor of the *Leader*, Mr. C. Y. Chintamani, who cannot be confused even by this Government as a Congress extremist. He says, and very rightly :

" While in one breath we are mockingly told that while the dogs bark the caravan passes on, even the consolation of a cry or a bark is grudged to us and laws have been placed on the Statutebook in restraint of our legitimate liberty to speak out our mind. Frederick the Great told Voltaire that there was a complete understanding between him and his subjects ; they were to say what they liked but he was to do what he pleased. Here in India, God knows our Government do what they please but are jealous of our liberty to say what we think."



[Mr. S. Satyamurti.]

✓ That is a most eloquent commentary on these provisions which are sought to be continued in this Press Act.

Now, what do we stand for? We stand for the liberty of the Press, that no man ought to be punished for what he writes in his Press, except by due process of law and after trial and conviction. We do not want any special freedom of the Press, but we do not want any special restriction on the Press. Now, Sir, in contrast to the present Home Member's attitude towards the Press, dividing them into sheep and goats and patronising the sheep and leaving the goats outside, a previous Home Member, Sir James Crerar, had a slightly different conception of Government's attitude towards the Press. He said :

" Now, Sir, the main argument which was repeated by those who opposed the Bill was that under colour of a measure directed against the terrorist movement Government were seeking to establish a general control over the press for other, and it was implied, for illegitimate purposes. I hope I have already made it clear that it is not the case. But if it is necessary, I desire to repeat in the most emphatic terms that that is not the case, and it is our desire to enlist the press as a whole in the best interests of the country."

And I suggest, Sir, to the Honourable the Home Member that this attempt to antagonise the Press bodes no good to anybody in this country. We must have the help of the Press, especially when the electorate is going to be enlarged ; and if the Press is to be put under a ban of suspicion and to be treated under these repressive laws, we are mounting up difficulties for ourselves.

Now, Sir, in answer to my friend, Seth Govind Das' question, a statement was placed on the table yesterday morning, copies of which, thanks to the courtesy of the Secretary, have been circulated to us this day ; and I have made a rough calculation. In 1935, 72 newspapers were proceeded against and securities of Rs. 25,950 were taken ; and for publishing articles on the Quetta earthquake 15 newspapers were penalised. ✓

Mr. F. E. James : Have you read them ?

Mr. S. Satyamurti : I have read some of them, but not all. ✓ And I think that, because an article is mischievous, you ought not to forfeit the securities. If you do that, the *Statesman* ought to have been dealt with long ago because it writes more mischievous articles than any other paper.

Under the Act of 1931, 166 newspapers have been proceeded against, and security to the extent of two lakhs and a half has been forfeited and 343 papers ceased publication. I submit that this is a ruthless application of the Press law in this country. ✓

An Honourable Member : 448.

Mr. S. Satyamurti : 448 : I stand corrected. The words of this section are—I only want to read one of these—" If it appears to the special Bench on an application, etc., etc., that the words, signs or visible representations contained in the newspaper, book or other document were not of the nature described in section 4..." then the High Court may set aside the order. I had intended to refer to all these cases, but I do not propose to do so. ✓ I will read again, with your leave, what you, Sir, said on

this : I want to remind the House that you, Sir, presided with distinction in the Madras High Court for many years and that you were acting Chief Justice : and you said—and I respectfully agree with every word of what you said :

" I have had something to do with the administration of the old Press Act : and I know what the difficulties are. Every judicial authority has felt and has expressed it in unmistakeable terms. Are you going by this Bill to relieve them of those difficulties ? Most certainly not. You are having the same provisions which have been condemned more than once. Cannot Government learn by experience, the experience of the past ? "

They have not learnt. Like the Bourbons of old, the Government of India neither learn nor forget :

" When you vest the control of the press in the Government, that is, to find whether certain sections of the press have or have not offended against the provisions of clause 4 of this Bill, it really means that the Government will exercise that control, as we know from past experience, against the press which criticises its measures, and it will not apply those provisions to that section of the press which carries on propaganda in favour of Government." ✓

I did not say that, Sir. You did ; and I agree with that. All these sub-sections which are sought to be added to this by section 16 of the Criminal Law Amendment Act are provided for in the ordinary law. As regards this seduction of the army, it seems to me, according to the Government it should be an insult : for Sir James Crerar said :

" The section to which he refers is no doubt a good punitive section against seduction of troops from their allegiance ; but what we rely far more upon than that section is the unshaken and steadfast loyalty of our troops and not on any punitive measure whatsoever."

Then why do you want this sub-section (d) ? Sub-section (e) is already provided for in the Indian Penal Code. Sub-section (f) 4 P.M. —refuse or defer payment of any land revenue or tax—according to this, if I advise a man who is poor not to borrow money or pay land tax, but to defer it until he gets some money after harvest, shall be guilty of an offence. Clause (i)—to prejudice the recruitment of persons to serve in any of His Majesty's Forces. What " prejudice " means I do not know, and, therefore, either this section is already provided for in the ordinary law or is mischievous to the extent it tries to go beyond that. ✓

✓ I submit that, on a careful reading of all these sections, you will find that it is impossible for any one to escape the wrath of the Executive. If I criticise a Government measure, if I am an editor of a press, the heavy hand of the Government can come upon me and the High Courts can give me precious little relief. I have got cases reported in 41 Calcutta, 5 Madras and 56 Bombay. I do not propose to take more of the time of the House by quoting from those decisions ; but I think I should commend to those who are interested in this matter to peruse those decisions—one of them by Chief Justice Jenkins, one by yourself, Sir, and one by Chief Justice Beaumont : and all of them say that this so-called appeal to the High Court is illusory and meaningless. These sections are intended to strengthen the control of the Executive over the press.

I want to make another point—it arises from one of these decisions. What does " government established by law " mean ? Does it mean or does it not mean the executive government ? A high judicial authority says it means that. In the provinces we are going to have, I am told, ✓

[Mr. S. Satyamurti.]

responsible government, which means that the entire Government will be the government established by law. Supposing I am in the Opposition, how can I displace that Government, by an appeal to the electorate, unless I bring them into hatred and contempt, by exposing their actions, their omissions and pointing out where they have failed and where they have misbehaved? It seems to me that a moment's thought ought to convince anybody that the working of responsible democratic party government is wholly inconsistent with this Bill. In England you have no such section: you have got to prove overt acts: you cannot punish a man for holding an opinion or expressing it; and it does seem to me that in the future executive Government once a ministry becomes a ministry, it can prevent its being destroyed any time, because whatever the opposition may say will come within the all-pervasive clauses of this Bill and democratic Government will become impossible.

While on this matter, may I say one thing more? The reason why in democratically governed countries there is no necessity for such laws at all is that the oppressed people know that by the use of the ballot box, they can change the Government and put themselves in power. It is this sense of impotency in this country against an irremovable executive, against a conscienceless bureaucracy which goes on governing as it likes in spite of the people, which does cause these various movements; and it does seem to me that the way to deal with these movements is not to try to suppress them, but to deal with them in the only manner known to democratic and civilised countries, namely, by establishing responsible party government in those countries.

I want again to echo your own words, Sir:

"I submit that unless there is really something much deeper behind this Bill than we can fathom, on the face of it, this Bill is a measure which lacks justification altogether."

We are not able to see any justification for it; and in the words of Lord Irwin:

"In so far as the present movement involves any of the forces that we call nationalism, I would repeat what I have said more than once, that an attempt to meet the case with rigid and unyielding opposition is merely to repeat the unintelligent mistake of King Canute."

On the whole, Sir, it seems to me that the Government are legislating in a fit of temper; and legislating in a fit of temper is not statesmanship. The futility of repressive legislation ought to be apparent to the Government. The history of all countries shows it. Has repressive legislation killed nationalism in Ireland, in Egypt, or in Russia, or in any country? Why do you believe that you can kill nationalism by this repressive legislation? And after all are Government so clear in their minds that Civil Disobedience ought to be killed? It is the inherent right of man, and it does seem to me that all government must depend upon this fundamental basis that while in normal times subjects ought to give unquestioning obedience to the Government, when crises arise it is undoubtedly the duty of citizens to break unjust laws, so long as they take the consequences; and you cannot put down that movement by any stretch of imagination. They may feel horrified. Supposing we come into power and we enact that Europeans in this country shall wear Khaddar dhoties alone and go about in Khaddar shirts, I should not be surprised if these

gentlemen break into Civil Disobedience then. Therefore, it does seem to me...

The Honourable Sir James Grigg (Finance Member): Not civil.

Mr. S. Satyamurti: My friend says not civil,—I agree,—disobedience, but not civil, and that is the note which I want to strike. Sir, is the Government perfectly clear that the ills of humanity can be better solved by physical warfare, and not by Civil Disobedience? Today Italy and Abyssinia are almost going to war. Britain and France stand helpless, Germany's ways are mysterious, Russia, no one knows. And is the Honourable the Home Member perfectly clear in his mind that Mahatma Gandhi in India is not doing a service, not alone to his own country but to the whole of humanity, by substituting soul force for physical force? ("Hear, hear", from Congress Party Benches.) Are we clear in our own minds that Civil Disobedience may not be the saviour of human civilization to set right individual and national wrongs, that Civil Disobedience may not be the far more humane, the far more civilized method, than the brutal warfare which kills innocent women and children? It does seem to me, therefore, that even on fundamentals, the Government is hopelessly wrong. The true remedy is Swaraj for all these things. Even then there may be Civil Disobedience, but we shall meet it by administering the laws judicially, or by resigning and giving place to those who want to practise Civil Disobedience. Then, they will learn that they cannot or need not practise Civil Disobedience.

And what is the object of the Government in this Bill? I suggest they want to enthrone bureaucracy, they want to stifle all criticism, they want to obstruct Swadeshi and prohibition and any kind of decent social reform. They want to interfere with peaceful picketing, they want to introduce a new criminal procedure in the country, they want to prevent all associations which the Government dislike from functioning, they want to stifle the Press. What is the kind of public opinion or public activity they want? A certain class of animals whom I shall not name, invited another class of animals to attend and sing at a marriage party. At that party music was going on, and each said to the other. "Oh, what a fine voice you have, what a fine figure you have!" I shall not name the animals....

An Honourable Member: Who are those animals?

Mr. S. Satyamurti: I suggest, therefore, that the Government want to live in their own way, taking public opinion from their sycophants who say "Oh, what a Sircar? What a Grigg, what a Sir Henry? There is a lot of statesmanship in them; they know what there is to know, what they do not know is not worth knowing, and they are serving and working for the best interests of the country. Long live the Executive Government of India". Is that the kind of public opinion they want? It seems to me, Sir, that this Bill shows the wicked intention that is behind their minds.

Therefore, I come to these conclusions. You don't believe in your own reforms. You treat yourselves as an armed camp in a hostile country, and therefore you want these powers. You do not trust your own Courts of justice, and you want the angry planter or the angry colonel or the angry civilian to rule this country. I know you will enact this measure in spite of us, but I want to say this. This is not only bad law, but it

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purports to abrogate whatever rule of law we have to regulate the political activities in this country. This measure seeks to substitute executive discretion and power for the judgment of the Courts. And it seems to me, Sir, that if in spite of the warning of this House, if in spite of the experience of other countries, if in spite of the experience in their own country, the Government will enact this measure in spite of public opinion, they are ignoring the writing on the wall and they are driving another nail in their own coffin, for, Sir,—

“ The moving finger writes and having writ  
Moves on ; Nor all thy piety nor wit  
Shall lure it back to cancel half a line,  
Nor all thy tears wash a word of it.”

I oppose this motion. (Loud and Prolonged Applause.) ✓

**Mr. P. J. Griffiths** (Bengal : Nominated Official) : Sir, it is with no little trepidation that I rise to make this my maiden speech in this Assembly upon so controversial a matter, a matter which has already called forth the splendid eloquence of Mr. Satyamurti and will no doubt attract into the arena other speakers of his calibre. I can only justify my temerity on this occasion by the fact that I have some personal experience of the matters to which this Bill relates. During the past two years as District Magistrate of the notorious district of Midnapore, I have been in close contact,—may I say, Sir, in unpleasantly close contact,—with terrorism and other subversive movements, and, as a result, the point of view from which I regard this Bill is entirely different from that from which the Honourable Member opposite regards it. To many Members of this House, Sir, this Bill deals with abstract principles, and they are content to oppose it upon academic grounds, but to us, who are called upon to maintain peace and tranquillity in the districts of this country, it deals with powers which we know are vitally necessary for the maintenance of the peace and that tranquillity. (“Hear, hear” from *Official Benches*.) I must congratulate Mr. Satyamurti upon the restraint with which he has conducted his opposition, but, unfortunately, Sir, that same restraint has not been practised in the campaign carried on against this measure in the press in recent weeks. We have been told that this Bill strikes a serious blow at the liberties of India, that it symbolises the enslavement of the Indian people, and that it indicates the unfitness of the bureaucracy to govern this country. I hope to satisfy Honourable Members of this House that those apprehensions are quite groundless, that this Bill is in no sense drastic, and that it in no sense interferes with any of the fundamental liberties of the subject. I challenge Honourable Members opposite on this point. Which fundamental liberties of the subject does this Bill touch ? Does it touch the right of *Habeas Corpus* ? Does it touch the right of open trial ? (*Several Honourable Members* : “Yes.”) Does it touch the liberty of the individual to record his vote ? Does it affect the right of Honourable Members to use every possible legitimate influence in their own constituencies ? All these things are the main ingredients of the fundamental liberties of the citizen and they are left untouched by this Bill. The ordinary peaceful citizen is untouched in pocket, unhampered in his work, and unrestricted in his recreations by this measure, unless Honourable Members contend that picketing is one of the reasonable recreations of a peaceful

citizen. That this measure is in no sense drastic may be readily seen, Sir, by comparison with the legislation in other countries which have a terrorist problem to face.

May I, in the first place, call the attention of my friends to a country which is, I believe, dear to the hearts of many of my friends,—I refer to Soviet Russia. No doubt, Honourable Members have read in the press recently an account of the execution of 63 citizens of Soviet Russia without trial, without evidence, simply on suspicion that they were hatching a conspiracy. Again, let us turn to a more civilized country. Let us turn to Italy. During the past few years, confiscation of wealth of leading citizens without trial, and without evidence, has become part and parcel of the ordinary administration of the country. I am not here to defend those acts, but I am here to ask Honourable Members to preserve a sense of proportion and to remember that, if they are prepared to call methods of this kind drastic, they will have no words left in their vocabulary to describe the measures in force in those other countries.

**Several Honourable Members.** : There they have National Governments.

**Mr. P. J. Griffiths** : As Honourable Members will probably not be prepared to accept the analogy of Italy or of Soviet Russia, may I call to their attention the analogy of England ? Honourable Members have no doubt very much more detailed knowledge of English history than I can claim, and they will remember the exceedingly severe legislation which was passed in England before, at the time of and after the Chartist movement. England, at the time of the Chartist movement, was in very much the same position as India has been in during the past few years, and the legislation which is now being proposed is very much milder than the six Acts or the other legislation which was enacted in the early part of the nineteenth century in England. The plain truth is that no country, which has to deal with subversive movements, can avoid having special legislation, but the Government of India, largely because it is a Government based upon the will of the people.... (*Some Members on the Opposition Benches* : “Oh !”)—I repeat, largely because it is a Government based upon the will of the people, has always had a rooted dislike to unnecessarily drastic legislation, and that Government has, therefore, placed before the House a Bill which would be considered milk and water in any other country where the terrorist problem exists.

Now, Sir, let us consider briefly what the effect of the present Bill will be. Its effect is fourfold. In the first place, it will make the Indian Press Emergency Powers Act permanent. In the second place, it will make permanent the power to take possession of a notified place used for the purposes of an unlawful association. In the third place, it creates permanently two substantive offences. In the fourth place,—and this point has been lost sight of by Honourable Members on that side of the House,—in the fourth place, it deletes from the Statute-book four very serious offences which exist at the present time. From the date of the passing of this Bill, dissuasion from enlistment, tampering with public servants, boycotting public servants, and dissemination of false rumours, will, in general, not be offences under the law of this land. It will be open to any citizen of this country, who wishes to do so, to dissuade from enlistment to that very army which Honourable Members opposite wanted to send to Abyssinia. It will be open to any citizen without fear of con-

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sequences to induce petty Government subordinates to neglect or misdo their duties. It will be open to any ordinary citizen to boycott public servants, be they high or low. It will be open to any ordinary citizen to conduct himself in such a way as to paralyse the administration of this country. These four things which have ceased to be offences were actually done in many parts of British India not so very long ago, and there is no certainty that they will not be done again. But notwithstanding that fact, the Government of India in their anxiety to avoid being too drastic are prepared to give up these offences and to delete them from the Statute-book.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Let me turn now to the specific question of the Indian Press Emergency Powers Act. If we are to justify the continuance of this Act, we have to make out two propositions. The first proposition is that at every time when the press of this country has been free from restrictions similar to those under the present Act, the irresponsible section of the press has indulged in deliberately inflammatory writing. Having proved that proposition, my next task will be to show that such deliberately inflammatory writing actually is dangerous in practice and does lend practical support to the terrorist movement. Let me deal first with the contention that, on every occasion, when no such legislation is in force a section of the press has been inflammatory. Instead of indulging in long, and perhaps unconvincing, arguments, I propose to read to the House three very brief extracts. The first extract is taken from a paper in Bengal and was written just after the Chittagong Armoury Raid, at a time when no restriction on the press was in force. This is the extract :

*The Swadhinata*, 24th April, 1930.—“ Revolutionary Bengal has revealed itself in Chittagong on the distant frontier of Bengal, as a result of the ruthless oppression of the English Nation extending over hundred years, the rebellious soul of India has more than once struck Government in different places. But such success as at Chittagong was never noticed anywhere. Remembering this military expedition of revolutionary Bengal, the head of the Nation is today bent in respect, their hearts are inflated with hope, enthusiasm and joy and glory.”

Do Honourable Members want to lend their support to publication of deliberately revolutionary matter of that nature ?

**An Honourable Member :** What is the name of the paper ?

**Mr. P. J. Griffiths :** *Swadhinata* of the 24th April, 1930, page 3 of the printed extracts. I will pass on to another extract from *Mukti*, dated the 3rd December, 1928.....

**Mr. B. Das :** On a point of information, Sir. The Honourable the Home Member said that the extracts would be circulated to all Members. I have not received a copy, and I do not think that anybody else on this side has received it.

**Mr. P. J. Griffiths :** If the Honourable Member is anxious, I will let him have a copy of the extract. This is an extract from the *Mukti* of 1928.

*The Mukti*, 3rd December, 1928.—“ The sacred fire of the Revolution was lighted by Rousseau and Voltaire, and Lenin led the fire of the Russian revolution like this. We want that fire should burn in our country like the same. If that fire burns everything, let it burn ; but it has become our greatest need.”

I would call the special attention of Honourable Members to the last sentence, “ If that fire burns everything, let it burn ”. In other words, “ Revolution may proceed to disastrous lengths, but revolution we will have ”. I should like to know whether Honourable Members on that side of the House approve of publication of matters of this nature.

(Dr. Bhagavan Das rose in his place on a point of information.)

**Some Honourable Members :** Order, order. He does not give way.

**Mr. P. J. Griffiths :** I may request my Honourable friend to wait till the conclusion of my speech.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Is it a point of order ?

**Dr. Bhagavan Das (Cities of the United Provinces : Non-Muhammadan Urban) :** On a point of information, Sir.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The Honourable Member does not give way.

**Mr. P. J. Griffiths :** The last extract which I propose to read and to which I hope Honourable Members will listen carefully is an extract from the *Advance* of the 7th July, 1931, an extract which has no doubt been debated before in this House, but I quote it here again, because it is the worst of all examples that I have come across of deliberately inflammatory writing. It reads :

*The Advance (Calcutta)*, 7th July, 1931.—

“ Dauntless Dinesh Dies with the Dawn.  
Thousands gather at Street Crossings.  
Body cremated inside Prison Compound.  
Immediate *Hartal* all over the City.

And death is all the brighter that he died.

And Heaven is all the happier that he's there.

Yes what is all that fires a hero's scorn of death—  
the hope to live in hearts unborn.”

My only comment on that is that Dinesh Gupta was a murderer, and, in accordance with the tradition of a certain section of the irresponsible press, murderers were adulated. These are the facts in support of my contention that, whenever any such law as the present one is not in force, very large sections of the press become irresponsible.

I now come to the second part of my argument. Honourable Members may say that, though these things are written in the press, they do not do any practical harm. I want to contradict that statement from my own personal knowledge and the personal knowledge of everybody who is concerned with the terrorist movement. I do not know whether Honourable Members have any idea as to what is the ordinary process of recruitment to the terrorist party.

**An Honourable Member :** All unemployed.

**Mr. P. J. Griffiths :** Terrorist recruiting agents do not go and say “ We are terrorist agents ”. They start off by giving the recent literature to read. In the first place, they give him comparatively harmless literature to read, and, then, in the second place, they lead him on to inflammatory articles in the irresponsible press. I am not speaking of one case. I have seen the cases of two or three hundred boys who were being recruited into

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the terrorist movement. Many of these two or three hundred boys have made statements, and, in literally every case, the path of recruitment has been through inflammatory literature. If, Sir, we are to permit literature of this nature to be published, we can make up our minds once for all that terrorism will continue to be a menace in this country. Those, Sir, are the grounds on which I contend that the press sections of this Act are essential.

I now wish to deal with the obvious objections which will be raised by Honourable Members opposite. We shall be told in the first place that if this Act passes into law no reasonable freedom will be left to the press. We shall be told that the press has been deprived of the power of reasonable criticism of the actions of Government. On that point, I hope to convince Members of this House merely by reading to them three extracts from articles which have appeared in the press, even under the aegis of the present law. By so doing I hope to satisfy Honourable Members that the present law allows ample scope not merely for just criticism, not merely for reasonable criticism but for unjust, untrue and unreasonable criticism. In reading these extracts, I am not concerned with the truth or the falsity of the matters referred to. I merely wish to show Honourable Members that very great freedom of criticism does exist in the press under the present law. This is from the *Rangoon Mail* :

" We have often drawn attention in these columns to the hard lot of the Bengali *detenus* and the very unfair, inequitable and harsh treatment generally meted out to them."

I am not concerned with the question as to whether the treatment meted out to them is unfair, inequitable and harsh. The point at issue is that under the present law, which is exactly the law which the present Bill proposes to reproduce, harsh criticism of this kind can be levelled against the Government from day to day. I shall quote another example, and this refers to the situation in Lahore and Amritsar :

" The Journalists' Association records its emphatic protest against the action of the District Magistrates of Lahore and Amritsar in imposing indiscriminately a most hateful and illegal form of censorship on all newspapers, which constitutes an unwarranted attack on the self-respect and independence of the Press."

That may or may not be true, but would that writing be possible if Government, with the present powers in its hands, were determined to suppress the freedom of the press. The very fact that articles of this kind are published from day to day is a clear and convincing proof that under the present law, the Press has ample and perhaps more than ample freedom.

I turn briefly to the next objection of the opposite side of the House, the objection that the ordinary laws should suffice. This argument is based on a misunderstanding. Apparently the desire of Members on the opposite side of the House is to punish miscreants, whereas the desire of the Government of India is to prevent mischief. We are quite aware that there are ample powers under the various Codes to punish people after they have done something wrong but our aim is to have preventive sections which will induce those people not to commit that particular offence. It is perfectly true that one such section exists in the ordinary law. I refer to section 99A of the Criminal Procedure Code. My objection to section 99A of the Criminal Procedure Code is that it applies to only one issue of the paper in which the offensive article appeared. One more point in that connection I will touch briefly. The Honourable the Home Member spoke

of the question of dummy editors. My Honourable friend, Mr. Satyamurti, argued that the Honourable the Home Member wished to punish people regarding whose guilt he had no proof. If I may say so, my Honourable friend entirely missed the point. It is not a question of punishment by any process of law. If security is to be deposited, who is going to deposit the security? Does the Honourable Member imagine that the dummy editor will deposit the security? The security will be deposited by the person actually concerned in the running of the paper and when the security is forfeited, it is that person who will have lost his money. Government may not know, it does not matter whether they know, who the real editor of the paper is but whosoever was responsible for the paper will have lost his thousand rupees or whatever the figure may be. I think that sufficiently disposes off the point made by my friend, Mr. Satyamurti.

Then, Sir, we are told that this Act is unnecessary because the Civil Disobedience Movement has now been abandoned. That, Sir, is a point on which my Honourable friends opposite are more competent to speak than myself. From their speeches and from the wording of the resolutions of the Congress Working Committee, the ordinary plain man in the street would by no means feel so certain that Civil Disobedience had been finally abandoned.

**Mr. S. Satyamurti** : It will never be. It can never be.

**Mr. P. J. Griffiths** : That being so, that disposes of Mr. Satyamurti's other arguments. It is because my friend says that that movement will never be abandoned that we on this side of the House claim that permanent legislation is required. If my Honourable friend could say that the Civil Disobedience Movement would probably be abandoned in three years time then there might be some justification for the argument that this should be temporary legislation but we have just been told that it will never be abandoned and as long as so subversive a movement is not abandoned, so long an Act of this kind will be necessary.

I pass on from the question of Civil Disobedience. Civil Disobedience is not the only subversive movement which we have known in this country. I have already spoken of terrorism. I do not quite know how far Honourable Members on the opposite side of the House are prepared to admit that terrorism is still a living factor in the situation. If they are not so prepared, I can prove it to them but it will save a great deal of time, if it is admitted that terrorism is as real a problem now as it was five years ago. I admit that there has been great improvement in public opinion, particularly in the province in which I serve and in the district in which I serve. That I readily acknowledge but in spite of that the fact remains that terrorist plans, terrorist outrages and terrorist recruitment are still going on and as long as those plans, those outrages and that recruitment continue, so long it is necessary to ensure that deliberately inflammatory articles are not published in the vernacular press. Another objection which may be raised to this Bill is that it interferes with liberty. Speaking for myself, I consider that there is very little foundation in this objection. Of course, it interferes with liberty. Every Statute placed upon the Statute-book in this House interferes with somebody's liberty. The only question is whose liberty it interferes with. Does it interfere with the liberty of the majority of decent, peaceful citizens or does it interfere only with the liberty of those who wish to plunge this country into civil war?



[5TH SEP. 1935.]

[Mr. P. J. Griffiths.]

Only a few days ago we were discussing the Cinematograph Bill on the floor of the House. I understand that under that Act every film exhibited to the public has to be censored. I did not hear my Honourable friends objecting to that on the ground that it interferes with liberty. If it is reasonable to interfere with the exhibition of objectionable and dangerous films, why is it not reasonable to interfere with the publication of objectionable and even more dangerous literature? As a matter of fact, there is perhaps no word which is more abused in this House and elsewhere than this unfortunate word 'Liberty'. The essence of civilisation is the subordination of the liberty of the individual for the benefit of the community. I understand, Sir, that the purveying of poisons requires an infringement of liberty? Would they propose that that constitutes an infringement of liberty? Would they propose that fire-arms, guns and poisons should be handed about freely to whosoever asks for them? If they are prepared to concede that the purveying of poisons and dangerous drugs requires restrictions to be placed on it, why are some such restrictions not required on the most dangerous of all poisons? I refer to dangerous and inflammatory literature. (Loud Applause.) Once we get to the hard ground of practical fact, Sir, we at once realize that it is the bounden duty of Government to protect the youth of this country from contamination by the lying and dangerous statements which have appeared from time to time in certain sections of the press. During the course of the last few years I have had a good deal of connection with the terrorist youths in Bengal. I have been struck in every case with their extreme ignorance, their extreme immaturity, their extreme emotional instability and the extremely dangerous way in which their feelings can be played upon by any kind of sentimentality. Now, it is our duty to protect those youths, while they are still immature, from contamination by this dangerous poison. (Hear, hear.) The policy of the Government is radically opposite to the policy advocated by the Members on the opposite side. Their policy is: "wait till an offence is committed and then send the offender to jail".

**Mr. S. Satyamurti** : That is the civilized policy.

**Mr. P. J. Griffiths** : I am surprised that it can be suggested that we should wait till we are forced to send young boys to jail, I am surprised at Mr. Satyamurti's remark. As far as we can, we try to administer justice but it is also our concern and our constant ambition not to send young boys to jail. (Interruptions.) The Honourable Member interrupting may believe me when I say that it was a pitiable sight three years ago to see the jails in Bengal crammed with youths who certainly would not have been there but for the dissemination of this poisonous literature. (Hear, hear.)

I turn now, Sir, briefly to the question of the working of the Act. In the first place, I would ask Honourable Members to observe that the effect of the Indian Press (Emergency Powers) Act is very moderate in its working. (Voices : "Oh, Oh!") It imposes no kind of censorship and it does not involve suppression. It lays down two simple principles. The first is that if a newspaper publishes certain kinds of objectionable articles, that newspaper has to deposit security. Is there any very great hardship in that, Sir? It lays down, secondly, that if that

newspaper repeats the offence after this definite and formal warning, if that newspaper again publishes inflammatory articles, that newspaper then has to forfeit its security deposit. Is it a very great injustice, is it a very great hardship (Voices : "Not at all!"), that some financial penalty should be levied upon a newspaper which has deliberately on two separate occasions, and after one solemn warning, published inflammatory literature? After all, Sir, what are the particular kinds of taings which the newspaper may not publish? They are these :

Firstly, "which incites to or tends to incite or to encourage the commission of any offence of murder". Do Honourable Members want that newspapers should be free to publish incitements to murder?

**An Honourable Member** : They may be punished by a Court of law.

**Mr. P. J. Griffiths** : Secondly, "which tends to seduce any officer, soldier, sailor or airman or any police officer from his allegiance or duty". In a very short time, Sir, Honourable Members on that side will be the Government of India. (Voices : "Oh, Oh!") Do they then wish that, under their regime, every Tom, Dick and Harry shall be at liberty to seduce their soldiers, their sailors, their police officers, their Civil Surgeons, from their allegiance to them? (Hear, hear.) Well, if they do so want, then I can only suggest that they are laying a rod in pickle for their own backs. (Hear, hear.)

Now, Sir, let me deal with the question of the administration of this Act. I have told the House that the Act is moderate; I have now to convince the House that the administration of the Act has been still more moderate. (Voices : "Oh, Oh!") I wonder if Honourable Members have any idea how many newspapers there are in British India. I will tell them. There are 4,630 newspapers. The total number of security orders—and this includes both newspapers and presses—is 781, that is, a little less than one in six; in less than one out of six cases newspapers have been required to deposit security. Of these 781 newspapers, in how many cases has the deposit been forfeited? Twenty-five. These are not my figures but are available to the Honourable Member opposite himself. Out of 4,630 cases, in only 25 cases has the security deposit been forfeited,—a little less than one in 180! Can it be pretended that Government has secured a strangle-hold upon the press of this country merely because one in 180 has had to forfeit its security deposit? (Loud Applause.) And what are the amounts of these security deposit? Doubtless Honourable Members know that the Local Governments can demand a security deposit up to Rs. 3,000, but Government does not do this. Government never wishes to proceed to extremes. (A Voice : "Infinite kindness!") Yes, it is a great kindness. Of the newspapers, only in one case out of six has that security exceeded a thousand rupees. I would like to ask Honourable Members whether they wish that the press of this country should be in the hands of such men of straw that they cannot deposit one thousand rupees. (Voices : "Oh, Oh!") Again, Sir, while I deal with the question of the moderate administration of this Act, I may say that of some 4,200 prosecutions launched under section 18 (1) of the Indian Press (Emergency Powers) Act, some four thousand have resulted in a conviction! My Honourable friend has told us that he has complete faith in the Courts of this country but not in the Executive. He will observe that practically every case sent up by the Executive has resulted in a conviction by the very Courts in

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which he has faith. (Loud Applause.) I have only one other point to make in this connection, Sir, and that is to deal with the allegation that the Act is stifling the press. I wonder if Honourable Members opposite have troubled to get the figures as to the number of newspapers in existence five years ago and the number of newspapers now in existence. They will be interested to know that the number of newspapers in British India has increased by 716 in the last four years, and the number of printing presses has increased by 1,029. (Hear, hear.) Does that suggest to an impartial mind that Government is exercising a strangle-hold upon the press? Does it not conclusively prove that the people most concerned, the people who run the newspaper business themselves realize that as long as they can comport themselves with some kind of decency, they have ample safety, ample liberty and complete justice? (Loud and Prolonged Applause.) Finally, Sir, I wish to read to you in this connection a quotation from the very high authority whom the Honourable the Home Member quoted this morning, but as the latter part of the quotation is more germane to my present point, I should like to read that part of the quotation. This is from *Young India* of the 28th May, 1931, and purports to come from Mr. Gandhi:

"I have before me extracts from journals containing some gruesome things—These are communal incitement, gross misrepresentation, and incitement to political violence bordering on murder."

Now, this is the important point. I suggest Honourable Members should listen to the important point which is now coming:

"The real remedy is a healthy public opinion." (Hear, hear.)

I hope the applause will continue:

"We have our journalist association. Why should it not create a department whose business would be to study various journals and find objectionable articles and bring them to the notice of their respective editors?"

That was an article by Mr. Gandhi in May, 1931, when there was no Press Act in force. The Government of India waited patiently for a long time; they hoped that some notice would be taken of that appeal by Mr. Gandhi. Was anything done? Did the Journalists Association make the least attempt to bring its influence or to bring public opinion to bear upon the question of the publication of these inflammatory articles? No, Sir. For five months after that warning the Association remained silent, and, as a result, Government were compelled to bring in in October, 1931, the Press Emergency Powers Act. Mr. Gandhi's words were the correct words—the real remedy lies in the hands of the journalists themselves. And it is because a certain section—I do not say the majority—of journalists refused to take their responsibility seriously that Government has had to step in and enforce this responsibility for them.

The next effect of the Act is the power to take possession of notified places or to confiscate funds. I understand this subject will be dealt with more in detail by other speakers and therefore I propose to be very brief about it. I merely wish to say this that the power to take possession of a place which is used by an unlawful association is merely a logical corollary to the fact that you have declared that association unlawful. We are not discussing here today whether Government should or should not have the power to declare associations unlawful. Under

the present law Government has that power and I cannot conceive of any man of reason maintaining that Government can declare an association unlawful but should not have power to confiscate the funds of that association—or in other words, that we should be compelled to sit by idly and watch an admittedly unlawful association carry out its nefarious activities. I may also say in this connection that without some such power it would be utterly impossible to prevent or even to make less likely secret meetings of those very associations which have been declared illegal. I must pass on quickly. The last effect of the Act is to create two substantive offences. The first of those substantive offences is that laid down in section 5 of the existing Criminal Law Amendment Act which refers to the dissemination of the contents of forfeited documents. Here we are not dealing with the question as to whether any document should be forfeited or should not be forfeited. If the view of the opposite side of the House is that no document should be forfeited, then they will have to introduce a very great body of legislation. They will have to repeal the Sea Customs Act, the Posts and Telegraphs Act and a dozen other Acts which could easily be named. As the law at present stands, certain documents are liable to forfeiture and are forfeited. What could be more illogical and what could be more stupid than to confiscate those documents and allow some one to memorise them and read them out? No sane Government could contemplate such an extreme inconsistency. As long as you have a law for the forfeiture of documents, so long you must have a power to make dissemination of those documents or the contents of those documents a penal offence. One more point which is perhaps hardly relevant here and which I missed in my remarks about the press. My Honourable friend, Mr. Satyamurti, said: Why do you want this central legislation about the press? He said the worst trouble is in Bengal and in the Punjab and in Bengal you have special Acts which deal with these matters: so there is no necessity for such legislation here. I am afraid, my Honourable friend is misinformed. There is no special legislation in Bengal which gives Government any kind of control over the press. I presume he had in mind sections 35 and 36 of the Bengal Suppression of Terrorists Outrages Act. Those sections deal with an exceedingly limited class of cases and are meant not so much for application to the press but for application to private individuals who pass round printed or manuscript copies of seditious literature. My Honourable friend is misinformed when he says that that legislation for this purpose is available in Bengal.

The last point with which I wish to deal is section 7 of the Criminal Law Amendment Act at present in force. That deals with molesting and picketing. The Government of India object to molesting and picketing because experience has shown that there is no such thing as peaceful picketing. Picketing may start as peaceful—this is not theory that I am talking but it is what every Member of this House has seen with his own eyes—but it invariably finishes up in disorder and violence. If Honourable Members want concrete examples, I will give them one that comes to my mind. Take, for example, Dacca. I hope there is some Honourable Member who comes from Dacca and who can corroborate what I say. There in the year 1929-30, picketing molestation and enforced hartals were the order of the day.

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadian Rural): It is absolutely false.

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**Mr. P. J. Griffiths :** I fear, Sir, the Honourable Member must have stayed inside of his house. But I was the whole time in Dacca and saw it happening day after day and week after week. Here the shopkeepers were forced to join in hartals and were picketed if they refused to do so. It so happened that most of the poor shopkeepers were Muhammadans whereas most of the wealthier people were Hindus. That was an unfortunate accident but the effect of this picketing and enforced hartals was that there were communal riots in 1930 and I challenge any Member of this House who was in Dacca at that time to repudiate those facts in detail. But, Sir, Dacca is not the only example. You have Cawnpore and you have a dozen other examples in the last ten years where picketing and molestation have led, as they always must lead, to violence and to defiance of law and order. It is very common to say, as my Honourable friend has said, that the ordinary law is quite adequate to deal with picketing and molestation. He read out a very interesting series of extracts from rulings and he tried to establish conclusively the argument that those acts are offences under the ordinary law. I do not know if my friend is a lawyer but if he is I can only hope that he will be a High Court Judge before long and I hope that he will then persuade Courts to take that very view which he has now enunciated. These sections are introduced because our practical experience shows that convictions cannot be secured for molestation and picketing under the ordinary law except in the most exceptional circumstances. Do not let the Honourable Member think that this is a new idea. The Honourable Member is apt to think that all this time neither the Government of India nor its officials have ever read the Indian Penal Code. I can assure the Honourable Member that for the last few years we have been reading the Indian Penal Code most diligently. We have been most diligently looking for ways of dealing with miscreants and in particular of dealing with picketers and people who molest and it is because we have failed to find a remedy under the ordinary criminal law that the Government of India have had to resort to the proposed present section.

I have nothing more to say, Sir, except this that this Assembly is the forerunner of what will be the Government of India in a very short time and the best service that this Assembly can render to that future Government is to arm that Government with the very weapons which they will otherwise have to seek for themselves. If Honourable Members opposite had a true sense of gratitude they would be thanking the Honourable the Home Member for saving them the most unpleasant task which would assuredly fall to their lot in two or three years' time. But, Sir, the best augury for the future Government of India will be if this Assembly will display its sense of responsibility by lending its support to a measure which steers the midway course between liberty on the one hand and licence on the other hand. (Loud and Prolonged Applause.)

The Assembly then adjourned till Eleven of the Clock on Friday, the 6th September, 1935.

## LEGISLATIVE ASSEMBLY.

Friday, 6th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## QUESTIONS AND ANSWERS.

## RECRUITMENT OF PROBATIONERS IN THE TRAFFIC DEPARTMENT OF THE CALCUTTA PORT TRUST.

155. **\*Mr. Basanta Kumar Das :** (a) Did the Calcutta Port Trust authorities ever hold any departmental examination, as was set forth in the programme of training for the probationers appointed by them in 1929 in the Traffic Department, to test their relative ability, efficiency and intelligence ? If not, why not ?

(b) Is it not a fact that Government employees of almost all grades of services, including those in the Imperial ranks, have to sit, before their confirmation in the services, for departmental examinations and the results thereof go to determine their progress at the early stages of their careers ?

(c) If the answer to part (b) be in the affirmative, do the Calcutta Port Trust authorities adopt a similar system with regard to the services under them ? If not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) No. The probationers were required to submit monthly reports on the work done by them. The sectional heads also interviewed them and reported on their progress. They were further interviewed at regular intervals by the head of the Department and interrogated as to their work. It was considered that the manner in which the probationers did their work furnished sufficient indication of their ability.

(b) It is not a fact, although there are a few Government services in which the passing of departmental examinations after appointment is a necessary preliminary to confirmation.

(c) Departmental examinations are not held by the Calcutta Port Commissioners because they consider that the results of such examinations would not give a correct index as to a man's qualifications for an outdoor supervising post where character, personality and temperament are of at least as great importance as ability to secure high results in examinations.

**Mr. Basanta Kumar Das :** If examinations are not held, on what basis are the entrants to the services confirmed in their respective posts ?

**The Honourable Sir Muhammad Zafrullah Khan :** On the progress report of their work.



**Mr. Basanta Kumar Das :** Do the Port Trust authorities draw up any comparative statement of the quality of the work done by the candidates in order to see whether any man should be promoted in preference to another man ?

**The Honourable Sir Muhammad Zafrullah Khan :** As I have already read out in the answer, reports are made from time to time on the progress they are making with regard to their work, and, it is on the basis of these reports, that the result is arrived at as to the comparative merits of the different probationers.

**APPOINTMENT OF ONE MR. HOGAN AS A YARD MASTER IN THE TRAFFIC DEPARTMENT OF THE CALCUTTA PORT TRUST.**

156. **\*Mr. Basanta Kumar Das :** (a) Will Government be pleased to state whether it is a fact that towards the middle of the year 1934, the Calcutta Port Trust authorities appointed one Mr. Hogan as a Yard Master in their Traffic Department ?

(b) If the answer to part (a) be in the affirmative, what are the qualifications, academic or otherwise, of Mr. Hogan and on what salary has he been appointed ?

(c) Is it a fact that Mr. Hogan has been appointed on a higher initial salary than what usually happens to be the "Scale" of a Yard Master in the Port Trust ? If so, what are the special reasons for doing so ?

(d) Was the vacancy, before it was filled up, at all notified ? If not, how did the Port Trust authorities ascertain that no Indian with qualifications similar to or better than Mr. Hogan's would offer himself as a candidate for appointment, and what made them to come to the conclusion that Mr. Hogan was the best available person for the post ?

(e) Is it a fact that one Mr. Crawford, an outsider, has been appointed by the Calcutta Port Trust authorities ? If so, was his post advertised, and why was no probationer appointed ?

(f) Is it a fact that Messrs. Bolst and Ward, who had retired from the services, have again been taken in by the Calcutta Port Trust authorities ? If so, will Government be pleased to state the circumstances under which they have been re-appointed ?

(g) Will Government be pleased to lay on the table of the House the correspondence that passed between them and the Calcutta Port Trust authorities and the Bengal Government with regard to the resolution passed in the Council of State in September, 1932, on the question of Indianisation of Port Trust services ?

(h) Is it a fact that in pursuance of the resolution passed in the Council of State in September, 1932, on the question of Indianisation of Port Trust services, the Calcutta Port Trust authorities formulated the policy that in the ordinary circumstances it would not be necessary to recruit non-Indians for most of their Departments and Sections ?

(i) If so, will Government be pleased to state why that policy has been departed from in the case of the appointments referred to in parts (a), (e) and (f) above ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) Mr. Hogan had 15 years' Railway experience. He had passed the Guard's and Assistant Station Master's examination and the Junior and Senior Audit Examinations. He had also passed as Section Controller at the A. S. M. Training School. While on ten months' leave out of India in 1933-34 he passed in "Railway Economics" at Cardiff Technical College, was attached to the G. W. Railway at Cardiff for five months and studied Goods and Docks working, Yard working, Train control, Goods Depot work, Claims and Rates and Parcels work. He was appointed as Yard Master in the Traffic Department of the Calcutta Port Commissioners on a pay of Rs. 440 per mensem in the scale of Rs. 300—20—600.

(c) Yes. His services could not have been secured on the minimum pay.

(d) No. About this time there was a sudden and unexpected increase of work in the Transportation Section, an increase which coincided with the death of one and the retirement of two experienced officers. In consequence the Port Commissioners required an experienced Railway man at short notice and applied to the Railways. Mr. Hogan was strongly recommended by the East Indian Railway authorities.

(e) Yes. The post was advertised. No probationer was found qualified for the post.

(f) Yes, on a temporary basis, because there was a rush of work and experienced traffic officers were required.

(g) A copy of the correspondence is laid on the table of the House.

(h) Yes.

(i) The position has been explained in reply to parts (a), (d), (e) and (f) of this question. I would, however, add that Mr. Crawford is a statutory Indian.

*Madras, Marine (Finance) Department,  
Bombay, Political Department,  
Bengal, Marine Department,  
Burma, Revenue Department,  
and the Chief Commissioner, Aden, No. 204-P. & L. 32, dated the 19th April, 1933.*

I am directed to address you on the subject of the Indianization of Port Trust Services.

2. As the Local Government (you) are (no doubt) aware Sir (then Mr.) P. C.

Sethna, in January, 1922, moved a Resolution to the following effect in the Council of State :

"This Council recommends to the Governor General in Council that steps be taken to increase the number of Indians in the higher grades in the services of the Port Trusts, and to lay down a definite policy in regard to the same for the future."

The Government of India in accepting the Resolution made it clear that in their view the most practical way in which Government could give effect to it would be the amendment of the Port Acts so as to strengthen Indian representation on the Port Trust Boards. Accordingly, the Port Acts of all major ports except Aden were amended with this end in view.

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3. Since the acceptance of the above Resolution by the Government of India, the question of the appointment of Indians in substantial numbers to the higher grades of the Port Trust Services has received considerable attention both in and outside the Legislature. Questions have been asked on numerous occasions in the Central Legislature as to the action taken by Government and the Port Trusts on the Resolution and as to the progress achieved in the direction of Indianization in the different branches of the Port Trust Services. Frequently also, more especially in recent years, representations have been made by Indian commercial bodies and others expressing dissatisfaction with the slow rate of Indianization or alleging specific instances in which appointments have been filled without due regard to the possibility of employing eligible Indians. In September, 1932, the Honourable Sir P. C. Sethna again moved a Resolution on the subject in the Council of State in the following terms :

“ This Council recommends to the Governor General in Council to adopt effective measures to secure a substantial improvement in the matter of Indianizing the services of the Port Trusts to an appreciable extent.”

This Resolution, as will be seen from the Council of State Debates, Volume II—No. 4, pages 169—186, was accepted by the Government of India on the understanding that it did not commit Government to further amendment of the constitutions of Port Trusts.

4. The Government of India note with satisfaction that Port Trusts are generally in sympathy with the principle of Indianization and recognize the importance of adopting measures to secure a wider employment of Indians in their Superior Services. The stage has, however, now been reached at which it is desirable that concrete proposals or programme should be formulated for carrying through an effective policy of Indianization. Under the various Port Acts, except in the case of certain high posts, the statutory power to make appointments to their Superior Services is vested in the Port Trusts, and the power to implement a policy of Indianization of these Services lies therefore mainly with the Port Trusts themselves. They are, moreover, in the best position to judge, having regard to the special conditions of each port, what steps should be taken to hasten the pace of Indianization, and also to indicate the practical limitations or difficulties, if any, which oppose themselves to the recruitment of Indians in particular Departments. The Government of India, therefore, consider that the onus of formulating detailed schemes for carrying out the purpose of the Resolution lies primarily on the Port Trusts themselves, I am accordingly to request that the Resolution may be brought to the notice

of the Madras, Port Trust  
Bombay and Karachi Port Trusts  
Calcutta Port Commissioners  
Rangoon Port Commissioners  
Aden Port Trust and the Government of India informed

in detail, as soon as possible, of the specific measures which the Port Trust(s)  
Commissioners\* propose to take to give effect to the Resolution. The Government of India would be glad if the Local Government would at the same time favour them with their views as to the adequacy of any proposals made by the Port Trust(s)  
Commissioners\* together with suggestions as to any further action which may usefully be taken for the attainment of the object in view.

5. A number of the superior posts under the Port Trusts require mercantile marine qualifications, and one of the factors which have militated against the appointment of Indians to these posts has been the dearth of Indian candidates possessing the requisite qualifications. The position, however, will be rectified when passed cadets of the Indian Mercantile Marine Training Ship “ Dufferin ” have obtained their certificates of competency and have acquired the necessary experience. It is in should be utilized to the fullest extent possible in filling appointments for which the possession of mercantile marine qualifications is considered essential. The Government of India have accordingly already embodied in the recruitment rules of the Bengal Pilot Service provision to the effect that preference shall be given to candidates

who have passed through the “ Dufferin ”. I am to enquire whether the Madras Port Trust  
Bombay and Karachi Port Trusts  
Port Commissioners  
Aden Port Trust

would be prepared, in filling such posts under them, to give a similar preference to ex-“ Dufferin ” cadets possessing the requisite qualifications.

6. The Government of India are frequently called upon to answer questions in the Legislature regarding the progress of Indianization in the Port Trust Services and are obliged on practically all such occasions to call for the requisite information from the Local Governments. In order to obviate, as far as possible, the labour and inconvenience involved in the compilation of the relevant data at frequent intervals, I am to request that the Government of India may be furnished in January each year with :

(a) a report on the progress of Indianization of the Superior Services under  
Madras Port Trust  
Bombay and Karachi Port Trusts  
the control of the Calcutta Port Commissioners  
Rangoon Port Commissioners  
Aden Port Trust during the preced-

ing twelve months, in which the circumstances attending the various appointments made in the course of the year should be fairly fully explained, and

(b) a statement in the attached form showing the superior staff of the various branches of their Services as on the 31st December of the previous year.

I am also to say that the Government of India consider it desirable that they should remain in close touch with current developments in regard to the process of Indianization and would therefore be glad if they could be kept fully and constantly supplied with all relevant information on the subject which is likely to be of interest to them.

Name.

Nationality and Religion\*.

Designation.

Scale of pay.

Present pay.

Total Service.

Remarks.

Copy of letter No. 2646-Mne., dated the 12th December, 1933, from the Government of Bengal, Commerce and Marine Departments, to the Government of India, Department of Commerce, New Delhi.

SUBJECT :—Indianization of Port Trust Services.

I am directed to refer to Mr. Raisman's letter No. 204-P. & L.32, dated the 19th April, 1933, on the above subject, and to say that, as requested by the Government of India, the Resolution of Honourable Sir P. C. Sethna was brought to the notice of the Port Commissioners, Calcutta. A copy of the reply of the Chairman in his letter No. 58402, dated the 11th September, 1933, is enclosed for the information of the Government of India.

2. The Chairman states that the policy of the Calcutta Port Commissioners is that if there is any person already in their service fully qualified and in every way suitable for the vacant post, that person will be promoted, and the appointment made regardless of race. If there is no suitable person in their service, and in consequence the vacancy has to be filled from outside, full opportunities will be given to Indians to apply for the vacancy, and when an Indian with the necessary qualification is available and candidates of other nationalities are not better fitted for the post, the

\*I.e., whether European, Anglo-Indian or Indian.

Indian candidates will be appointed. The Chairman states that this policy has been unanimously accepted by the Commissioners, and, as the Government of India are aware, three of the Commissioners are elected by the Bengal National Chamber of Commerce, one by the Indian Chamber of Commerce, and one by the Corporation of Calcutta.

3. The Chairman also states that the Commissioners have taken action to ensure that, as far as possible, Indians will be appointed to their service suitable for promotion to higher appointments. In the Traffic Department, probationers have been appointed for special training as officers; in the Accounts Department, qualified accountants have been appointed as Inspectors of Accounts, so that it should no longer be necessary for the Commissioners to recruit from outside for the senior appointments in the Accounts Department. Indian assistants have also been appointed in the Engineering Department.

4. From further enquiries it has been ascertained that the system of appointing probationers in the Traffic Department for special training as officers was started in 1922. Two men were then appointed and both are now officiating as Deputy Dock Superintendents, each drawing Rs. 1,000 per mensem. Another probationer was appointed in 1924, but, as he was found unsuitable for the service, his services were terminated in 1927. Another was appointed in his place, but he also proved unsuitable and was transferred to a post of Head Shed Clerk. In 1928 three probationers were appointed. One was transferred to the Secretary's Department, and he is now an Assistant Secretary; one is now officiating as Superintendent, Kantapukur, on a salary of Rs. 600 per mensem while the third proved unsuitable and his services were terminated in 1932. Six more probationers were appointed towards the end of 1929, and they are still in the Commissioners' service.

5. As regards the Accounts Department, the appointment of qualified accountants as Inspectors of Accounts was started only in 1931. Three qualified Indians were appointed in 1931 (of these one was a promoted clerk), and two more were appointed from outside in 1932, while some men already in the service have also qualified as accountants. In this connection I am to refer to the correspondence ending with the Local Government's letter No. 402-Mne., dated the 11th February, 1933, from which it will be seen that, with the exception of the present Chief Accountant and Deputy Chief Accountant, all the present accounts staff of the Commissioners are statutory natives of India, that the Commissioners have accepted the position that as regards future recruits to their Accounts Department enrolment on the Register of Accountants will be regarded as a sufficient qualification, and that owing to the arrangements made for the recruitment of qualified officers to junior posts in the Accounts Department it should ordinarily be unnecessary to recruit from outside to the posts of Chief and Deputy Chief Accountant. Since then the Commissioners as the result of a reference made to them by the Local Government in connection with the letter of the Government of India, Department of Commerce, No. 28 (1)-T. & E. (R.A.), dated the 1st September, have revised their further decision that in future all appointments from outside to posts of Audit Inspector or senior posts will be restricted to persons enrolled on the Register of Accountants (*vide* the Port Commissioners' letter No. 05840, dated the 31st January, 1933, a copy of which was forwarded to the Government of India with the letter quoted earlier in this paragraph from the Local Government). The reason for this change in view, which the Local Government regard as reasonable, is contained in the enclosed letter of the Chairman, No. 66112, dated the 23rd October, 1933.

6. With regard to the engineering side of the Port Commissioner's work, it has been ascertained that there are now five Indian Assistant Engineers in the Commissioners' service, one of whom is now officiating as an Assistant Executive Engineer. Two of these engineers however are promoted subordinates, and are said to be not fully qualified for further promotion.

7. With regard to paragraph 5 of Mr. Raisman's letter, it will be seen that the Commissioners will be prepared to give preference to *ex*-"Dufferin" cadets possessing Master Mariner's certificates when such candidates are available. The Commissioners, however, expect candidates to have served afloat at least as second officers and prefer them to have served as Chief officers. Apart from posts which must be filled by Master Mariners, it is said that there are several posts requiring sea experience, which have in the past been necessarily filled by Europeans, but which the Commissioners intend to fill with *ex*-"Dufferin" cadets with second mates certificates when they are available. Such posts are second officers in the Commissioners' Dredger and Despatch vessel service and it is the Commissioners' intention to appoint *ex*-"Dufferin" cadets possessing second mates certificates to these posts

with a view to training them as Berthing Masters. It is stated also that in the River Survey the recruitment of Europeans has ceased, and that three out of the last four appointments have been made direct from the "Dufferin". This method of recruitment the Commissioners intend to follow in future.

8. The Chairman states that the recruitment of some Europeans will still be necessary in the Chief Mechanical Engineer's Department owing to the dearth of qualified Indian mechanical engineers with the necessary practical experience, especially of ship repair work. Marine Engineers with Board of Trade Certificates are also required, and it is stated that there are few Indians available with this qualification. It is also stated that there are no Indian shipwrights. Whenever Indians with the necessary qualifications are available however they are being appointed and it is stated that the electrical section is already under an Indian Electrical Engineer.

9. I am to say that the Local Government have nothing to add to the letter of the Chairman with respect to the policy pursued by the Commissioners. The Chairman states that the Commissioners have taken such action as is within their power to Indianize their services. He goes on to say that the rate of Indianization must depend upon the retirement of the European officers now in their service. The Local Government are of the opinion that as the Commissioners have accepted generally the principle that where properly qualified Indians are available, they will receive preference, no further action can be taken by Government towards Indianization. In particular, the Local Government invite the attention of the Government of India to the fact that the Commissioners are unanimously opposed to any suggestion that Europeans should be compulsorily retired to make way for Indians. With this sentiment the Local Government are in entire agreement, and they trust that any such idea would be strongly opposed by the Government of India.

10. I am to add that the information requested in paragraph 6 of Mr. Raisman's letter as amended by Mr. Stuart-Smith's letter No. 233-P. & L. (4)33, dated the 23rd September, 1933, will be forwarded regularly to the Government of India.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.)

Joint Secretary to the Government of Bengal.

*Copy of a letter No. 58402, dated the 11th September, 1933, from the Chairman of the Commissioners for the Port of Calcutta, to the Secretary to the Government of Bengal, Marine Department.*

I have the honour to refer to your letter No. 60-T. Marine, dated the 1st May, 1933, forwarding a copy of letter from the Government of India, Department of Commerce, No. 204-P. & L.32, dated the 19th April, 1933, on the subject of the Indianization of Port Trust services.

2. The policy of the Calcutta Port Commissioners in the matter of filling appointments is as follows. If there is any person already in their service fully qualified and in every way suitable for a vacant post, he will be promoted and the appointment will be made regardless of race. If there is no suitable person in their service and in consequence the vacancy has to be filled from outside, full opportunities will be given to Indians to apply and when an Indian with the necessary qualifications is available and candidates of other nationalities are not better fitted for the post, the Indian candidates will be appointed. This policy was unanimously accepted by the Commissioners.

3. The Commissioners have taken action to ensure as far as possible that there will be Indians in the service suitable for promotion to higher appointments. In the Traffic Department probationers have been appointed for special training as officers; in the Accounts Department, qualified accountants have been appointed as Inspectors of Accounts so that it should no longer be necessary for the Commissioners to recruit from outside for the senior posts in this Department; and Indian assistants have been appointed in the Engineering Department.

4. As a result of the action taken, it will not be necessary in ordinary circumstances to recruit Europeans for any post in the Trust, other than posts in the Deputy Conservator's and Chief Mechanical Engineer's departments. I say in ordinary

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circumstances because it is always possible that the necessity for an outside appointment may arise, and there may not be a suitable Indian candidate available.

5. The recruitment of Europeans will still be necessary for the Deputy Conservator's department because the incumbents of many posts must be holders of Master Mariner's certificates, and Indians with this qualification are not now available. They will be available in the future, and the Government of India ask whether the Commissioners will then be prepared to give them preference. The reply is in the affirmative, but it must be remembered that the mere possession of a Master Mariner's certificate is not sufficient as the Commissioners expect candidates to have served afloat at least as second officers and prefer them to have served as Chief Officers. Apart from posts which must be filled by Master Mariners, there are several posts requiring sea experience, which have in the past necessarily been filled by Europeans. *Ex. "Dufferin"* cadets with Second Mates certificates will shortly be available and it is intended to appoint them when vacancies occur as second officers in the Commissioners' Dredger and Despatch vessel service with a view to training them as Berthing Masters. In another important section of the Deputy Conservator's Department, *viz.*, the River Survey, men can be recruited young and receive the necessary training in the service. The recruitment of Europeans for this section has ceased, the three out of the last four appointments made have been direct from the "Dufferin". This method of recruitment will be followed in future.

6. The recruitment of some Europeans will still be necessary in the Chief Mechanical Engineer's Department owing to the dearth of qualified Indian Mechanical Engineers with the necessary practical experience, especially of ship repair work which is such an important part of the work of this department. Also, Marine Engineers with B. O. T. certificates are necessary and there are at present few Indians available with this qualification, and there are no Indian shipwrights. Whenever Indians with the necessary qualifications are available, they are being appointed and the electrical section is already under an Indian Electrical Engineer.

7. The Commissioners have taken such action as is within their power to Indianise their services, but the rate of Indianization must depend upon the rate of retirement of the European officers now in their service. It has never been suggested that Europeans should be compulsorily retired to make way for Indians, and the Commissioners would be unanimously opposed to any such action. The rate of Indianization has also been adversely effected by the abolition of posts on account of trade depression.

8. The Commissioners will in future forward to you annually the report and statement referred to in paragraph 6 of the letter from the Government of India.

THE COMMISSIONERS FOR THE PORT OF CALOUTTA.

No. 66112.

The 23rd October, 1935.

FROM

T. H. ELDERTON, Esq.,

Chairman,

TO

THE SECRETARY TO THE GOVERNMENT OF BENGAL,  
MARINE DEPARTMENT.

SIR,

I have the honour to refer to your letter No. 422-T.Mne., dated the 9th October, 1933, forwarding copy of a letter from the Government of India, Department of Commerce, No. 28 (1)-T. & E. (R.A.), dated the 1st September, 1933, regarding Auditor's Certificates Rules, 1932.

The Government of India in the last paragraph of their letter ask the Local Government to consider the desirability of prescribing enrolment on the Register of Accountants as the qualification required of candidates for various posts requiring knowledge of accountancy. The Port Commissioners would not be prepared to insist upon this qualification in the case of their service, for the following reasons:

- (a) No person will be eligible for enrolment on the Register under Rule 6 (a) unless he has completed a certain period of service under articles. This

would exclude from enrolment all persons who have received their early practical training in the Commissioners' service.

- (b) There would appear to be no justification for insisting upon a person qualified for enrolment under rule 6 to incur the cost of enrolment when he had no desire to act as a public accountant and would not be permitted by the Commissioners to do so.

At present men who are obtaining their practical experience in the Commissioners' service can acquire by private study the theoretical knowledge which is necessary for promotion to the highest posts, and they can prove the possession of this knowledge by passing the examination qualifying for the Government Diploma of Accountancy or the examinations held by bodies such as the London Association of Accountants. The Commissioners would certainly not be prepared to adopt any course which would unnecessarily exclude from promotion men who have all the theoretical knowledge required for enrolment on the Register and also have long experience of the practical side of their duties in the Commissioners' service.

I take this opportunity to correct the statement made in the penultimate paragraph of this office letter No. 5840, dated the 31st January, 1933. Although anyone enrolled on the Register of Accountants will be deemed sufficiently qualified for any post in the Commissioners' Accounts Department, future appointment from outside to posts of Audit Inspector or senior posts cannot be restricted to such persons. Theoretical qualifications such as the qualification G. D. A. will certainly be insisted upon but to prescribe the further condition of enrolment on the Register of Accountants might only render it impossible to appoint the most suitable candidate.

I have, etc.,

(Sd.) T. H. ELDERTON,

Chairman.

Mr. Basanta Kumar Das : How long will these men be retained ?

The Honourable Sir Muhammad Zafrullah Khan : I can discover that if the Honourable Member is anxious to know.

Mr. Basanta Kumar Das : How long after their retirement they were taken in ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information on the point, but I can discover that if the Honourable Member wants.

Mr. S. Satyamurti : With reference to the answer to part (h), may I know if this policy is being enforced now ? Are they recruiting only Indians now ?

The Honourable Sir Muhammad Zafrullah Khan : No, if you mean only Indians. If you mean progressive recruitment of Indians, yes.

Mr. S. Satyamurti : What proportion of Indians and non-Indians is recruited ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot state the exact proportion of recruitment of Indians, but I may say that every year the recruitment of Indians has been on an increasing scale.

Mr. S. Satyamurti : What is the exact proportion ?

The Honourable Sir Muhammad Zafrullah Khan : I can give that. In 1927, there were 64 Indians, including Anglo-Indians and 235 Europeans. The percentage of Indians, including Anglo-Indians, was 21 per cent. In 1932, Indians including Anglo-Indians were 147, and Europeans 293. The percentage of Indians including Anglo-Indians was

33. In 1935, there are 204 Indians including Anglo-Indians and Europeans 295. The percentage of Indians including Anglo-Indians is 40. In 1927, Indians, excluding Anglo-Indians, were 14 and the percentage was 4.6. In 1935, Indians, excluding Anglo-Indians, are 88, percentage 17.6.

#### RECRUITMENT OF INDIANS IN THE CALCUTTA PORT TRUST.

157. **\*Mr. Basanta Kumar Das :** (a) Is it not a fact that in the latest Administration Report of the Bombay Port Trust it has been maintained that during the last ten years, the authorities at Bombay while filling up vacancies did not appoint any European, if Indian candidates with the requisite qualifications were available ?

(b) What steps do Government propose to take in order that the legitimate aspirations of qualified Indians may not be neglected by the Calcutta Port Trust authorities ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) It is presumed that the Honourable Member refers to the following statement in the Administration Report of the Bombay Port Trust for 1933-34 :

“ \* \* \* no European has been recruited to any post in the Trust carrying a salary of Rs. 500 and over during the past ten years, except in the case of certain specialised appointments in the Port and Engineering Departments requiring technical qualifications not yet possessed by Indians, such as Dredging Masters and Engineers with Board of Trade certificates or Master Mariners with Foreign-going certificates.”

(b) Government have no reason to suppose that the legitimate aspirations of qualified Indians are being neglected by the Calcutta Port Trust authorities.

#### APPOINTMENT OF NON-INDIANS AS PROBATIONARY ASSISTANT RIVER SURVEYORS IN THE CALCUTTA PORT TRUST.

158. **\*Mr. Basanta Kumar Das :** (a) Will Government be pleased to state whether it is a fact that in the month of June, 1934, two non-Indians, as distinct from persons of pure Indian parentage, were appointed as probationary Assistant River Surveyors by the Calcutta Port Trust authorities ?

(b) If the answer to part (a) be in the affirmative, were those non-Indians appointed due to Indians with similar qualifications not being available or not offering as candidates for appointment ?

(c) What are the qualifications of the persons appointed, and what is the scale of salary for an Assistant River Surveyor during the probationary period and on confirmation ?

(d) Were the posts, before being filled up, properly advertised ? If not, what was the reason for the Calcutta Port Trust authorities for not providing adequate opportunities to Indians who might have otherwise offered themselves as candidates for appointments, and how did the authorities determine that the persons appointed were with their qualifications the best available for the posts ?

(e) Is it not a fact that the persons appointed never served as cadets in the Mercantile Marine Training Ship *Dufferin* ?

(f) Was it not decided by the Calcutta Port Trust authorities that River Survey section of the Deputy Conservator's Department could be Indianised without difficulty by taking in cadets from the Mercantile Marine Training Ship *Dufferin*, as being eminently suitable for the purpose ?

(g) If the answer to parts (e) and (f) be in the affirmative, what is the reason for prescribing one set of qualifications for non-Indians and another for Indians ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Two Anglo-Indians who are Statutory Indians were appointed as probationary Assistant River Surveyors on the 1st June, 1934.

(b) The names of three Indian candidates were received from the Principal, Bengal Engineering College, but the candidates were found to be over-age.

(c) The qualifications required of probationary Assistant River Surveyors are given in the statement laid on the table. The probationers appointed possessed these qualifications.

The salary during the probationary period of three years is Rs. 75, Rs. 95 and Rs. 115 per mensem, respectively. The pay on confirmation is Rs. 200 in the scale of Rs. 75—20—95—115—200—250—310—30—400—450—50—1,200 per mensem.

(d) The posts have not been advertised in the past. The names of three Indian candidates were received through the Principal of the Bengal Engineering College. I believe it is intended to advertise these posts in the future. The two probationers appointed were considered suitable.

(e) Yes.

(f) The following is an extract from a letter of the Chairman of the Port Commissioners to the Secretary to the Government of Bengal, dated the 11th September, 1933 :

“ In another important section of the Deputy Conservator's Department, viz., the River Survey, men can be recruited young and receive the necessary training in the service. The recruitment of Europeans for this section has ceased and three out of the last four appointments made have been direct from the ‘*Dufferin*’. This method of recruitment will be followed in future.”

(g) The qualifications required are the same for all candidates, Indians and non-Indians.

#### Statement showing the qualifications required of probationary Assistant River Surveyors in the service of the Calcutta Port Commissioners.

(1) The candidate should be less than 18 years of age.

(2) The candidate should have passed the Senior Cambridge Examination, or its equivalent, with credit in Mathematics, which must include Trigonometry.

(3) The candidate should be of good physique and produce a medical certificate of fitness with specific reference to absence of any defect or weakness of eye-sight. The candidate will be further examined by the Commissioners' Medical Officer prior to entry.

(4) The candidate must produce a certificate of conduct and character from the head of his last school.

# INDIANS, ANGLO-INDIANS AND EUROPEANS SERVING IN PORT TRUST IN INDIA.

159. \***Mr. Basanta Kumar Das** : With reference to the answers to starred questions Nos. 537 and 308 (b) and (c), asked in this House on the 29th February, 1932, and 31st August, 1933, respectively, will Government be pleased to state separately the number of the Indian, European, and Anglo-Indian officers serving up to date in the higher and more remunerative posts in all the Port Trusts ?

**The Honourable Sir Muhammad Zafrullah Khan** : A statement giving the required information is laid on the table.

*Statement showing the number of Superior Officers in the various Port Trusts holding appointments carrying a maximum salary of Rs. 500 and over as on the 31st March, 1935 (in the case of Aden upto the 31st December, 1934).*

| Port Trust.         | Indian. | European. | Anglo-Indian. | Mauritius. | Chinese. | Armerian. |
|---------------------|---------|-----------|---------------|------------|----------|-----------|
| 1. Madras .. ..     | 6       | 12        | ..            | ..         | ..       | ..        |
| 2. Calcutta .. ..   | 25      | 114       | 85            | ..         | ..       | ..        |
| 3. Bombay .. ..     | 32      | 74        | 11            | 1          | ..       | ..        |
| 4. Karachi .. ..    | 10      | 18        | 2             | ..         | ..       | ..        |
| 5. Chittagong .. .. | ..      | 8         | ..            | ..         | ..       | ..        |
| 6. Rangoon .. ..    | 12      | 59        | 20            | ..         | 2        | 1         |
| 7. Aden .. ..       | 1       | 10        | ..            | ..         | ..       | ..        |
| Totals .. ..        | 86      | 295       | 118           | 1          | 2        | 1         |

# INDIANISATION OF SERVICES IN PORT TRUSTS IN INDIA.

160. \***Mr. Basanta Kumar Das** : What measures do Government propose to adopt in order to ensure the speeding up of the Indianisation of the services in all the Port Trusts in India ?

**The Honourable Sir Muhammad Zafrullah Khan** : The desirability of Indianising the superior services under them has been brought to the notice of the Port Trusts and the Government of India have been informed that the Port Trusts have generally taken and will continue to take such action as lies within their power to accelerate the process of Indianisation.

**Mr. Basanta Kumar Das** : Has any time limit been fixed within which Indianisation of the services in the Port Trusts is to be completed ?

**The Honourable Sir Muhammad Zafrullah Khan** : No, Sir.

**Mr. S. Satyamurti** : When was this communication sent to the Port Trusts by Government ?

**The Honourable Sir Muhammad Zafrullah Khan** : The correspondence I have laid on the table supplies all the information. I think it was on the 19th April, 1933.

**Mr. S. Satyamurti** : Since then, how many Indians have been appointed to the superior services of the Port Trusts ?

**The Honourable Sir Muhammad Zafrullah Khan** : I shall require notice of that question.

**Mr. Lalchand Navalrai** : May I know if there are any Indians as Chairmen of Port Trusts ?

**The Honourable Sir Muhammad Zafrullah Khan** : Notice of this question has already been received and it will be replied to when it is reached.

# REPORT ON THE CO-OPERATIVE MOVEMENT IN INDIA SUBMITTED BY MR. M. L. DARLING.

161. \***Mr. Basanta Kumar Das** : (a) Is it a fact that Mr. M. L. Darling, I.C.S., Special Officer in the Finance Department of the Government of India, has submitted to Government a report on the Co-operative movement in India ?

(b) If so, will Government be pleased to lay on the table of the House a copy of the said report and to state what action they propose to take on the said report ?

**The Honourable Sir James Grigg** : (a) and (b). Mr. Darling was primarily appointed to advise on the constitution of the Agricultural Credit Department of the Reserve Bank and the methods by which this Department could best assist agricultural credit including the co-operative movement. To his main report Mr. Darling has added a report on the co-operative movement in India as a whole and notes on the movement in the various provinces. The reports are primarily intended for the consideration of the Board of the Reserve Bank to whom they have been forwarded, and Government are not in a position to make any statement regarding their publication until they have received the views of the Board.

**Prof. N. G. Ranga** : Have Government reviewed those reports ?

**The Honourable Sir James Grigg** : As I say, it is primarily for the Board of the Reserve Bank to review them. The duty of considering the question of agricultural credit has been placed upon them by Statute.

**Prof. N. G. Ranga** : Has it been reviewed by the Board of Directors of the Reserve Bank ?

**The Honourable Sir James Grigg** : It is under consideration. Whether they have completed their review I cannot say.

**Mr. M. Ananthasayanam Ayyangar** : When was the report sent to the Reserve Bank ?

**The Honourable Sir James Grigg** : I do not know exactly, but some months ago.

**Mr. M. Ananthasayanam Ayyangar** : What have the Reserve Bank done till now ?



## INDIANS, ANGLO-INDIANS AND EUROPEANS SERVING IN PORT TRUST IN INDIA.

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**The Honourable Sir Muhammad Zafrullah Khan** : The desirability of Indianising the superior services under them has been brought to the notice of the Port Trusts and the Government of India have been informed that the Port Trusts have generally taken and will continue to take such action as lies within their power to accelerate the process of Indianisation.

**Mr. Basanta Kumar Das** : Has any time limit been fixed within which Indianisation of the services in the Port Trusts is to be completed ?

**The Honourable Sir Muhammad Zafrullah Khan** : No, Sir.

**Mr. S. Satyamurti** : When was this communication sent to the Port Trusts by Government ?

**The Honourable Sir Muhammad Zafrullah Khan** : The correspondence I have laid on the table supplies all the information. I think it was on the 19th April, 1933.

**Mr. S. Satyamurti** : Since then, how many Indians have been appointed to the superior services of the Port Trusts ?

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**The Honourable Sir James Grigg** : (a) and (b). Mr. Darling was primarily appointed to advise on the constitution of the Agricultural Credit Department of the Reserve Bank and the methods by which this Department could best assist agricultural credit including the co-operative movement. To his main report Mr. Darling has added a report on the co-operative movement in India as a whole and notes on the movement in the various provinces. The reports are primarily intended for the consideration of the Board of the Reserve Bank to whom they have been forwarded, and Government are not in a position to make any statement regarding their publication until they have received the views of the Board.

**Prof. N. G. Ranga** : Have Government reviewed those reports ?

**The Honourable Sir James Grigg** : As I say, it is primarily for the Board of the Reserve Bank to review them. The duty of considering the question of agricultural credit has been placed upon them by Statute.

**Prof. N. G. Ranga** : Has it been reviewed by the Board of Directors of the Reserve Bank ?

**The Honourable Sir James Grigg** : It is under consideration. Whether they have completed their review I cannot say.

**Mr. M. Ananthasayanam Ayyangar** : When was the report sent to the Reserve Bank ?

**The Honourable Sir James Grigg** : I do not know exactly, but some months ago.

**Mr. M. Ananthasayanam Ayyangar** : What have the Reserve Bank done till now ?



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**The Honourable Sir James Grigg :** I have just answered that question. The Report is under their consideration, but I cannot say whether they have completed their consideration of it or not.

**Mr. Basanta Kumar Das :** Did Mr. Darling investigate into the working of the department in all the various provinces ?

**The Honourable Sir James Grigg :** I cannot say off-hand about every province, but he certainly did it in most of them.

#### SCHEMES FOR RURAL DEVELOPMENT RECEIVED FROM THE PROVINCIAL GOVERNMENTS.

162. **\*Mr. Basanta Kumar Das :** (a) Will Government be pleased to lay on the table the schemes for rural uplift received from the Provincial Governments ?

(b) Will Government be pleased to state how the one crore of rupees, granted for the rural uplift, has been allotted to the different provinces ?

(c) Have Government made an estimate of the sum that will be required for thorough rural uplift work to be carried on with a programme involving continuous work for the next few years ?

(d) Do Government propose to include in the programme of work for rural uplift the work of reviving village industries ? If so, are Government scheme with that of the Congress scheme that may be formulated under the auspices of the Village Industries Association ?

**The Honourable Sir James Grigg :** (a) and (b). A statement showing the distribution of the grant and the schemes recommended by the Local Governments and approved by the Government of India is laid on the table.

(c) It would be impossible to form such an estimate.

(d) As the Honourable Member will see from the statement, some of the Provinces propose to devote part of their grants to the improvement of village industries. The Government of India have not required Local Governments to co-ordinate their schemes with schemes formulated under the auspices of the Congress Village Industries Association.

Perhaps I may say that I think there is now available a full supply of this statement for the use of Honourable Members.

#### *The Government of India Grant for Rural Development in 1935-36.*

In the budget speech for 1935-36 it was announced that the Government of India proposed to make a grant of Rs. 1 crore for distribution to the Provinces to be spent on schemes for the economic development and improvement of rural areas. It was indicated that 10 or 15 lakhs of this sum would be earmarked for the purpose of assisting the co-operative movement and that the remainder would be allocated among the Provinces on the basis of rural population. The money was to be spent on schemes approved by the Government of India which would improve the economic position of the people in rural areas. The term 'economic position' was intended in its broadest sense, i.e., it was meant to cover measures designed to improve the actual

money incomes of the people as well as those designed to improve their health and education. The schemes were of course to be additional schemes, i.e., over and above the ordinary activities of the Provincial Governments.

A demand was laid before the Legislative Assembly for the transfer of one crore from the 1934-35 surplus to a special fund to be devoted to the economic development of rural areas. At a later stage it was proposed to transfer to the fund the unallocated balance of that surplus, then estimated to amount to 13 lakhs, in order to provide scope for varying the allotments payable on the rural population basis where it seemed desirable to do so, particularly in the case of some of the economically backward Provinces.

In the first place, 15 lakhs have been set aside for developing the co-operative movement. Even before the decision to make a grant of Rs. 1 crore was taken, the Government of India had placed Mr. M. L. Darling, formerly Registrar of Co-operative Societies, Punjab, and an acknowledged authority on the subject, on special duty to enquire into the state of the co-operative movement in each Province with a view to assisting the Reserve Bank in developing its proposals for the creation of its agricultural credit department. As the result of his enquiries Mr. Darling was impressed with the neglect from which, in certain of the Provinces at any rate, education in the principles and practice of the movement of official as well as non-official workers engaged in it had suffered. He was strongly of opinion that unless this neglect were promptly remedied, there would be no real revival of co-operation. The Government of India recognise how wide is the scope for co-operative principles in rural reconstruction. They, therefore, agreed with Mr. Darling's view that their proposed contribution for developing the co-operative movement should be devoted to giving effect to the educational schemes which he had worked out in consultation with the Provincial Registrars of Co-operative Societies. Local Governments have been informed of this and the Government of India now await their final views on Mr. Darling's proposals. On receipt of these the sum of Rs. 15 lakhs will be distributed.

Next 85 lakhs were allocated on the basis of rural population as follows :—

|                                      | Rs. |    |    |    |    |    | Lakhs. |
|--------------------------------------|-----|----|----|----|----|----|--------|
| Madras .. .. .                       | ..  | .. | .. | .. | .. | .. | 14     |
| Bombay .. .. .                       | ..  | .. | .. | .. | .. | .. | 6      |
| Bengal .. .. .                       | ..  | .. | .. | .. | .. | .. | 16     |
| United Provinces .. .. .             | ..  | .. | .. | .. | .. | .. | 15     |
| Punjab .. .. .                       | ..  | .. | .. | .. | .. | .. | 7.5    |
| Burma .. .. .                        | ..  | .. | .. | .. | .. | .. | 5      |
| Bihar and Orissa .. .. .             | ..  | .. | .. | .. | .. | .. | 12.5   |
| Central Provinces .. .. .            | ..  | .. | .. | .. | .. | .. | 5      |
| North-West Frontier Province .. .. . | ..  | .. | .. | .. | .. | .. | 1      |
| Assam .. .. .                        | ..  | .. | .. | .. | .. | .. | 3      |

Then from the supplementary amount available,  $\frac{1}{2}$  lakh was set aside for each of Coorg, Delhi and Ajmer-Merwara, while an additional 2 lakhs each were assigned to Assam and the North-West Frontier Province. These two

village selected, the local body or villagers undertaking to maintain them, and (2) for the supply of concrete slabs at half cost and the full supply of borers necessary for installing private latrines in a few houses in each village, subject to the condition that the house-owner finds funds for the enclosure, labour for boring and construction, and also the other half of the cost of the slabs. Work will be confined to about 100 important villages in a typical taluk of each district and the needs of areas inhabited by depressed classes will also receive due consideration. The work will be executed by the Public Health Department.

(ii) *Poonamallee Health Unit Scheme*.—It is proposed to utilise a sum not exceeding Rs. 25,000 on a scheme of intensive health work in a selected area to demonstrate the benefits that will accrue thereby to the health and welfare of the rural population. The health unit will work under the Public Health Department.

(4) The following anti-malarial measures will be carried out in four typical areas :

- (a) provision of sub-soil and open drainage at a place in the Vizagapatam Agency ;
- (b) sub-soil drainage at a place in the Nilgiris (hilly tracts) ;
- (c) anti-malarial measures in the Rameswaram Island ; and
- (d) anti-malarial measures in certain coastal areas in the Nellore district.

The works will be executed by the Public Health Department.

(5) The discretionary grants will be spent on urgent village necessities in particular localities and will be non-recurring. The objects on which the grants may be spent are restricted to the following :

- (i) Construction or improvement of public baths ;
- (ii) Improvement or provision of minor village communications such as river landings, foot-bridges, culverts, foot paths, boats for crossing streams and canals.
- (iii) Wells or other drinking water sources for the poorer classes.
- (iv) Playgrounds for village schools.
- (v) Burial and burning grounds.
- (vi) Relief of poor people who have suffered from fire, flood, cyclone or other sudden calamities or who are obliged to vacate their houses owing to plague, etc.

The question whether Collectors should be authorised to spend this grant of Rs. 50,000 on objects other than those specified above is under the consideration of the Local Government.

### Bombay.

| (1) Village Improvement scheme :                  |    |    |    | Rs.      | Rs.      |
|---------------------------------------------------|----|----|----|----------|----------|
| Northern Division                                 | .. | .. | .. | 1,08,000 |          |
| Central Division                                  | .. | .. | .. | 2,02,000 |          |
| Southern Division                                 | .. | .. | .. | 1,58,000 |          |
| Sind ..                                           | .. | .. | .. | 1,38,000 |          |
|                                                   |    |    |    |          | 6,06,000 |
| (2) Improvement of buffaloes and disposal of milk | .. | .. | .. | 42,000   |          |
| (3) Improvement of poultry ..                     | .. | .. | .. | 15,000   |          |
| (4) Co-operative egg-collecting and marketing ..  | .. | .. | .. | 2,000    |          |
| (5) Improved preserving and tanning of hides ..   | .. | .. | .. | 25,000   |          |
| (6) Inland fisheries ..                           | .. | .. | .. | 10,000   |          |
| Total ..                                          |    |    |    |          | 7,00,000 |

(1) The Village Improvement Scheme of the Bombay Government organised on the lines laid down by the late Governor, Sir Frederick Sykes, has now been in actual operation for nearly two years.

The essential factor of the scheme is the co-operation of all agencies—Government, local authorities, non-official associations and local effort, to improve all sides of the life of the cultivator, concentrating in the first instance on the more pressing needs of the particular village concerned. The scheme is based on the view that no effective progress is possible without the co-operation of the villagers themselves and that the first task is to arouse in them an interest in, and a desire for, improvement of their condition.

Under the scheme the primary agency is the District Executive Committee for village improvement of which the Collector is the *ex-officio* Chairman and the President of the District Local Board is the Vice-Chairman. The Committee normally includes Government officers representing the social service departments of Government, representatives of local bodies, such as Local Boards and the like, and persons concerned with social service, education, charitable organisations, etc.

Under the District Executive Committee, work is carried on in the talukas of the districts, either through the existing Taluka Development Associations or by the formation of Taluka Committees. In villages themselves Panchayats established under the Village Panchayats Act or local committees are made use of. Particular subjects, as for instance, education, co-operation, agricultural improvements, etc., can also be dealt with by the appointment of special sub-committees.

In each Division the Commissioner secures the general co-ordination of the village improvement work being carried on by the District Executive Committees in co-operation with the various Departments of Government. District Executive Committees have been formed in all districts of the Presidency proper, except the Bombay Suburban District, where the work of village improvement is entrusted to the District Local Board. Taluka and village committees have also been established in most talukas and villages. Up to the present secretaries have been appointed in eleven districts to carry on propaganda and organise activities in the districts, the necessary financial provision for them being made by Government.

The manner of development has not been the same in all districts. In some a start was made at the top with District Executive Committees, from which

the movement spread downwards to the talukas and villages, while in other districts there was concentration on villages from the start, certain villages being selected to test the experiment or to serve as models.

The Local Government recommended and the Government of India agreed that the greater part of the grant should, in the case of Bombay, be utilised for furthering this scheme which has already produced striking results. Out of the Rs. 6,06,000 to be devoted to the scheme, Rs. 2,00,000 will be distributed to District Officers for expenditure on the objects which the scheme seeks to promote, and of this Rs. 2 lakhs, Rs. 1 lakh will be reserved for villages where the scheme has not been introduced. The balance will be distributed through District Committees and other local bodies. Rs. 55,000 out of the provision for Sind will be utilized for agricultural and industrial improvement.

The following schemes will be confined to the Presidency proper and will be in charge of the officers of the departments concerned.

(2) The scheme for the improvement of buffaloes will be spread over 5 years. It is proposed to employ the agency of the village improvement committees or other similar bodies, or, where such bodies are not available, the agency of Government officials. One inspector and 4 non-graduates will be specially employed.

(3) The scheme for the improvement of poultry is in two parts. Cocks of improved breed will be introduced in a certain number of villages, and a limited number of premiums will be awarded to poultry farmers who undertake to abide by certain conditions, one of which is that their eggs will be sold locally for breeding purposes at controlled prices.

(4) It is proposed to institute a pioneer co-operative society in order to improve the marketing of eggs.

(5) For the improvement of preserving and tanning of hides two touring demonstration parties will be employed for a period of 3 years.

(6) It is proposed to stock 5 or 6 selected tanks with small fish from the Madras Presidency. Little or no recurring expenditure is anticipated when once the tanks have been stocked.

#### Bengal.

|                                                                                                                         | Rs.              |
|-------------------------------------------------------------------------------------------------------------------------|------------------|
| (1) Establishment of seed, paddy and crop demonstration centres ..                                                      | 1,09,000         |
| (2) Improvement of cattle and of fodder crops .. ..                                                                     | 1,75,000         |
| (3) Improvement of poultry .. ..                                                                                        | 500              |
| (4) Propaganda in the districts—loud speakers and gramophones ..                                                        | 20,000           |
| (5) Wireless transmission in Midnapore district .. ..                                                                   | 82,000           |
| (6) Improved marketing—jute and paddy .. ..                                                                             | 50,000           |
| (7) Coir spinning and weaving .. ..                                                                                     | 40,700           |
| (8) Union Board dispensaries and improvement of water supply ..                                                         | 3,50,000         |
| (9) Attachment of agricultural farms, etc., to secondary schools, and provision of play-grounds and village halls .. .. | 1,80,000         |
| (10) Boy Scouts, Girl Guides and Bratachari .. ..                                                                       | 20,000           |
| (11) Minor drainage and flushing schemes .. ..                                                                          | 3,30,000         |
| (12) Chittagong Hill Tracts .. ..                                                                                       | 25,000           |
| (13) Discretionary grants to Commissioners and District Officers ..                                                     | 2,17,800         |
| <b>Total</b> ..                                                                                                         | <b>16,00,000</b> |

(1) The spread of improved paddy seed is hindered by the heavy cost of distribution. Local centres have therefore been opened for the multiplication and distribution of better types of seed by 114 Union Boards in Bengal. More Boards are willing to provide land for opening such centres. It is therefore proposed to extend the scheme to 450 Union Boards in all. 8 acres will be provided at each centre, 5 for multiplication of seed and 3 for general demonstration. The Union Boards will pay for the cost of cultivation and recoup themselves from the money received for the produce.

(2) There are at present 2 temporary live-stock officers working in Bengal and 3 more will now be employed. These officers will work in 10 districts, in each of which a temporary Veterinary Assistant Surgeon will also be employed on the work. It is proposed to introduce 100 pure bred bulls in each of the districts and thus to promote the development of an indigenous breed of cattle and eliminate the necessity of importing bullocks from outside the Province, which costs Bengal at the present time Rs. 50 lakhs a year.

It is also proposed to introduce on a larger scale the cultivation of Napier grass as green fodder for cattle. This grass can be grown on areas at present not under cultivation; one acre of such grass will keep 8 animals fully supplied. It is proposed to introduce sufficient cuttings of Napier grass to grow 100 acres in each of the 10 districts at a total cost of Rs. 10,000.

The total cost of giving effect to the Local Government's schemes under this head is Rs. 1,90,000 of which the Local Government will themselves provide Rs. 15,000.

(3) The nucleus of the scheme for improving poultry in Bengal will be the Dacca Farm, which is under the charge of a specially trained officer. In each of the 10 districts mentioned above 20 selected mating birds will be supplied from this farm to villages which agree to get rid of their old male stock. Three centres have already been developed on these lines in Bengal as an experiment, and the experiments appear to have been successful.

(4) One of the most effective and established methods of rural uplift propaganda in the districts is through mass meetings. It is proposed to provide 30 loud speakers with dry cell batteries, 30 gramophones and 30 sets of musical records for use with the loud-speakers. It is proposed to use this grant to meet the initial cost and the recurring cost for one year.

(5) It is proposed to establish a rural broad-casting service in Midnapore district with a medium-wave transmitter installed in the Midnapore Court building. From this will be served 50 receiving sets installed in different parts of the district. The transmitter will be used for broadcasting the amusements programme from the Calcutta Broadcasting Station, and also to broadcast from Midnapore in the local dialect news, instructions and propaganda talks of the kind required by the people of the district and in the form likely to appeal to them. The station will be worked for the 6 months of the year during which the reception of the programme can be guaranteed to be satisfactory. The scheme will be worked for 2 years, at the end of which it is hoped to establish it on a business footing.

(6) The Government of Bengal have been considering a scheme estimated to cost Rs. 1½ lakhs for establishing jute-marketing and paddy-marketing

500

LEGISLATIVE ASSEMBLY.

[6TH SEP. 1935.]

societies. There is a general desire for some scheme for the improved marketing of agricultural products in Bengal, but past experience has indicated the need for caution. The Local Government therefore intend to use Rs. 50,000 of this grant for opening one jute-marketing and one paddy-marketing society by way of further experiment. A special officer will be attached to the Agriculture and Industries Department of the Local Government to work out the scheme.

(7) A prolific supply of cocoanuts is available in the deltaic districts of Bengal the fibre of which is at present used only for fuel. But there is the prospect of its being put to a more remunerative use as string, rope, matting, tatties, etc. The articles of these kinds at present sold in the bazars of Bengal come mostly from Southern India. An experimental coir-making and spinning demonstration party was created in November, 1934, which showed that there is a reasonable prospect of developing a local industry. It is therefore proposed to organise 4 demonstration parties with suitable equipment, to tour the deltaic areas and demonstrate the method of turning cocoanut fibre to economic use. The sum which the Local Government propose to utilise for this purpose will enable this experiment to be conducted for 3 years.

(8) The Local Government propose that half this sum of Rs. 3½ lakhs, should go towards the establishment of Union Board dispensaries, and the other half towards the improvement of rural water-supply. But if local opinion in any district does not favour dispensaries, any amount which is made available thereby will be diverted from dispensaries to water-supply in that district. A cheap form of dispensary with brick walls and corrugated iron roof will be erected, provided with a tube well if required. No such dispensary will be opened unless there is a definite assurance that the recurring expenditure involved will be forthcoming from local sources.

In the distribution of the money available for improved water-supply those areas in which cholera is endemic will be given preference. Money will be allotted to specific projects by the District Officers in consultation with the Chairmen of District Boards.

(9) It is proposed to attach a farm, dairy or workshop to selected schools in the province so as to provide a vocational or rural bias and keep the schools in touch with the rural population. This will be the first step in the Government of Bengal's new policy of introducing a rural bias in education.

The Local Government also propose to establish village halls, with small libraries attached, in certain selected villages to form the centres of village life. It is also proposed to construct and equip village play grounds in connection with and in close proximity to the village halls. It is also proposed to acquire and prepare playgrounds for selected schools, particularly girls' schools, many of which have at present no playground or open space attached to them.

It is hoped to establish a village hall and playground in each sub-division. The Local Government have been asked to consider whether some economy could not be effected by utilising the school building itself for the purpose of a village hall and library.

(10) A sum of Rs. 20,000 is to be spent on approved schemes for the promotion of the Boy Scouts and similar movements.

(11) Money will only be spent on minor drainage and flushing schemes examined and approved by the Local Government's technical experts. In selecting projects the following principles will be observed as far as possible :

(a) that the expenditure is calculated to effect a permanent improvement,

(b) that the schemes are schemes which are really wanted by the people themselves,

(c) that money will be available locally for maintenance if required.

(12) This sum will be expended on water-supply, drainage (sanitary and agricultural), and communications (including wooden bridges).

(13) The balance of the grant will be used to augment the discretionary grants of Commissioners of Divisions and District Officers, who will be instructed that these additional sums are to be spent only on supplementary projects within the intention of this grant.

*United Provinces.*

|                                                      | Rs.       |
|------------------------------------------------------|-----------|
| (1) Main Scheme .. .. .                              | 7,00,000  |
| (2) Agricultural schemes .. .. .                     | 3,28,000  |
| (3) Public Health and medical relief schemes .. .. . | 3,16,000  |
| (4) Industrial schemes .. .. .                       | 70,000    |
| (5) Publicity and propaganda schemes .. .. .         | 36,000    |
| (6) Kumaun district .. .. .                          | 50,000    |
|                                                      | <hr/>     |
|                                                      | 15,00,000 |

(1) The "Main Scheme" referred to is the Local Government's scheme of rural development, the object of which is to promote the spirit of selfhelp in the villages. To this end the Local Government propose to employ for about two years a special staff consisting of :

(i) at least six organisers in each one of the 45 districts (the three hill districts of Kumaun being excluded) ;

(ii) one inspector in each district to guide and supervise the work of the organisers.

Each organiser will work more or less on the lines on which the "Village Guides" work in connection with the co-operative movement. It is expected that he will be able to look after about 12 villages ; but this number may later on be increased. The organisers as well as inspectors will, before appointment, undergo special training in sanitation and hygiene, agricultural practice and co-operative methods. This special staff will be under the control of the District Officer. There will be district rural development associations with consultative functions. For the execution of minor local works of public utility a sum of at least Rs. 5,000 (on the average) will be placed at the disposal of each of the 45 District Officers.

For the initial two years the cost of the staff and the district allotments, together with a small reserve for unforeseen opportunities, is estimated to amount to Rs. 9 lakhs. Out of this the Local Government propose to provide Rs. 2 lakhs, which will be utilised towards the cost of the staff. The balance, viz., Rs. 7 lakhs, will be debited to the Central Government's grant.

(2) It is proposed to spend Rs. 1,20,000 in making grants-in-aid, up to one-third in each case, towards the cost of sinking tubes in existing wells. 3,000 such borings will be carried out over a period of two years in areas unserved by canals or tube wells. An extra sum of Rs. 18,000 is added to provide guarantees against cases of failure.

A sum of Rs. 79,000 will be spent in constructing embankments to prevent soil erosion and to retain moisture, particularly in the eastern districts. For the construction of these embankments a tractor will be purchased which at other times of the year will be utilised for the eradication of *kans* grass. It is also hoped to excavate 250 temporary reservoirs, towards which Government will contribute up to one-third of the cost, subject to a maximum of Rs. 300 in each case.

To develop the culture of fruit in the Province, grafts, plants and seed will be supplied to villages included in the "Main Scheme". A fruit chowdhuri will be employed in each district. The total cost of these measures will amount to Rs. 20,000.

Rs. 80,000 will be spent partly in buying up inferior seed in the villages and replacing it by good seed supplied by the Agricultural Department, and partly in improving the system of distribution of departmental seed. This will involve the subsidizing of privately managed seed stores and also, if necessary, of developing the system of seed multiplication.

Rs. 3,000 will be utilized in the establishment of poultry farms at Jaleswar and Etawah, and Rs. 8,000 on "goat improvement" by the maintenance and distribution of suitable bucks.

(3) The Local Government propose to establish nine health units, each of which will cover a compact and exclusively rural area of about 50 villages with a population of about 30,000 at an estimated cost of Rs. 11,000 a year. They propose also to introduce a scheme (estimated to cost Rs. 2,540 per unit per year) for medical relief in conjunction with these health units, and also a scheme estimated to cost Rs. 36,000 a year for the supply of village medicine chests in villages included in the Main Scheme.

The total estimated cost during the initial two years is Rs. 3,16,000.

(4) The Local Government consider that the development of marketing is one of the most promising lines for giving help to village industries. With this object a sum of Rs. 8,000 will be set apart for the existing Government Emporium of Arts and Crafts at Lucknow to cover the initial outlay on preparing catalogues, price lists, samples, etc., and as insurance against the risk of possible losses from the marketing of products of village industry. It is also proposed to subsidise local retail shops to induce them to sell articles of local manufacture, the annual subsidy being Rs. 50 each. It is proposed to establish co-operative arrangements for the marketing of *ghi* in the five

important *ghi* producing districts of Etawah, Agra, Muttra, Aligarh and Etah, and to subsidize private associations at Hathras and Agra for the testing and control of the purity of *ghi* on the lines of the institution which has already been established at Etawah. It is also proposed to expend a further Rs. 40,000 under this head, but the Local Government's final recommendations have not yet been received.

(5) In order to ensure abiding results from rural uplift work, the 3,240 villages to which the Main Scheme is to apply will receive *gratis* newspapers, monthlies and reprints, featuring rural uplift articles and news, at least once a week; the estimated cost of this is Rs. 30,000 for the initial two years.

A hundred sets of double-sided records pertaining to rural uplift will also be prepared at a cost of Rs. 6,000.

(6) The "Main Scheme" will not be applied to the hilly region comprised in the Kumaun Division. It is, however, proposed to spend Rs. 50,000 for its benefit, and suitable schemes are under preparation.

### Punjab.

|                                                                    | Rs.      |
|--------------------------------------------------------------------|----------|
| (1) Consolidation of holdings .. .. .                              | 1,04,000 |
| (2) Sanitary improvements in 31 villages in Gujrat district ..     | 9,000    |
| (3) Bore-hole latrines in Shakargarh tashil of Gurgaon district .. | 10,000   |
| (4) Water-supply schemes .. .. .                                   | 2,25,000 |
| (5) Serum cellars .. .. .                                          | 20,000   |
| (6) Reconstruction of veterinary hospitals in Rohtak district ..   | 12,000   |
| (7) Construction of 10 veterinary hospitals .. .. .                | 60,000   |
| (8) Broadcasting scheme .. .. .                                    | 48,000   |
| (9) Tanning scheme .. .. .                                         | 76,000   |
| (10) Fruit growing .. .. .                                         | 62,000   |
| (11) Well-boring .. .. .                                           | 50,000   |
| (12) Cinema films and loud-speakers .. .. .                        | 59,000   |
| (13) Sheep development .. .. .                                     | 15,000   |
| (14) District Officers' discretionary grants .. .. .               | 1,00,000 |
| Total .. .. .                                                      | 8,50,000 |

(1) It is universally admitted that no measure can confer greater benefit on *zamindars* in the Punjab than consolidation of their holdings. The work is at present progressing in 11 districts at the rate of 60,000 acres a year through the agency of co-operative societies formed for the purpose, under the guidance and supervision of a staff of 8 inspectors and 104 sub-inspectors employed and paid by Government, assisted by a staff of 3 assistant inspectors and 22 sub-inspectors paid for from the contributions of applicants for consolidation. It is now proposed to employ a special consolidation officer and 8 inspectors and 88 sub-inspectors in order to expedite the progress of the work. Any sums which may be collected from *zamindars* who are benefited will be used to employ additional staff.

(2) These improvements will consist in the provision of sullage drains, pavements of dry brick on edge, hand-pumps, repairs and roofing of percolation wells, etc. The villages have been selected in consultation with the district officers. One-third of the cost will be debited to this grant, one-third to the district boards, and one-third to the *Islah-o-Taraqqi* committees of the villages.

(3) The Shakargarh tashil in Gurgaon district is infected with hook-worm disease. The construction of bore-hole latrines is intended to prove to the people their advantage in preventing re-infection from the soil. The money will be spent in purchasing augers and squatting seats. The further expenditure involved will be met by the district board.

(4) The water-supply schemes will provide a protected supply of drinking water in selected villages in Kangra, Shahpur, Mianwali, Dera Ghazi Khan and Jhelum districts, where it is particularly required.

(5) 100 serum cellars will be constructed at suitable centres so as to facilitate the prompt despatch of sera and vaccines on the occasion of outbreaks of cattle disease. The recurring expenditure involved will be met by the district boards.

(6) Great damage was done to the veterinary buildings in Rohtak district by floods in 1933, and the district board cannot afford to restore them. This will now be done at the expense of this grant.

(7) 10 new veterinary hospitals will be constructed on a standard plan in the areas covered by the Dhanni and Hariana cattle-breeding schemes, where the district boards are too poor to afford the cost. The boards will, however, be liable for the recurring expenditure.

(8) For the instruction and entertainment of the people of the districts nearest to the Delhi Broadcasting Station, namely, Rohtak, Karnal and Gurgaon, it is proposed to instal 40 receiver sets and maintain them for two years. Arrangements will be made in consultation with the Government of India to broadcast suitable programmes from Delhi to the villages, under the control of the Commissioner of Rural Reconstruction.

(9) The Punjab is one of the principal centres in India for the export of goat skins and has practically a monopoly of the export of lamb skins. Approximately 8 per cent. only of the skins exported are tanned in the Punjab. Punjab hides also are of good quality and there is a local supply of tanning material. It is proposed to create a central tanning institute for research and demonstration, with two travelling demonstration parties.

(10) Rs. 47,000 will be spent in producing and distributing reliable fruit nursery plants at cheap rates and on a large scale, and Rs. 15,000 on installing a fruit preservation plant on a semi-commercial scale for experimental and demonstration purposes. To achieve the former object existing nurseries will be extended and new nurseries opened: after two years the scheme should be self-supporting. The other part of the grant will be spent in opening a small canning plant at Lyallpur, which is regarded as of primary importance to the Punjab fruit industry. It is hoped that after the first year the recurring expenses of this factory will be covered by the receipts.

(11) Experience in the Province has shown that the boring of wells increases their yield by anything up to 300 per cent. In addition to the cost of the pipes and strainers left in the wells after boring, Government at present charge 12 annas a foot for all bores, whether successful or not. In order to assist and encourage the public in this direction, they now propose to remit the charge of 12 annas a foot for 2 years. The cost is estimated at Rs. 50,000.

(12) Cinema shows are extremely popular and useful in the Punjab and the public are prepared to pay for attending them. The local Government already possess two touring outfits; three more are required to provide one for each Division and another as a reserve. In addition, more and better films are required for instructional purposes: it is proposed to spend Rs. 36,000 on films of this kind, and Rs. 4,000 on films for entertainment. Two loud-speaker sets will also be provided.

(13) The sheep development scheme will be confined to the 6 districts of the Multan Division. The unit of the scheme will be the flock consisting of 1 ram and 50 ewes. Breeders at selected centres will be provided with one or more such units as the lessees of Government on the understanding that they will carry out the instructions of the Civil Veterinary department, keep no mature rams in their flock unless approved by the department, and only dispose of their surplus animals at prices fixed by the department.

(14) The District Officers' discretionary grants will be used for carrying out petty works of local improvement.

| <i>Burma.</i>                                  |    |    |    |    | Rs.      |
|------------------------------------------------|----|----|----|----|----------|
| (1) Rural development centres                  | .. | .. | .. | .. | 3,35,000 |
| (2) Deputy Commissioners' discretionary grants | .. | .. | .. | .. | 50,000   |
| (3) Anti-malarial measures                     | .. | .. | .. | .. | 1,15,000 |
| Total ..                                       |    |    |    |    | 5,00,000 |

(1) The object of the scheme for rural development centres is partly the formation of model village groups from which it is hoped that the idea of rural uplift will gradually spread to surrounding areas, and partly to furnish a means by which each department can experiment in intensive development. It is proposed that four rural development centres should be opened in different parts of Burma. Each centre will comprise a typical group of villages with an area of probably 30 square miles, but varying according to density of population. Within this unit expenditure will be incurred in four principal directions.

(i) *Public Health.*—There will be a dispensary and health centre. Steps will be taken to improve the record of vital statistics, investigation and control of diseases, sanitation, and propaganda and to introduce maternity and child welfare clinics.

(ii) *Education.*—School buildings will be increased and improved. Probably 6 primary schools and one central school with a High department will be required. Compulsory education will be introduced if possible, and special



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attention will be paid to the possibilities of technical education. Playing fields will be provided and also a library.

(iii) *Agriculture*.—A farm school will be established if there is not one already in the vicinity, and short courses will be given in practical agriculture to sons of cultivators with special reference to the improvements effected by the Agricultural Department. There will also be a special Agricultural Assistant who will conduct an intensive campaign within the centre in order to demonstrate agricultural improvements, and attempts will also be made to improve the marketing of crops.

(iv) *Veterinary*.—Increased facilities will be provided for inoculation, etc.

General work, such as improvement of tanks, wells, roads, etc., will also be undertaken in each unit. It is intended to use the assistance of the Co-operative Department and various non-official agencies.

It is hoped that as the experiment proceeds, the need for supervision and the cost will decrease, and that eventually the control of the units will be taken over by the local bodies. Until then the estimate of expenditure assumes that the work will continue for 4 years.

Each centre will be under the control of an Executive Officer who will be advised by a local committee consisting of officials and non-officials.

(2) The sum set aside for Deputy Commissioners' discretionary grants will be utilised for the improvement of village wells and tanks, for roads and small bridges, for improving village schools and assisting village libraries, for providing recreation grounds or equipment, for assisting poor communities to start boy scouts or girl guides associations, and to encourage rural industries.

(3) The sum provided for anti-malarial measures will be expended on the extensive issue of cinchona febrifuge over a period of 5 years, and on the general free issue of quinine in schools in areas where malaria is endemic. Larvae-eating fish will also be bred at certain centres near the malarial areas.

*Bihar and Orissa.*

|                                                                                   | Rs.             |
|-----------------------------------------------------------------------------------|-----------------|
| (1) Village communications .. .. .                                                | 6,00,000        |
| (2) Rural water-supply .. .. .                                                    | 5,00,000        |
| (3) Schemes for draining <i>chaurs</i> and desilting tanks in North Bihar .. .. . | 1,00,000        |
| (4) Village welfare .. .. .                                                       | 50,000          |
|                                                                                   | <hr/> 12,50,000 |

(1) The improvement of village communications is one of the most urgent needs of the province, particularly in order that the cultivator may be able to dispose of his crops more easily and profitably. It is therefore proposed to spend Rs. 6 lakhs on the making or improving of cart tracks which will connect the villages with main roads and so with markets and railways. It is also hoped that this expenditure will further increase the utility of the marketing officers recently appointed by the Local Government. The intention is

that the work should be carried out under the direct control of the District and Sub-divisional Officers, who will invoke the assistance of the leading men in the area where any particular project is undertaken and get them to make themselves responsible for the actual supervision of the work. The villagers themselves will be encouraged to co-operate by making free gifts of the land required for these village roads and by providing labour free or on reduced wages. Preference will in all cases be given to schemes where practical co-operation of this sort is forthcoming.

(2) The need for improved rural water-supply is universally recognised. More wells and more village irrigation dams are required. This work will be carried out on the same lines as the projects for the improvement of village communications, and special attention will be paid to the needs of the depressed classes.

(3) The necessity for draining certain of the *chaurs* in North Bihar has frequently been pressed on the Local Government for years past. The present is a suitable opportunity to undertake some of the more promising of these schemes through the agency of the Irrigation Department. Part of this provision will also be used for desilting tanks in North Bihar; the expenditure incurred in desilting tanks in other parts of the Province will be met from the allotment for rural water supply.

The choice of the actual schemes to be carried out under heads (1), (2) and (3) will rest with the District Officers after canvassing the views of the local public.

(4) A sum of Rs. 50,000 will be placed at the disposal of the Hon'ble Education Minister for experimental village-welfare schemes. These schemes will not involve any recurring commitments, but they will aim at setting up village organisations which will be capable of self-development in future if the experiments meet with success. The programme of work which these village organisations will set before themselves will include the introduction of improved methods of agriculture, the encouragement of cottage industries, the improvement of village sanitation, the provision of good drinking water, etc.

*Central Provinces.*

|                                                                 | Rs.            |
|-----------------------------------------------------------------|----------------|
| (1) Rural water supply .. .. .                                  | 1,20,000       |
| (2) District Officers' discretionary grants .. .. .             | 1,00,000       |
| (3) Welfare of aboriginal tribes in scheduled districts .. .. . | 40,000         |
| (4) Dispensary buildings in villages .. .. .                    | 15,000         |
| (5) Experiments in poultry farming .. .. .                      | 10,000         |
| (6) Better bulls for District Councils .. .. .                  | 30,000         |
| (7) Farm in Mandla district .. .. .                             | 30,000         |
| (8) 5 additional debt conciliation boards .. .. .               | 1,00,000       |
| (9) Cinemas on lorries for demonstration work .. .. .           | 20,000         |
| (10) 2 tractors for use in Saugor district .. .. .              | 15,000         |
| (11) Storage accommodation for cultivators' produce .. .. .     | 20,000         |
| Total .. .. .                                                   | <hr/> 5,00,000 |



(1) The Local Government report that there is a constant demand for assistance in the provision of proper water-supply in villages, especially in certain tracts of Berar, and that the amount which could be spent for this purpose is almost unlimited.

(2) The discretionary grants placed at District Officers' disposal are for small works of village utility, the carrying out of which will greatly add to the amenities of rural life. Instances of the kind of works contemplated by the Local Government are the construction of small culverts over bad *nala* crossings, repairs to village tanks and wells, construction of fair weather roads and building of village rest houses.

(3) The grant for the welfare of aboriginal tribes will be devoted to the development of certain areas inhabited by backward and aboriginal tribes with special reference to improved water-supply and educational and medical facilities.

(4) 27 cheap plan dispensaries have already been established and a number of schemes are still pending on account of financial stringency. The policy of the Local Government is to give a non-recurring grant equal to half the estimated cost of the dispensary building and to provide an Assistant Medical Officer and a small contribution towards maintenance. The balance of the cost of the buildings and of the recurring charges is met locally. The sum provided will enable more institutions of this kind to be opened.

(5) A scheme has been prepared by the Department of Agriculture for the distribution, free of cost, of pure bred cockerels from Government farms, and the grant proposed is to bring this scheme into effect. It is hoped that particularly in the neighbourhood of large towns an industry subsidiary to agriculture will spring up which will add considerably to the village income.

(6) It is proposed to supply a better class of bull free of cost to the District Councils for breeding purposes. The Councils will be required to keep the animals suitably fed and in good condition.

(7) Large quantities of seed are imported every year into Mandla district. The provision of Rs. 30,000 will cover the non-recurring and recurring expenditure for one year of a seed farm in that district. Thereafter the Local Government will assume responsibility. The scheme was approved by the Board of Agriculture in 1923, but the Local Government have never been able to give effect to it.

(8) A Debt Conciliation Act was passed in this Province in 1933, and the first two debt conciliation boards were established in July, 1933. The Act provides for the conciliation of accumulated debts by a debt conciliation board by means of mutual agreement between debtors and creditors. So far six boards have been at work, and four more are being added during the current year. But for the financial difficulty more boards would have been established. The six boards already at work have reduced a total debt of Rs. 63·57 lakhs to Rs. 36·38 lakhs. 27 to 55 per cent of the original debts has been remitted. Easy instalments, worked out according to the paying capacity of the debtor and generally not exceeding the amount of the annual rent payable by him, have been fixed for the reduced debt. The entire debt is to be repaid in such instalments in periods of 10 to 12 years. The area of operations of a board

generally covers one or two tahsils, and it is expected to complete its work in about 2 years. The annual cost of each board is Rs. 10,000. The cost of one board thus comes to Rs. 20,000.

(9) A lorry and cinema outfit for demonstration purposes was purchased in 1928-29 and the demonstrations given by it have been much appreciated by the public. It is proposed with this grant to purchase three more lorries. These lorries will be accompanied by officers of the Agricultural Department and they will also be used by other departments which are concerned with village uplift.

(10) It is proposed to provide tractors for ploughing up land which has been thrown out of cultivation by the growth of *kans* grass. The land will be ploughed at cost price so that the cultivators may get the benefit of the gift of the tractors from the Government of India.

(11) It is proposed to construct godowns in market towns where cultivators can store their produce temporarily when they are faced with the necessity of disposing of it at disadvantageous rates. One or two experimental godowns will be constructed in the first place. No recurring expenditure is anticipated.

Assam.

|                                                                      | Rs.      |
|----------------------------------------------------------------------|----------|
| (1) Rural water-supply .. .. .                                       | 3,00,000 |
| (2) Village roads .. .. .                                            | 1,00,000 |
| (3) Discretionary grants to Divisional Commissioners .. .. .         | 40,000   |
| (4) Village sanitation .. .. .                                       | 40,000   |
| (5) Purchase of pumps for irrigating <i>boro</i> paddy lands .. .. . | 20,000   |
| Total .. .. .                                                        | 5,00,000 |

(1) The improvement of the rural water-supply in Assam is a crying need which has been urged again and again in the local Legislative Council. This is a particularly suitable opportunity for effecting improvements in this direction for which it has hitherto been impossible to find funds. It is proposed to sink wells or (if this proves absolutely necessary owing to the failure of wells) to dig tanks as may be dictated by local conditions. The money will be allotted by the Local Government on conditions approved by the Public Health Department. The recommendations of the District Officers will be made after consultation with *ad hoc* committees constituted in each sub-division. This arrangement will be adopted in connection with village roads and village sanitation also.

(2) The sum allotted for village roads will be distributed by the Divisional Commissioners after consultation with District Officers and local boards. The allotment of money will be conditional on the local boards concerned undertaking to maintain the roads on completion at their own cost.

(3) The discretionary grants will be administered by the Divisional Commissioners for purposes of public utility and works of petty local improvement.

(4) The provision for village sanitation will be given out in the form of grants by Commissioners to village authorities or other suitable agencies.

(5) In certain low-lying areas of the Surma valley the *aman* or long stemmed paddy crop has proved very insecure in recent years owing to recurring floods, and it is expected that the condition of the people will be much improved if they are enabled to grow another (spring) variety of long stemmed paddy, called *boro*, which can be harvested before the flood season. The Agricultural Department has been working on this problem and experiments have shown that one portable pump can irrigate 800 bighas in a month. It is proposed to purchase 10 portable pumps for use in this valley. Experiments with a pump will also be made in suitable areas of the Assam valley. They will be worked under the charge of an Inspector. After the crop has been harvested, it is intended that  $1\frac{1}{2}$  maunds of paddy per bigha should be recovered as hire for the use of the pump.

#### North-West Frontier Province.

|                                                                  | Rs.      |
|------------------------------------------------------------------|----------|
| (1) Drinking water supply .. .. .                                | 1,20,000 |
| (2) Discretionary grants to Deputy Commissioners .. .. .         | 90,000   |
| (3) Village roads .. .. .                                        | 10,000   |
| (4) Anti-malarial measures including purchase of quinine .. .. . | 15,000   |
| (5) School farms .. .. .                                         | 10,000   |
| (6) Marketing facilities for local industries .. .. .            | 3,000    |
| (7) Damming of torrents in D. I. Khan District .. .. .           | 10,000   |
| (8) Headworks on the Bara River in Peshawar District .. .. .     | 5,000    |
| (9) Industrial shop .. .. .                                      | 7,000    |
| (10) Other miscellaneous schemes .. .. .                         | 30,000   |
| Total .. .. .                                                    | 3,00,000 |

(1) In certain parts of the province drinking water has to be fetched during the hot season from as far as twelve miles away, and the necessity for improvement in this respect is continually being pressed upon Government. The difficulty is particularly acute between Dera Ismail Khan and Tank, in the sandy Marwat tract in Bannu, in the Khattak country of Kohat District and at Mansehra in the Hazara District.

(2) Of the District Officers' discretionary grants a part will be earmarked for expenditure on schools, and the balance will be spent on providing materials themselves are prepared to provide the labour. It has been decided to allot Rs. 15,000 to each district and Mardan sub-division.

(3) This amount will be spent in small sums, distributed as widely as possible throughout the districts on small improvements to existing roads and construction of short tracks to connect villages with main roads. It is intended that this money should be spent on materials only and that labour should be obtained from the villages concerned.

(4) This sum will be earmarked for the purchase of quinine and cinchona sbrifuge for distribution among the rural population through hospitals and travelling dispensaries throughout the province.

(5) With the sum of Rs. 10,000 provided for school farms, it is proposed to buy plots of land adjoining schools for the purpose of giving the pupils practical training in agriculture and gardening. This system has given satisfactory results in the adjoining province of the Punjab.

(6) For the improvement of marketing it is proposed to construct small *wandis* at selected places and to encourage the exhibition of locally made articles.

(7) The irrigation scheme in Dera Ismail Khan District is intended to control the flow of flood water in certain hill streams which is at present unmanageable though of vital importance to cultivation.

(8) The scheme on the Bara River is for the purpose of assisting the villagers to make *pucca* distribution heads instead of the existing *kutchas* heads.

(9) To encourage and develop minor industries of the province (blanket making, embroidery, basket work, pottery, copper work, etc.) a retail shop has been opened in the Peshawar Cantonment. The buying organisation will comb the province for suitable wares, find the best markets in India, and possibly Europe, and establish direct relations with the producers. The shop is expected to be a self-supporting concern within a period of three to four years. The scheme will be subsidized from provincial revenues as may be necessary in future years.

(10) The Local Government are considering other schemes calculated to benefit the rural areas and no expenditure on these schemes will be incurred till the Government of India have accorded approval.

|                                  | Coorg. | Rs. |
|----------------------------------|--------|-----|
| (1) Water supply .. .. .         | 32,500 |     |
| (2) Cattle breeding .. .. .      | 2,500  |     |
| (3) Discretionary grants .. .. . | 15,000 |     |
| Total .. .. .                    | 50,000 |     |

(1) Of the provision for water supply, Rs. 10,000 will be spent on constructing 28 draw-wells to provide drinking water for the villagers in selected villages; the balance of the cost of constructing the wells will be met by subscriptions of the residents.

Rs. 15,800 will be spent on repairing 64 tanks which have silted up and ceased to be useful. These tanks are required for the purpose not only of providing drinking water for men and cattle but for irrigation also. The local people have promised to supply free labour to complete the work.

Rs. 6,700 will be spent on excavating or repairing 12 irrigation channels. Each of these channels is designed to irrigate over 100 acres of wet cultivation. The villagers will supply free labour.

(2) The provision for cattle breeding will be spent in accordance with the recommendations of the Animal Husbandry Expert of the Imperial Council of Agricultural Research.

(3) The discretionary grant of Rs. 15,000 will be at the disposal of the Commissioner, and is intended for improving village communications, for anti-malarial work and improvements in village sanitation, as well as for assistance to certain occupations subsidiary to agriculture.

#### Delhi.

|                                           | Rs.    |
|-------------------------------------------|--------|
| (1) Wells (a) repairs .. .. .             | 24,000 |
| (b) new .. .. .                           | 8,000  |
| (2) Re-modelling village .. .. .          | 3,000  |
| (3) Roads and communications .. .. .      | 10,000 |
| (4) Deputy Commissioner's reserve .. .. . | 5,000  |
| Total .. .. .                             | 50,000 |

(1) A survey of wells throughout the rural area administered by the Chief Commissioner of Delhi has been carried out by officers of the Public Health Department. In order to ensure the supply of drinking water, wells which have fallen into disrepair will be repaired and new wells will be constructed where they are urgently required.

(2) The Assistant Director of Public Health has prepared a scheme for re-modelling a small village by the main Delhi-Najafgarh Road. It is hoped to make this village a valuable object-lesson to the public.

(3) It is proposed to repair certain *kutcha* roads which are important arteries of communication in the rural area and which have fallen into such serious disrepair that they are at present of little use.

(4) Rs. 5,000 will be placed at the disposal of the Deputy Commissioner who during his cold weather tour will distribute this sum in supplying urgent necessities in the villages.

#### Ajmer-Merwara.

|                                                                                          | Rs.    |
|------------------------------------------------------------------------------------------|--------|
| (1) Improvement of village roads and construction of small bridges and culverts. .. .. . | 23,000 |
| (2) Propaganda for improvement of agriculture .. .. .                                    | 23,000 |
| (3) Improvement of live-stock .. .. .                                                    | 1,000  |
| (4) Discretionary grant at the disposal of the Commissioner .. .. .                      | 3,000  |
| Total .. .. .                                                                            | 50,000 |

(1) Rs. 23,000 will be spent on improving 97 miles of the more important village cart tracks, so as to convert them into ordinary fairweather roads.

(2) For the purpose of agricultural propaganda 3 Agricultural Assistants with 3 demonstrators will be appointed, one for each of the 3 sub-divisions. The function of this staff will be to give practical demonstrations in the cultivators' fields of improved methods of cultivation, and to supervise the distribution of good seed from seed depots to be opened for the purpose.

(3) 20 bulls will be purchased and maintained at different places in the district under the control of the veterinary staff of the district board.

(4) Rs. 3,000 will be placed at the disposal of the Commissioner for petty works of local improvement.

**Prof. N. G. Ranga :** Is the Honourable Member aware of the fact that in the *Madras Mail* a report has appeared that the Chief Minister of Madras.....

**The Honourable Sir James Grigg :** I know what is coming ; there is a question down about that. I made inquiries from the Madras Government and received a most categorical denial of the truth of that report.

**Mr. Lalchand Navalrai :** May I know if the statement placed on the table shows for what purpose the money has been raised ?

**The Honourable Sir James Grigg :** Certainly, but the Honourable Member can get the statement in two minutes or at any rate in the next half hour, and he will be able to satisfy the whole of his curiosity, I hope.

**Mr. S. Satyamurti :** With reference to clause (d) of the question, may I know the reason why Government did not ask the Local Governments to seek the co-ordination of the Congress Village Industries Association ?

**The Honourable Sir James Grigg :** For several reasons ; partly because they did not think it was necessary, and partly because they did not wish to interfere unduly with the discretion of the Local Governments.

**Mr. S. Satyamurti :** Have Government watched the working of this Association, and have they any reasons to believe that such co-ordination will be undesirable or unnecessary ?

**The Honourable Sir James Grigg :** To be quite honest with the Honourable Member, the information in the possession of Government about the working of this Association is of an extremely sketchy character.

**Mr. S. Satyamurti :** Have Government put any ban against the Local Governments inviting or utilising their co-operation ?

**The Honourable Sir James Grigg :** No, Sir ; the Government of India have been completely passive in the matter.

**Mr. S. Satyamurti :** With reference to the answers to clauses (a) and (b), have all these schemes been examined by the Finance Member in the light of the tests laid down by him, I think in his Budget speech, as to the manner in which this money should be spent, and is he satisfied that these schemes are all in conformity with those tests ?

**The Honourable Sir James Grigg :** Yes, Sir.

**Prof. N. G. Ranga :** Have Government considered the advisability of setting apart a part of this one crore of rupees for the working of new village post offices ?

**The Honourable Sir James Grigg :** No, Sir ; I think I undertook to consider that independently in connection with the general budget, but not in connection with this grant.

#### LOSSES CAUSED TO GOVERNMENT IN THE QUETTA EARTHQUAKE.

163. **\*Seth Haji Abdoola Haroon :** (a) Will Government be pleased to lay on the table a statement showing separately the approximate figures of losses caused to Government, military and civil buildings in the recent Quetta earthquake disaster ?

(b) Will Government be pleased to state what approximate amount of expenditure they will have to incur if they re-build the Quetta military and civil buildings ?

**Mr. G. R. F. Tottenham :** (a) The approximate book value of the Government buildings destroyed or damaged by the earthquake is as follows :

|                                                              | Rs.        |
|--------------------------------------------------------------|------------|
| Army .. .. .                                                 | 2½ crores. |
| Railways .. .. .                                             | 25½ lakhs. |
| Posts and Telegraphs .. .                                    | 3 lakhs.   |
| Other civil departments (including municipal buildings) .. . | 70 lakhs.  |

(b) The present estimate of the cost of reconstruction, which must necessarily be extremely rough, is between seven and eight crores.

#### CASUALTIES IN THE QUETTA EARTHQUAKE.

164. **\*Seth Haji Abdoola Haroon :** Will Government be pleased to state how many persons died and how many were injured in the Quetta earthquake, giving, separately, the approximate number of Military, Royal Air Force and civil and railway employees ?

**Mr. G. R. F. Tottenham :** I lay a statement on the table, giving, so far as possible, the figures of casualties among officials and their families.

*Statement showing the number of persons killed and injured in the Quetta Earthquake amongst Military, Royal Air Force, and civil and railway employees.*

|                                                                           | Killed. | Injured. |
|---------------------------------------------------------------------------|---------|----------|
| (i) Military (including families) ..                                      | 447     | 127      |
| (ii) Royal Air Force (including families) ..                              | 120     | 132      |
| (iii) Civil Department (in some cases families have not been included) .. | 948     | 362      |
| (iv) Railway employees (including families) ..                            | 975     | 813      |
| Total ..                                                                  | 2,490   | 1,434    |

#### RE-BUILDING OF QUETTA.

165. **\*Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state whether it is their intention to re-build the city of Quetta ?

(b) If the reply to part (a) above be in the affirmative, do Government propose not to invest large amounts in re-building Quetta, and to transfer the Western Command of Quetta to Karachi or some such other place, in view of the speedy means of communication and transportation by Railway, road, and air, nowadays ready at hand for cases of emergency ?

**Mr. G. R. F. Tottenham :** (a) and (b) The Honourable Member's attention is invited to Chapter VIII of the pamphlet "The Quetta Earthquake, 1935", copies of which were sent to all Members of the House on the 29th August, 1935.

The whole matter is still under consideration.

#### LOSSES TO CIVIL POPULATION IN QUETTA.

166. **\*Seth Haji Abdoola Haroon :** Will Government be pleased to state the approximate amount of losses to civil population and their movable and immovable properties in Quetta ?

**Mr. J. G. Acheson :** The Honourable Member is referred to Chapters I and II of the Pamphlet "The Quetta Earthquake, 1935", a copy of which has been sent to him. It is not possible at present to give even an approximate estimate of the amount of the losses to the civil population of Quetta. But some idea of the magnitude of the losses can be gained from the fact that approximately 15,000 shops and houses were destroyed or badly damaged.

#### CASUALTIES IN THE SUBURBS OF QUETTA.

167. **\*Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state the approximate number of casualties in the suburbs of Quetta in British Baluchistan ?

(b) What was the :

(i) number of casualties, both dead and injured ;

(ii) approximate amount of losses to Government and railway properties ; and

(iii) the approximate amount of losses to civil population ?

**Mr. G. R. F. Tottenham :** (a) and (b) (i) The Honourable Member's attention is invited to pages 1, 8 and 16 of the pamphlet "The Quetta Earthquake, 1935", a copy of which was sent to him on the 29th August, 1935. He will, however, realise that it is impossible as yet to give accurate figures of deaths among the civil population.

(b) (ii) The attention of the Honourable Member is invited to the reply I gave to part (a) of his question No. 163.

(b) (iii) It is impossible even to hazard a guess.

#### LOSSES IN TRIBAL AREAS IN BALUCHISTAN DUE TO EARTHQUAKE.

168. **\*Seth Haji Abdoola Haroon :** Will Government be pleased to lay on the table a statement showing detailed particulars of losses experienced in tribal areas in Baluchistan ?

**Mr. J. G. Acheson :** There were no losses in the tribal areas in Baluchistan.

**CERTAIN FACILITIES PROVIDED IN QUETTA AFTER THE EARTHQUAKE.**

169. **\*Seth Haji Abdoola Haroon :** Will Government be pleased to state what provisions for medical aid, supplying of food, water and clothes and other available resources, were provided by Government in the following territories after the earthquake catastrophe :

(i) Suburbs of Quetta ; and

(ii) Quetta City ?

**Mr. G. R. F. Tottenham :** The Honourable Member's attention is invited to Chapters III, IV and V of the pamphlet " The Quetta Earthquake, 1935 ", a copy of which has been sent to all Members of this House.

**APPLICATIONS INVITED FOR POSTS OF ARMY OFFICERS FROM ENGLAND.**

170. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Is it a fact that applications have been invited for posts of Army Officers from England ?

(b) Why is it that no similar applications are called for from Indians ?

(c) How many posts are vacant, and how many applications have been received ?

(d) Are the posts to be filled up permanently or temporarily ?

**Mr. G. R. F. Tottenham :** (a) Owing to over-recruitment during the war, and under-recruitment in the years immediately succeeding it, it recently became necessary, in order to make the establishment in each rank correct, to eliminate from the Indian Army a large number of senior officers and take on a smaller number of less senior officers. It is for this latter reason that it was recently decided to revive the practice, which had been held in abeyance for a few years, of allowing transfers from the British service and invite applications from officers of the required seniority.

(b) Because all the Indian officers of the required seniority are already serving in the Indian Army, and there is no other outside source from which they could be procured.

(c) The War Office have agreed to permit up to 100 officers to volunteer for transfer to the Indian Army. Applications may reach the War Office or Army Headquarters, India, up to the 22nd September, 1935.

(d) Permanently.

**Mr. M. Ananthasayanam Ayyangar :** Before this, are there any Indian officers who were taken temporarily to these posts and sent away ?

**Mr. G. R. F. Tottenham :** No, Sir : there are no Indian officers taken temporarily. All the Indian officers that there are, are already employed permanently in the Indian army.

**Mr. M. Ananthasayanam Ayyangar :** Have all these posts, for which applications have been invited in England, been held by British officers till now ?

**Mr. G. R. F. Tottenham :** As I explained, we are just getting rid of about 400 officers practically all of whom are British officers, and we are taking in 100 British officers from the British service to fill up the gaps in the lower ranks.

**SELECTION OF *Dufferin* CADETS FROM THE ROYAL INDIAN MARINE.**

171. **\*Mr. M. Ananthasayanam Ayyangar :** (a) How many of the students who have received training in the Ship *Dufferin* have been selected for the Royal Indian Marine Force, year after year, during the past seven years, and how many from outside have been appointed in that Force ?

(b) What is the principle of selection, and why have not more men been selected from among the *Dufferin* cadets ?

**Mr. G. R. F. Tottenham :** (a) Since 1926, 19 Indians have been selected for employment in the commissioned ranks of the Royal Indian Navy. Of these, six came from the Indian Mercantile Marine Training Ship *Dufferin*. I lay on the table a statement showing the recruitment year by year.

(b) The principle of selection is to obtain the best material available, but in putting this principle into effect Government have been influenced by a knowledge that public opinion in this country attaches considerable importance to the retention of the open competitive examination.

*Statement showing the recruitment since 1928 of Indian commissioned officers in the Royal Indian Navy.*

| Year.      | No. of candidates recruited.                              |           |                    | Total. | Remarks.                                    |
|------------|-----------------------------------------------------------|-----------|--------------------|--------|---------------------------------------------|
|            | On the results of the open and " Dufferin " examinations. |           | As direct entries. |        |                                             |
|            | Open.                                                     | Dufferin. |                    |        |                                             |
| 1928 .. .. | ..                                                        | ..        | 1                  | 1      | * Since permitted to resign his commission. |
| 1929 .. .. | 2                                                         | ..        | ..                 | 2      |                                             |
| 1930 .. .. | 1                                                         | ..        | ..                 | 1      |                                             |
| 1931 .. .. | ..                                                        | 4         | 1*                 | 5      |                                             |
| 1932 .. .. | 4                                                         | ..        | ..                 | 4      |                                             |
| 1933 .. .. | ..                                                        | 1         | 1                  | 2      |                                             |
| 1934 .. .. | 3                                                         | 1         | ..                 | 4      |                                             |

**Mr. M. Ananthasayanam Ayyangar :** Besides the six officers who were trained on the *Dufferin*, what are the qualifications of the other thirteen ?

**Mr. G. R. F. Tottenham :** I could not possibly give a list of the qualifications of all the men who have joined since 1928.

**Mr. M. Ananthasayanam Ayyangar :** Is there any other ship besides the *Dufferin* in which naval training is given to Indians ?

**Mr. G. R. F. Tottenham :** No, Sir ; nor is naval training given in the *Dufferin* which is a Mercantile Marine training ship.

**Mr. M. Ananthasayanam Ayyangar :** Besides these six who were trained on the *Dufferin*, can the Honourable Member say whether the other thirteen had any training at all, either mercantile marine or naval ?

**Mr. G. R. F. Tottenham :** No, Sir ; neither did the six who were taken from the *Dufferin* possess any naval training, i.e., training for work in the Navy. This training they received after passing the examination and being sent to England to be trained in the naval dock-yards there.

**Mr. M. Ananthasayanam Ayyangar :** Why were not all of them taken from among those who had the same training on the sea ?

**Mr. G. R. F. Tottenham :** I have explained that the idea is to throw open to open competition throughout India the officer ranks of the Indian navy, and it is quite impossible to afford sea training of any kind to all the boys in India.

#### RECOMMENDATIONS OF THE HILTON-YOUNG CURRENCY COMMISSION.

172. **Mr. M. Ananthasayanam Ayyangar :** (a) What are the recommendations of the Hilton-Young Currency Commission, which have been given effect to ?

(b) What other recommendations do Government propose adopting during the current year ?

**The Honourable Sir James Grigg :** (a) and (b). The recommendations of the Hilton-Young Currency Commission can be divided into three parts :

(i) a recommendation for the establishment of a gold bullion standard ;

(ii) the establishment of a Central Reserve Bank ; and

(iii) the fixation of the ratio of the rupee to gold at 1s. 6d.

(i) and (iii) were put into effect in 1927 but have since been suspended while (ii) was put into effect as from 1st January last.

**Mr. M. Ananthasayanam Ayyangar :** When they were put into effect in 1927, what was the amount of gold in the reserve ?

**The Honourable Sir James Grigg :** I cannot say off-hand : if the Honourable Member likes to put down a question, I can find it out for him.

**Mr. M. Ananthasayanam Ayyangar :** Was any quantity of gold kept in the reserve at all ?

**The Honourable Sir James Grigg :** I think the amount of gold in the gold reserve appears in the weekly statement of the Reserve Bank. I cannot remember off-hand the last figure, but I may say that the gold figures in that statement at the old parity, so that it under-estimates or under-represents the amount of the gold reserve at current market values.

**Prof. N. G. Ranga :** Do Government propose to increase their gold holdings ?

**The Honourable Sir James Grigg :** That is a matter for the Reserve Bank now : Government itself is no longer concerned with the custody of the gold reserves of India.

**Mr. M. Ananthasayanam Ayyangar :** Why was it suspended in 1927 ?

**The Honourable Sir James Grigg :** It was not suspended in 1927, but in 1931 when the United Kingdom left the gold standard.

**Prof. N. G. Ranga :** In view of the increase in counterfeit rupee coins.....

**The Honourable Sir James Grigg :** Really, Sir, I do not think that arises.

**Mr. M. Ananthasayanam Ayyangar :** Was it in pursuance of that policy that ten crores worth of silver were sold away by the Government of India in the year 1930-31 ?

**The Honourable Sir James Grigg :** I think if the Honourable Member wants to discuss silver, he had better put down a question separately : it does not arise directly out of this.

#### COMPILATION OF STATISTICS FOR AGRICULTURAL AND INDUSTRIAL WAGES.

173. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that both in the Economic Enquiry Committee Report and the Hilton-Young Commission Report, there is a suggestion that index numbers should be prepared for wages, agricultural and industrial ?

(b) Have Government been compiling such statistics ? If so, for how long ? If not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) No. The compilation of such statistics is properly a function of Local Governments.

**Mr. M. Ananthasayanam Ayyangar :** Have the Local Governments prepared such statistics regarding wages, agricultural and industrial ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot answer that question : I do not know.

**Mr. M. Ananthasayanam Ayyangar :** Will Government supply us information regarding this ?

**The Honourable Sir Muhammad Zafrullah Khan :** If the Honourable Member desires that an inquiry should be made from Local Governments and this information obtained, and if he puts down a question on the paper, I shall see if it can be obtained.

**Prof. N. G. Ranga** : Is it not one of the recommendations of the Economic Inquiry Committee that there should be a Central Economic Enquiry Board established by the Central Government here ?

**The Honourable Sir Muhammad Zafrullah Khan** : I would require notice of that : it does not arise out of this question.

#### REVISION OF THE EXCHANGE RATIO.

174. **\*Mr. M. Ananthasayanam Ayyangar** : (a) Are Government aware that in paragraph 190 of the Hilton-Young Commission Report, they state it as an argument for the fixing of the ratio at 1s. 6d. that India's foreign trade had not been adversely affected, after 12 months of the 1s. 6d. ratio till then ?

(b) Are Government aware that India's balance of trade since the Hilton-Young Commission Report, dwindled from nearly 75 crores to nothing ?

(c) Do Government propose to take immediate steps to revise the exchange ratio ?

**The Honourable Sir James Grigg** : (a) and (b) India's favourable balance of trade in 1925-26, when the Hilton-Young Commission Report was issued, was Rs. 109.25 lakhs. In the year 1934-35, it was Rs. 78.10 lakhs. Obviously the shrinkage in trade is due to world conditions and not to the ratio. In any case the ratio in 1925-26 was 1s. 6d. gold whereas it is now 1s. 6d. sterling which, expressed in terms of gold, is approximately the equivalent of 11d. only.

(c) Quite definitely, No.

**Mr. M. Ananthasayanam Ayyangar** : Does the balance of trade of 78 crores in 1934-35 include export of gold in specie ?

**The Honourable Sir James Grigg** : Yes.

**Mr. M. Ananthasayanam Ayyangar** : To what extent ?

**The Honourable Sir James Grigg** : I believe about two-thirds.

**Mr. M. Ananthasayanam Ayyangar** : The balance of trade has, therefore, gone down to 15 crores ?

**The Honourable Sir James Grigg** : 15 is wrong : in one year it was 30 and in another year about 23.

**Mr. M. Ananthasayanam Ayyangar** : Is it not a fact that in 1924 the balance of trade was 115 crores ?

**The Honourable Sir James Grigg** : I am quite prepared to take that from the Honourable Member.

**Prof. N. G. Ranga** : What steps do the Government of India propose to take in order to improve our position in regard to the balance of trade ?

**The Honourable Sir James Grigg** : That is too long a question to be dealt with in answer to a supplementary question.

**Prof. N. G. Ranga** : Do Government propose to take any action ?

**The Honourable Sir James Grigg** : Yes.

#### MONOPOLY OF SUPPLYING PETROLEUM PRODUCTS IN THE MADRAS PRESIDENCY HELD BY THE BURMA OIL COMPANY.

175. **\*Mr. C. N. Muthuranga Mudaliar** : (a) Will Government please state whether it is a fact that the Burma Oil Company has the monopoly of supplying petroleum products in the Madras Presidency ?

(b) Was it at least so for some time after the Great War ?

(c) Is it a fact that liquid fuel is largely needed by the agriculturists for their pumping plants, wherever there are no irrigation facilities ?

(d) Was liquid fuel being sold in the Madras Presidency at Rs. 30 to Rs. 40 per ton before the War ?

(e) Is it a fact that the price rose to Rs. 60 per ton during the War and to Rs. 90 per ton after the War ?

(f) Is it a fact that Government are allowing a protective duty of two annas and nine pies to the Burma Oil Company products, while Indian companies who import foreign oils are assessed to a duty of three annas nine pies ?

(g) Do Government propose to fix a fair selling minimum price for all petroleum products and thus protect the agriculturists from abnormally high prices for their needs ?

(h) Is it not a fact that the Burma Oil Company import also Persian, American and Russian petroleum products besides the Burma Oils ?

**The Honourable Sir James Grigg** : I feel, Sir, in view of the strictures passed upon me for butting into other people's affairs yesterday, I ought to apologise in advance for answering this question which concerns both the Finance and the Commerce Departments jointly.

(a) No.

(b) No.

(c) Yes : if the pumping plants are worked by oil engines.

(d) and (e). Government have no precise information as to the sale prices of fuel oil at the periods referred to.

(f) No. The duties in question are revenue duties.

(g) Government are not aware that the agriculturists are paying abnormally high prices.

(h) The Burma Oil Company import petroleum products from Persia and America.

**Mr. C. N. Muthuranga Mudaliar** : May I know why differential rates should prevail, if this is only a revenue duty and not a protective duty ?

**The Honourable Sir James Grigg** : That question has a long history, and it is not possible to deal with it in reply to a supplementary question : if the Honourable Member will put down a question, I will give a considered answer.

**Prof. N. G. Ranga** : Will Government try to abolish these differential duties ?



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**The Honourable Sir James Grigg :** I think the Honourable Member had better look at the terms of the Indo-Burma trade agreement.

**Mr. Lalchand Navalrai :** With reference to clause (f), may I know whether the Indian companies and the Burma Oil Company are paying the same import duty ?

**The Honourable Sir James Grigg :** That is the question I have answered : the question is whether Government are allowing a protective duty to the Burma Oil Company.

**Prof. N. G. Ranga :** Am I to understand that there are differential duties ?

**The Honourable Sir James Grigg :** They are certainly differential duties.

**Prof. N. G. Ranga :** May I know how much they are ?

**The Honourable Sir James Grigg :** They are given in the question itself in part (f).

**Mr. S. Satyamurti :** What is the reason for this difference, even if they are revenue duties ?

**The Honourable Sir James Grigg :** I have just answered that : I am not prepared to answer that in answer to a supplementary question : if a question is put down, I will give a considered reply.

**Mr. C. N. Muthuranga Mudaliar :** With reference to part (g), does the Honourable Member consider the price not high when it is between 86 to 90 rupees a ton nowadays, as compared with Rs. 30 a ton in pre-war days ?

**The Honourable Sir James Grigg :** I have some hesitation about dealing with that part of the question which concerns the Commerce Department : I think the Honourable Member had better put down a question separately.

#### APPOINTMENT OF INDIANS AS TEACHERS IN ENGLAND.

176. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Has the attention of Government been drawn to questions and answers in the House of Commons on the 26th March, 1935, regarding the difficulties experienced by English-born Indians seeking appointments as teachers in Great Britain, despite their educational qualifications ?

(b) Will Government state if they have information of any kind regarding the numbers of such Indians employed as teachers in Great Britain ? If not, do they propose to obtain such information as can be available from the India Office or any other such authority in England ?

(c) Are Government prepared to take necessary steps to represent to the Secretary of State for India that not only English-born Indians but Indian-born Indians, who have got the requisite qualifications, obtain a fair chance in applying for teachers' appointments in Great Britain should they desire to do so ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) The Board of Education, London, who were consulted in the matter, regret that the information asked for by the Honourable Member is not available.

(c) The appointment of teachers in Great Britain is a matter which is in the hands of local educational authorities or other bodies responsible for the management of the schools. The Board of Education state that they are not aware that any considerations other than the general suitability of the applicants are taken into consideration in making an appointment.

#### INADEQUACY OF INDIANS EMPLOYED IN THE OFFICES OF THE LEAGUE OF NATIONS.

177. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Are Government aware of the feeling of dissatisfaction prevailing in India as regards the inadequacy of the number of Indians employed in the offices of the League of Nations, and if so, are Government prepared to take suitable action to acquaint the authorities of the League at Geneva of these feelings ?

(b) Are Government prepared to take early action to make representations to the authorities of the League of Nations to so increase the number of Indians employed in its various offices that it may be in proportion to the contribution made by India ?

**The Honourable Sir Nripendra Sircar :** (a) The League authorities are fully aware of Indian feeling in this matter and an informal representation on the subject has been very recently addressed to the Secretary General. In these circumstances, and in view of the fact that the League authorities are not, as the Honourable Member appears to suppose, unsympathetic towards Indian feeling, no purpose would be served by a further communication.

(b) I would refer the Honourable Member to the latter part of my reply to part (d) of question No. 121 asked by my Honourable friend, Mr. S. Satyamurti, on the 4th September, 1935.

#### APPOINTMENT OF AN INDIAN IN PLACE OF THE LATE MR. A. C. CHATTERJEE, A MEMBER OF THE INFORMATION SECTION OF THE LEAGUE OF NATIONS SECRETARIAT.

178. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Are Government prepared to move the authorities of the League of Nations to appoint an Indian in the place of Mr. A. C. Chatterjee, a member of the Information Section of the League Secretariat who died recently ?

(b) Are there already Indians in the Information Section of the League Secretariat who are qualified to fill the place rendered vacant by the death of Mr. A. C. Chatterjee ?

**The Honourable Sir Nripendra Sircar :** (a) Government have already taken steps in this direction and they have been informally assured that an Indian will be appointed.

(b) From the latest Staff List of the League Secretariat it appears that one other Indian, Mr. S. N. Ghose, is employed in the Information Section. Government have no information regarding his qualifications to fill the appointment held by the late Mr. A. C. Chatterjee.

**Prof. N. G. Ranga :** What is the usual practice followed by the League Secretariat in making these appointments ? Do they consult the Government of India ?

**The Honourable Sir Nripendra Sircar :** No, Sir ; but this question I have answered during the last three Sessions about eight times, and I have placed before the House information relating to the number of appointments made, names of the officers appointed, their salaries, and so on, and I have nothing further to add ; but, in making these appointments, the League Secretariat do not consult the Government of India.

**Mr. S. Satyamurti :** Has this vacancy been filled ?

**The Honourable Sir Nripendra Sircar :** To the best of my information, not yet.

#### ESTABLISHMENT OF RURAL LIBRARIES.

179. \***Mr. C. N. Muthuranga Mudaliar :** (a) Are Government aware that recently rural libraries have been started in many villages ?

(b) Are Government aware that the various Provincial Governments insist that such rural libraries associations should be registered under the Societies Registration Act XXI of 1860, before grants-in-aid could be sanctioned for such libraries ?

(c) Is it a fact that the said Act requires that a fee of Rs. 50 should be paid as registration fee for registering literary, scientific and charitable societies ?

(d) Are Government aware that almost all the rural libraries have got very slender resources and cannot pay a high registration fee of Rs. 50 ?

(e) If the answer to part (d) above be in the affirmative, are Government prepared to consider the advisability of fixing a nominal fee of Rs. 5 for registration of such rural libraries under section 3 of the Act ?

**Sir Girja Shankar Bajpai :** (a) and (c) Yes.

(b) and (d) The information asked for by the Honourable Member is not readily available.

(e) It is within the power of Provincial Governments to amend the Act with the previous sanction of the Governor General, if they desire to do so, in order to reduce the registration fee, and the matter will be brought to their notice for such action as they may consider desirable.

**Prof. N. G. Ranga :** Is it not a fact that it is in the power of the Governor General in Council to amend the rules made under this particular Act in order to bring down the figure of Rs. 50 ?

**Sir Girja Shankar Bajpai :** I have had that particular point examined, and the information given to me is that this is a matter which can best be dealt with by each Local Government.

**Mr. C. N. Muthuranga Mudaliar :** But Societies Registration Act is an All-India Act ?

**Sir Girja Shankar Bajpai :** It may be an All-India Act, but according to my information, the libraries are provincial libraries.

#### SALT TRADE OF MADRAS.

180. \***Mr. C. N. Muthuranga Mudaliar :** (a) Is it a fact that the exports of salt from Madras to Calcutta have been steadily decreasing during recent years ?

(b) Are Government aware that large quantities of foreign salt are being dumped in Calcutta ?

(c) Are Government prepared to take steps to improve the expansion of salt trade from Madras to other places in India by putting adequate duties on foreign salt ?

**The Honourable Sir James Grigg :** (a) There was a steady decline in the three years ending with March, 1934, but there was a noticeable revival in the year ending with March, 1935.

(b) No.

(c) The attention of the Honourable Member is drawn to the provisions of the Salt (Additional Import Duty) Act, 1931, which has been extended up to the 30th April, 1936.

#### FACTORIES WORKING UNDER THE MONOPOLY SYSTEM OF MANUFACTURING SALT IN THE MADRAS PRESIDENCY.

181. \***Mr. C. N. Muthuranga Mudaliar :** (a) Is it a fact that the only factories working under the monopoly system of manufacturing salt in the Madras Presidency are (i) Polavaram, (ii) the Ennore Group and (iii) the Karambalam block ?

(b) Is it a fact that all other factories in the Presidency work under the excise system ?

(c) Are Government prepared to consider the advisability of introducing the excise system uniformly for the factories referred to in part (a) above ?

**Mr. A. H. Lloyd :** (a) Yes.

(b) All the other factories in the Presidency are worked under either the Excise or the Modified Excise system.

(c) The Central Board of Revenue have issued orders for the closure of the Monopoly factories in the Ennore group with effect from 1st January, 1936, and the existing licensees of these factories have been given the option of taking Modified Excise licenses. The Government will examine the question of the conversion of the remaining Monopoly factories into Excise or Modified Excise factories.

#### CONCESSION OF COLLECTING OR MAKING SALT IN CERTAIN Taluqs OF THE MADRAS PRESIDENCY.

182. \***Mr. C. N. Muthuranga Mudaliar :** (a) What are the specific abuses referred to in paragraph 4 of the Administration Report of the Salt Department, Madras Presidency for 1933-34, which led to the withdrawal of the concession of collecting or making salt in Chingleput taluq ?

(b) Were the local residents in the taluq apprised of the abuses before the concession was withdrawn, and was any enquiry held ? If so, will Government please place the results of the enquiry on the table of the House ?

(c) If the residents were not previously warned, are Government prepared to re-introduce the concessions in that taluq once more on getting an undertaking from them against future abuses ?

(d) Are Government also prepared to allow this concession to the residents of the coastal villages in Ponneri and Saidapat taluqs?

**The Honourable Sir James Grigg :** (a) Salt much in excess of local requirements was removed from swamps in the Chingleput taluq of the Chingleput District. Many cases of removal to distant places by carts and boats were detected.

(b) The villagers in the taluq were given warning to the effect that if the abuse did not cease the concession would be withdrawn. The warning was published in the villages on the 7th, 8th and 9th of September, 1933, but the abuses continued. No formal enquiry was held, but the decision was reached on the basis of continual reports from the salt staff and the results of proceedings in the criminal courts.

(c) Does not arise.

(d) The concession has not yet been withdrawn from the taluqs named in this part of the question.

**Mr. C. N. Muthuranga Mudaliar :** Will it not be possible to grant the concession after getting an undertaking from the people?

**The Honourable Sir James Grigg :** I answered a lot of questions in the last Session about the machinery for applying for restoration of these concessions. That machinery still holds good.

#### POSITION OF INDIANS IN FIJI.

183. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Has the attention of Government been drawn to an article by 'Seafarer' in the *Hindustan Times* of the 17th March, 1935, regarding the position of Indians in Fiji?

(b) Is it a fact that restrictions are placed in the way of Indian settlers getting leases of land from the Fijian landlords for agricultural purposes?

(c) Are Government prepared to consider the advisability of sending out a Commission to enquire into the question of the land settlement in Fiji?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) and (c) Under the Fiji Native Lands Ordinance of 1905, the consent of the Governor in Council is necessary to the lease of land by Fijian landlords to all non-Fijians, Indian or European. The Regulations relating to the conditions on which such consent is granted contained certain provisions which discriminated against Indians in the matter of area of land and terms of lease, but these were deleted by the Ordinance of 1933. The Government of India have made certain inquiries as to the actual working of the Ordinance and the relevant regulations. The question what further action on their part is necessary will be decided when the result of these inquiries becomes available.

**Mr. M. Ananthasayanam Ayyangar :** For how long have these inquiries been going on?

**Sir Girja Shankar Bajpai :** The inquiry, Sir, if I remember aright, was addressed to the India Office about six weeks ago.

#### RE-OPENING OF SALT WORKS IN CERTAIN PLACES IN THE MADRAS PRESIDENCY.

184. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Is it a fact that Government have not been allowing the people in Kattur village, Ponneri taluq and Kandadu village in Tindivanam taluq, Madras Presidency, to work on salt pans in those places?

(b) Are Government aware that the people have been put to heavy loss on account of stoppage of works?

(c) Do Government propose to allow the people to re-open the salt works in those places?

**Mr. A. H. Lloyd :** (a) The Kattur Salt Factory is at present open and is being worked under the Monopoly System. Formal orders for the closure of this factory as a monopoly factory, with effect from 1st January, 1936, have issued but the existing licensees have been given the option to take modified excise licenses. The Kandadu Salt Factory was closed in 1897 as there was no necessity for it.

(b) The people have suffered no recent loss by the closure of the Kandadu Salt Factory which occurred many years ago. Government are now paying compensation in accordance with the provisions of the Madras Salt Act as this was not done at the time of the closure. Compensation admissible under the Act will also be paid to the licensees of the Kattur Salt Factory.

(c) At present there is no necessity to re-open the Kandadu Salt Factory as adjoining factories are overstocked and prices are very low.

**Mr. Sami Vencatachelam Chetty :** It is a fact that the compensation now offered is on the basis of the reduced dittam?

**Mr. A. H. Lloyd :** The dittam in recent years has been taken into consideration in fixing the compensation.

**Mr. Sami Vencatachelam Chetty :** Reduced dittam?

**Mr. A. H. Lloyd :** I think the reduction of dittam has been taken into account, but, speaking from memory, the compensation has not been based on the lowest dittam. However, if the Honourable Member will put down a question, I shall try and give him the information.

**Mr. C. N. Muthuranga Mudaliar :** Are the Government of India aware that the compensation offered is very inadequate?

**Mr. A. H. Lloyd :** I am quite prepared to take it from the Honourable Member that there have been complaints of this.

**Prof. N. G. Ranga :** For how many years is this compensation to be paid? Is it paid annually?

**Mr. A. H. Lloyd :** It is a lump sum.

#### OFFICERS IN ARCHAEOLOGICAL SURVEY.

185. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will Government please state who are the officers in Archaeological Survey with qualifications in :

(i) Architecture ; and

(ii) Archæology ?

(b) Do Government propose to consider the advisability of restricting the work of officers qualified in Architecture to purposes of conservation and excavation?

**Sir Girja Shankar Bajpai :** (a) A statement is laid on the table.

(b) Financial considerations impose limits on the size of the cadre which renders the Honourable Member's suggestion impracticable.

*Names of officers in the Archaeological Department with qualifications in (i) Architecture, and (ii) Archaeology.*

(i) *Architecture.*

1. Mr. J. F. Blakiston.
2. Mr. G. C. Chandra.
3. Mr. H. H. Khan.

(ii) *Archaeology.*

1. Khan Bahadur Maulvi Zafar Hasan.
2. Mr. K. N. Dikshit.
3. Mr. Mya.
4. Mr. M. S. Vats.
5. Mr. M. H. Kuraishi.
6. Mr. N. G. Majumdar.
7. Dr. M. Nazim.
8. Mr. H. L. Srivastava.
9. Mr. Q. M. Moneer.

#### COUNTRIES WITH BANNED OR RESTRICTED IMPORTS FROM INDIA.

186. \***Mr. C. N. Muthuranga Mudaliar :** (a) Will Government please state the names of countries which have either banned or restricted the import of Indian goods into their countries?

(b) What is the amount of loss of trade caused to India by each of such countries?

(c) What steps have Government taken in regard to this matter?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (c). The Honourable Member is referred to the reply given by me to parts (a), (c) and (d) of Mr. T. S. Avinashilingam Chettiar's starred question No. 6 on the 2nd September, 1935.

(b) No estimate of the loss to India on account of these restrictions can be made.

**Mr. Lalchand Navalrai :** May I know if the Government of India have raised any objection to that?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already replied on the supplementaries to the question to which I have referred.

**Mr. M. Ananthasayanam Ayyangar :** What is the answer to clause (c), Sir?

**The Honourable Sir Muhammad Zafrullah Khan :** I said that the Honourable Member is referred to previous replies given by me to Mr. Chettiar's question No. 6 on the 2nd September, 1935.

**Prof. N. G. Ranga :** Will any attempt be made at all to estimate this loss of trade caused to India?

**The Honourable Sir Muhammad Zafrullah Khan :** It is not possible to make any estimate of the loss of trade caused to India on account of these restrictions owing to the complexity of the factors that enter into the situation.

**Prof. N. G. Ranga :** In view of the recent establishment of an Industrial Research Bureau, will Government be pleased to refer this question to them for making the necessary estimate?

**The Honourable Sir Muhammad Zafrullah Khan :** Which particular Research Bureau is the Honourable Member referring to?

**Prof. N. G. Ranga :** The Honourable the Finance Member will answer it.

**Mr. M. Ananthasayanam Ayyangar :** Again and again with reference to answers (a) to (c), it has been said that negotiations are going on. Whenever any other country put an embargo, are we to go on prostrating every time? Why don't you immediately put a ban on the import of their articles?

**The Honourable Sir Muhammad Zafrullah Khan :** If the implication is that our inquiries and efforts result in nothing, I would draw the attention of the Honourable Member to the case of Roumania.

**Mr. M. Ananthasayanam Ayyangar :** What has been the case with regard to Italy?

**The Honourable Sir Muhammad Zafrullah Khan :** I have explained that correspondence started with Italy, and it was expected that the correspondence would lead to negotiations, but owing to the refusal of Italy to start with an initial concession which had been considered as absolutely necessary before negotiations could start, that correspondence is at the present moment in abeyance, and negotiations have not begun.

**Mr. M. Ananthasayanam Ayyangar :** Why have not retaliatory measures been taken against Ceylon since 1932, and why has preference been shown to Ceylonese articles?

**The Honourable Sir Muhammad Zafrullah Khan :** How does that arise out of this question?

**Mr. M. Ananthasayanam Ayyangar :** Yes, it does, part (c) of the question.

**The Honourable Sir Muhammad Zafrullah Khan :** My general answer to that criticism is that, with regard to a large number of these countries, the balance of trade is in favour of India. I need not go on explaining the implications of that. I am sure, Honourable Members will understand that retaliatory measures become impossible under those conditions.

#### PUBLICATION OF DAILY LISTS OF EXPORTS AND IMPORTS BY CUSTOMS HOUSES.

187. \***Mr. Mathuradas Vissanji :** (a) Will Government be pleased to state, if it is a fact that Calcutta, Madras and Rangoon Custom Houses publish daily lists of exports and imports? If so, what is the expenditure incurred by each Custom House in this regard, and what is the income received by the respective Custom Houses by way of subscriptions to these lists?

(b) Will Government be pleased to state whether Bombay and Karachi Custom Houses publish such daily exports and imports lists? If not, why not?

(c) Is it a fact that in Bombay and Karachi, the Bombay Chamber of Commerce and the Karachi Chamber of Commerce publish such daily lists? If so, what facilities do the Bombay and Karachi Custom Houses give to the above-mentioned private agencies for such publications?

(d) Will Government be pleased to place on the table the comparative statements of subscriptions for daily exports and imports lists issued by the Calcutta, Madras and Rangoon Custom Houses and subscriptions charged by the Bombay and Karachi Chambers of Commerce for their daily lists?

(e) Is it a fact that recently the Indian Merchants' Chamber, Bombay, approached Government with a request to arrange for publication of such lists by Bombay and Karachi Custom Houses on the lines of the Calcutta, Madras and Rangoon lists? Is it also a fact that Government refused the above request? If so, why?

(f) Are Government prepared to get the lists published by the Bombay and Karachi Custom Houses instead of assigning the same to private agencies?

**Mr. A. H. Lloyd :** (a) Yes. A statement showing the income and expenditure is laid on the table.

(b) and (c). At Bombay, daily lists are published by the Bombay Chamber of Commerce. At Karachi, in accordance with an agreement reached in 1930, lists dealing mainly with foreign trade are issued by the Karachi Chamber of Commerce, and lists dealing mainly with the coasting trade are issued by the Joint Board of the Karachi Merchants' Association and the Buyers' and Shippers' Chamber, Karachi. Since April, 1935, the Karachi Chamber has discontinued the publication of daily lists of imports and exports but has issued enlarged monthly statements. Clerks deputed by these bodies are allowed to work in the Custom Houses and are given access to the relevant documents.

(d) A statement is laid on the table.

(e) and (f). A representation suggesting that the Bombay list should be issued by the Bombay Custom House was received from the Indian Merchants' Chamber in December, 1934. Government do not see sufficient reason for altering the existing practice, since they are not satisfied that if the work were undertaken by the Custom Houses they would be able to recover the cost without raising the rates of subscription.

#### STATEMENT I.

*Expenditure incurred by Custom Houses on the publication of daily lists of exports and imports.*

|             | Income.<br>Rs. | Expenditure.<br>Rs. |
|-------------|----------------|---------------------|
| Calcutta .. | 26,241         | 28,551              |
| Madras ..   | 6,589          | 6,405               |
| Rangoon ..  | 18,446         | 17,000              |

*Note.*—The figures for Calcutta relate to the calendar year 1934 and the figures for Madras and Rangoon relate to the financial year 1934-35.

#### STATEMENT II.

*Annual subscription for Daily Lists of Imports and Exports.*

|                                                                                                                | Rs. |
|----------------------------------------------------------------------------------------------------------------|-----|
| Calcutta—                                                                                                      |     |
| Import .. .. .                                                                                                 | 100 |
| Export .. .. .                                                                                                 | 100 |
| Madras .. .. .                                                                                                 | 90  |
| Rangoon—                                                                                                       |     |
| First copy .. .. .                                                                                             | 240 |
| Every additional copy .. .. .                                                                                  | 120 |
| Bombay Chamber of Commerce—                                                                                    |     |
| Members .. .. .                                                                                                | 160 |
| Non-members .. .. .                                                                                            | 320 |
| Karachi Chamber of Commerce (monthly statements) .. .. .                                                       | 100 |
| Joint Board of the Karachi Indian Merchants Association and the Buyers' and Shippers' Chamber, Karachi .. .. . | 6   |

#### EMPLOYMENT OF INDIAN SEAMEN ON BRITISH SHIPS.

188. **\*Mr. Mathuradas Vissanji :** (a) Has the attention of Government been drawn to the Debate in the House of Commons on the 4th December, 1934, and in the House of Lords on the 12th February, 1935, with regard to subsidies to British Tramp Shipping?

(b) Is it true that, in the course of the debates, Official Labour Opposition took up an anti-Indian attitude, demanding that no subsidy should be given to any ship which employs Indian seamen, so long as there was unemployment among white British seamen?

(c) Are Government aware that some Companies owning some of these ships are receiving patronage from the Government of India in Mail subsidies and are also receiving freight on Indian products and on Indian imports, and in virtue thereof there is a general feeling among the public in India that there should be no interference with the scope and employment of Indian seamen?

(d) Do Government propose to make a representation to the Secretary of State on the subject, pointing out the strong feeling thereon in India?

(e) Do Government support racial discrimination against Indians in this matter?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) Government are aware that certain Members of the Labour Party in the course of the debate advocated that the subsidy should be given only if employment was given by preference to European seamen.

(c) So far as Government are aware, no subsidy has been given to a company having mail contracts with the Government of India.

(d) In view of the statement made in the course of the debate on behalf of His Majesty's Government, the Government of India consider it quite unnecessary to make any representation on the subject.

(e) The question does not arise.

**Mr. S. Satyamurti** : May I know what is the statement of the Secretary of State ?

**The Honourable Sir Muhammad Zafrullah Khan** : The Parliamentary Secretary to the Board of Trade stated :

" I am asking the Committee to allow me to emphasise the enormous consequences and implications of any suggestion that you can subdivide British nationality and allegiance into different groups. I am content to say at the moment that the vast majority of these Lascars are British subjects, entitled to British passports and to all the advantages of British citizenship to which any Honourable Member of this House is entitled."

#### PREPARATIONS IN INDIA FOR A WAR IN EUROPE.

189. **\*Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether they are preparing for any war in Europe by any arrangements in India ;

(b) whether it is a fact that military contractors are being sounded about their capacity to supply provisions to the Army in certain eventualities ; and

(c) whether there is any proposal to increase or re-arrange the distribution of armaments and forces in India ?

**Mr. G. R. F. Tottenham** : (a), (b) and (c). No.

**Mr. S. Satyamurti** : May I know, apart from any immediate war, whether any contractors are being sounded in order to test their capacity to supply provisions to the army ?

**Mr. G. R. F. Tottenham** : No.

#### GOVERNMENT'S POLICY WITH REGARD TO THE TRIBES ON THE NORTH-WEST FRONTIER.

190. **\*Mr. S. Satyamurti** : Will Government be pleased to state :

(a) what their definite policy is with regard to their dealings with the tribes on the North-West Frontier ;

(b) whether it is a policy of peaceful penetration, or of ultimate conquest ; and

(c) which tribes are friendly, and which are unfriendly ?

**Mr. J. G. Acheson** : (a) and (b). The attention of the Honourable Member is invited to the reply given on the 12th September, 1933, to **Mr. Maswood Ahmad's** question No. 880.

(c) The present position is that out of the great transborder tribes for which the Government of India is responsible, the Yusafzai, the Baluch, and the Brahui only one small clan on the Hazara border, three of the lesser Mohmand clans, and one of the Wazirs can be described as hostile or unfriendly.

**Mr. S. Satyamurti** : What is the answer of 1933 please ?

**Mr. J. G. Acheson** : I have pleasure in reading it out. The answer given by **Mr. Glancy** was as follows :

" 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 Deuys Bray** on the 5th March, 1923, in this Assembly."

**Mr. S. Satyamurti** : What are the means which the Government of India are pursuing to spread civilisation among these tribes ? Air bombs ?

**Mr. J. G. Acheson** : No, Sir.

**Mr. S. Satyamurti** : Then, what are the other means ?

**Mr. J. G. Acheson** : Mainly the construction of roads.

**Mr. S. Satyamurti** : But may I know whether they recognise the independent position of these tribes, or whether they consider them semi-independent, whether they consider them hostile or friendly ? What is the exact relationship in the international law between Great Britain in India and these unfortunate tribes ?

**Mr. J. G. Acheson** : The question contains an innuendo, but I will overlook that. The position is that the tribes are with India, though not with British India, and the Government of India is responsible for them.

**Mr. S. Satyamurti** : What is meant by India ? Is it an independent state ?

**Mr. J. G. Acheson** : The question raises difficult legal point with which I am not prepared to deal offhand. The status of the tribal territory has in the past been described as that of Indian States, but I understand that there will be in future an alteration in status as a result of the new Constitution Act.

**Mr. S. Satyamurti** : Is any attempt being made to make honourable peace with these tribes ?

**Mr. J. G. Acheson** : Certainly.

**Mr. S. Satyamurti** : May I know with regard to the answer to clause (b) of the question, whether it is the policy of ultimate conquest of these tribes ?

**Mr. J. G. Acheson** : I do not think that that inference can be put on the statement of policy which I have made.

**Dr. Khan Sahib** : Is it a fact that a tribe of the Mohmand Halimzais has been helped by the Government with rifles and money to fight the Upper Mohmands in order to create a feeling of blood feud among them ? Is it for helping or destroying them ?

**Mr. J. G. Acheson** : It is a fact that the Halimzai Mohmands are in friendly relations with the Government and they have always carried out their relations loyally since they entered into them. They have been helped in repelling attacks upon them by the Upper Mohmands, but the rest of the Honourable Member's statement I cannot admit.

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**Mr. S. Satyamurti :** Is it the policy of the Government to make these tribes fight among themselves, in order to justify the enormous army expenditure on the North-West Frontier ?

**Mr. J. G. Acheson :** Certainly not. One of the main difficulties is the maintaining of peace among the tribes, and one of our chief roles is that of arbitrator between warring sections.

WOUND RECEIVED BY MR. L. W. B. H. BEST, POLITICAL AGENT IN THE MALAKAND AGENCY.

191. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) the circumstances under which Mr. L. W. B. H. Best of the Indian Civil Service, Political Agent in the Malakand Agency Area, was mortally wounded in action on the 11th of April ;

(b) the causes which led to this incident ; and

(c) what the relations are between Government and the Faqir of Alingar ?

**Mr. J. G. Acheson :** (a) and (b). The information is contained in the Associated Press message from Peshawar, dated the 16th April, 1935, which appeared in the *Civil and Military Gazette* of the 17th April and other newspapers.

(c) The Faqir of Alingar has not entered into relations with Government.

**Mr. S. Satyamurti :** Is he an enemy of the Government ?

**Mr. J. G. Acheson :** I think that is a pretty fair description of the person in question.

**Mr. S. Satyamurti :** Did Government make any enquiry into the causes of this unfortunate incident after the Associated Press message and really satisfy themselves that the telegram sent out was accurate ?

**Mr. J. G. Acheson :** The facts given in the telegram were substantially correct.

**Mr. S. Satyamurti :** Did Government investigate and find out whether the facts were accurate ?

**Mr. J. G. Acheson :** The Government were already aware of the facts.

ARTICLE IN THE *Amrita Bazar Patrika* ABOUT THE FAQIR OF ALINGAR.

192. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to an article in the *Amrita Bazar Patrika* about the Faqir of Alingar ;

(b) whether the facts stated therein are correct ; and

(c) the reasons why this Faqir of Alingar goes on creating trouble ?

**Mr. J. G. Acheson :** (a) Yes.

(b) No Sir. There has been some confusion of two distinct actions ; but the article is correct in suggesting that the Alingar Faqir is an incorrigible fomenter of armed rebellion in the tribal territory.

(c) His chief motive is believed to be to gain power among the ignorant and turbulent tribesmen.

**Dr. Khan Sahib :** Is it a fact that on the Frontier there is a rumour that the Faqir of Alingar is bribed by some of the political officers in order to create this trouble ?

**Mr. J. G. Acheson :** I have never heard the rumour, and I should think it has only to be stated to condemn itself.

**Mr. S. Satyamurti :** Does this Faqir of Alingar possess a charmed person ?

**Mr. J. G. Acheson :** I should be very glad if the Honourable Member will give me some information on that point. I have none myself.

**Mr. S. Satyamurti :** Are Government helpless in this matter ?

PROHIBITION OF CERTAIN IMPORTS FROM PERSIA AND AFGHANISTAN INTO CERTAIN PARTS OF INDIA.

193. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether it is a fact that the prohibition of certain imports from Persia into British India and into the Baluchistan Agency territories has been extended to imports from Afghanistan as well as into the Political Agencies of the North-West Frontier Province ;

(b) the reasons therefor ; and

(c) what the effect of such prohibition has been ?

**The Honourable Sir James Grigg :** (a) Yes.

(b) The protection of the revenues of India.

(c) Imports of the prohibited articles have been checked.

**Mr. S. Satyamurti :** May I ask for some more elucidation than is contained in the cryptic answer "The protection of the revenues of India" ? How were they going to be adversely affected by these imports from Afghanistan not having been prohibited ?

**The Honourable Sir James Grigg :** There is no land customs line there.

**Mr. S. Satyamurti :** Was there any question of smuggling ?

**The Honourable Sir James Grigg :** A great deal.

**Mr. S. Satyamurti :** To what extent ?

**The Honourable Sir James Grigg :** I will try and find out some information.

**Mr. A. H. Lloyd :** A very large number of articles liable to heavy duties had been landed on the coast of Makran and the eastern part of Iran and were finding their way over this frontier into British India.

**Mr. S. Satyamurti :** Has the prohibition been effective ?

**The Honourable Sir James Grigg :** It has been particularly effective in the case of silver. Owing to the reduction of the import duty last April, the inducement for smuggling is substantially less.



**Mr. S. Satyamurti :** What about other articles ?

**The Honourable Sir James Grigg :** I could not answer that without notice, except in so far as it is covered by my general answer that imports have been checked.

#### EFFECT OF THE FIXATION OF IMPORT DUTY ON BROKEN RICE.

194. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) the effect of the fixation of the import duty on broken rice, in so far as the imports of rice and paddy into Madras are concerned ;

(b) whether the import duty has had the desired effect ; and

(c) whether Government propose to take any further action in the matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). I lay on the table a statement showing imports of rice and paddy from foreign countries into the Madras Presidency up to July, 1935, and also a comparative statement of prices of all qualities of rice at Madras ports in April and July during the three years 1933, 1934 and 1935. It is too early as yet to express an opinion on the effectiveness of the new duty which came into force only on the 13th April, 1935, but prices have generally risen since then and are substantially higher than those prevailing in April and July of 1934 and 1933.

(c) No, Sir.

#### Imports of rice from foreign countries in o Madras Presidency.

|                         | Rice. | Broken rice. | Paddy. |
|-------------------------|-------|--------------|--------|
|                         | Tons. | Tons.        | Tons.  |
| August, 1934 .. .. .    | 4,109 | 17,713       | 10,516 |
| September, 1934 .. .. . | 7,202 | 11,426       | 6,708  |
| October, 1934 .. .. .   | 2,632 | 35,402       | 16,794 |
| November, 1934 .. .. .  | 3,866 | 23,591       | 8,449  |
| December, 1934 .. .. .  | 4,875 | 29,073       | 26,093 |
| January, 1935 .. .. .   | 1,395 | 4,396        | 1,517  |
| February, 1935 .. .. .  | 3,138 | 13,213       | 3,935  |
| March, 1935 .. .. .     | 6,008 | 27,758       | ..     |
| April, 1935 .. .. .     | 907   | 4,518        | 1,442  |
| May, 1935 .. .. .       | 500   | ..           | 10,548 |
| June, 1935 .. .. .      | 4     | ..           | 7,363  |
| July, 1935 .. .. .      | 506   | ..           | 8,484  |

#### Statement showing the prices of all qualities of rice at Madras Ports.

| Centre and quality.               | Year. | Prices in April.<br>(last week). | Prices in July.<br>(as on 19th July). |
|-----------------------------------|-------|----------------------------------|---------------------------------------|
| <i>Madras—</i>                    |       |                                  |                                       |
| (In rupees per maund.)            |       |                                  |                                       |
| Caleutta Nagara Boiled .. .. .    | 1933  | 3.23                             | 3.86                                  |
|                                   | 1934  | 3.36                             | 3.83                                  |
|                                   | 1935  | 3.83                             | 4.08                                  |
| Cocanada Boiled Delta .. .. .     | 1933  | 3.01                             | 3.01                                  |
|                                   | 1934  | 2.82                             | 2.94                                  |
|                                   | 1935  | 3.55                             | 3.60                                  |
| Rangoon Boiled Milchar .. .. .    | 1933  | 2.76                             | 2.88                                  |
|                                   | 1934  | 2.70                             | 2.82                                  |
|                                   | 1935  | 3.41                             | 3.54                                  |
| Rangoon Raw Broken A1 .. .. .     | 1933  | 2.55                             | 2.67                                  |
|                                   | 1934  | 2.18                             | 2.55                                  |
|                                   | 1935  | 3.21                             | 3.34                                  |
| <i>Calicut—</i>                   |       |                                  |                                       |
| Cocanada Boiled .. .. .           | 1933  | 2.48                             | 2.79                                  |
|                                   | 1934  | 2.91                             | 3.09                                  |
|                                   | 1935  | 3.65                             | 3.85                                  |
| Rangoon Milchar Rice .. .. .      | 1933  | 2.41                             | 2.73                                  |
|                                   | 1934  | 2.54                             | 2.73                                  |
|                                   | 1935  | 3.53                             | 3.59                                  |
| Rangoon Raw Broken .. .. .        | 1933  | 2.55                             | 2.59                                  |
|                                   | 1934  | 2.25                             | 2.25                                  |
|                                   | 1935  | 3.04                             | 3.23                                  |
| <i>Cochin—</i>                    |       |                                  |                                       |
| Inferior Milcher Burma II .. .. . | 1933  | 2.32                             | 2.38                                  |
|                                   | 1934  | 2.32                             | 2.76                                  |
|                                   | 1935  | 3.51                             | 3.45                                  |
| Siam Broken A1 .. .. .            | 1933  | 2.12                             | 2.22                                  |
|                                   | 1934  | 1.93                             | 2.39                                  |
|                                   | 1935  | 3.24                             | 3.34                                  |

**Mr. S. Satyamurti :** Are Government aware of the fact that, very recently, there have been increased imports of Siamese rice into the Madras Presidency as compared with the period just after the levy of the import duty ?

**The Honourable Sir Muhammad Zafrullah Khan :** I think, if I read out a few figures supplementing those in the statement which I have laid on the table, the Honourable Member will be able to see the position quite clearly. In May, 1935, there was import of rice to the extent of 500 tons and the import of paddy was 10,548. In June, 1935, the import of rice was four tons as compared with June, 1934—14,620 tons. Imports of paddy in June, 1935—7,363 tons as compared with June, 1934—15,884

tons. In July, 1935, imports of rice 506 tons as compared with 15,609 tons in the previous year and imports of paddy of 8,484 as compared with 5,600 previously. Honourable Members will see that there has been a slight increase in imports in July, 1935, as against paddy, but the total of paddy and rice imported in July, 1935, is much less than the total of paddy and rice imported in July, 1934.

**Mr. Sami Vencatachelam Chetty :** Is the Honourable the Commerce Member aware that just before the Act to levy a duty on imported rice, there was a very heavy importation of broken rice and paddy in the Madras Presidency ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have laid on the table all the figures for the last twelve months.

**Prof. N. G. Ranga :** Does this include broken rice ?

**The Honourable Sir Muhammad Zafrullah Khan :** The figures I have quoted, namely, 500, 4, and 506 for May, June and July, 1935, are for rice and broken rice together, but up to April, 1935, beginning with August, 1934, in the statement which I have laid on the table, figures are given for rice and broken rice separately.

**Mr. Sami Vencatachelam Chetty :** Does not the Honourable Member think that the reduction in the imports of rice from May last might have been due partly to the larger imports earlier than May and also to the off-season for importation of rice ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have no means of judging at present, but, possibly, a few months hence, a comparison of the figures will enable me to arrive at some conclusion with regard to it.

**Mr. Sami Vencatachelam Chetty :** Is the Honourable the Commerce Member aware that already complaints are pouring in to the Government of India that imports are increasing ?

**The Honourable Sir Muhammad Zafrullah Khan :** Some complaints have been received to that effect, but the figures do not seem to justify them.

**Mr. C. N. Muthuranga Mudaliar :** May I know from the Honourable Member that more than 3,000 tons of rice and paddy have been imported into the Madras Presidency in the course of August ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have not yet received the August figures.

**Dr. T. S. S. Rajan :** Has the import duty raised the price of rice and paddy ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes. The figures I have laid on the table justify that conclusion. That is with regard to both broken rice and rice, the price has gone up.

**Dr. T. S. S. Rajan :** The import duty is only on broken rice ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes.

# SENDING OF BRITISH TROOPS TO INDIA.

195. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether there has been any change in the practice of sending British troops to India ;

(b) whether more senior troops are now being drafted for India with resultant increase in cost ; and

(c) if so, the reasons therefor ?

**Mr. G. R. F. Tottenham :** (a) and (b). No.

(c) Does not arise.

**Mr. S. Satyamurti :** May I take it, therefore, that the same practice which prevailed before still continues ?

**Mr. G. R. F. Tottenham :** That is the meaning of my answer.

**Mr. S. Satyamurti :** Then the statements in the newspapers on this subject are inaccurate ?

**Mr. G. R. F. Tottenham :** If there have been any such statements, they must have been inaccurate.

# DISABILITIES SUFFERED BY MATCH MANUFACTURERS IN BRITISH INDIA.

196. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a statement by the Association of Indian Match Manufacturers, Bombay, as published by the Associated Press, regarding the disabilities suffered by match manufacturers in British India ;

(b) whether Government propose to take any steps to remove the disabilities under which the match industry is suffering ; and

(c) if not, why not ?

**Mr. A. H. Lloyd :** Government have seen only a press report of the statement to which the Honourable Member refers. Any representation which may be received from the Association of Indian Match Manufacturers or from other representatives of the industry will naturally be carefully considered.

**Prof. N. G. Ranga :** In view of the large increase in the price of matches, do Government propose to fix the maximum price for a match box ?

**Mr. A. H. Lloyd :** There is no such proposal before Government.

**Mr. S. Satyamurti :** Are Government considering the question of the abolition of the excise duty at least on the smaller match factories ?

**Mr. A. H. Lloyd :** No.

**Mr. S. Satyamurti :** Why ?

**The Honourable Sir James Grigg :** That is a separate question. If the Honourable Member puts down a question, I will give him the usual answer that Government do not give advance notice of their intentions in regard to taxation.

**Prof. N. G. Ranga :** Is it not because of this excise duty on matches that the demand for matchwood produced by Government in their Andaman forest has gone down ?

**The Honourable Sir James Grigg :** I think it is extremely likely that the heavy tax on matches has reduced the consumption. There can be no doubt about that, but I would point out to the Honourable Member that, as far as I remember, the excise duty in itself is no more burden on the consumer than the corresponding customs duty.

### STATEMENTS LAID ON THE TABLE.

*Information promised in reply to the starred question No. 138 asked by Mr. M. Maswood Ahmad on 19th July, 1934.*

#### TRANSFERS OF THE ASSISTANT COMMISSIONERS OF INCOME-TAX.

The answer is in the negative.

*Information promised in reply to unstarred question No. 92 asked by Mr. Bhuput Sing on the 20th August, 1934.*

#### NON-CONFIRMATION OF CERTAIN CLERKS IN THE OFFICES OF THE TELEGRAPH STOREYARD, ALIPORE, CALCUTTA.

(a) The undermentioned five officers are at present located in the Telegraph Storeyard, Alipore :

- (i) Office of the Controller of Telegraph Stores, Alipore,
- (ii) Office of the Electrical Engineer-in-Chief, Alipore,
- (iii) Office of the Superintendent of Telegraph Workshops, Alipore,
- (iv) Office of the Divisional Engineer, Eastern Wireless Division, Alipore,
- (v) Office of the Accounts Officer, Telephone Revenue, Stores and Workshops, Alipore.

Except in the office of the Controller of Telegraph Stores there are no clerks who have been in temporary service for seven or eight years, but in that office there were 23 clerks with temporary service ranging from two to nine years.

(b) The question of the re-organisation of the office of the Controller of Telegraph Stores has been under consideration for some time, but for administrative and financial reasons it was not possible for some time to bring the temporary staff of the office on to the permanent establishment. But in March last, after a decision had been arrived at as to the re-organisation of the office, orders were issued to bring the temporary staff on to the permanent establishment with effect from the 1st April, 1935.

(c) As regards the first part of the question it is a fact that officials appointed on a temporary basis are not eligible for increments. As regards the second part the there is any case for their amendment on the lines suggested by the Honourable Member.

*Information promised in reply to starred question No. 163 asked by Mr. V. V. Giri on the 12th February, 1935.*

#### LEAVE RESERVE FOR EACH CATEGORY OF EMPLOYMENT ON STATE RAILWAYS.

Government are informed that it is the practice on State-owned Railways to provide regular leave reserve for certain categories of staff in the different Depart-

ments and to take substitutes in leave vacancies in other categories. The provision of regular leave reserve which depends on local conditions varies considerably. It is not possible to specify percentage of substitutes taken in leave vacancies as the number of such vacancies fluctuates considerably from time to time.

*Information promised in reply to starred question No. 751 asked by Sardar Mangal Singh on the 8th March, 1935.*

#### DEMOTIONS AND SUPERSESSIONS IN CERTAIN DIVISIONS OF THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports :

(a) If the question relates to the travelling ticket examiner on the Moradabad Division referred to in the answer to question 440 (a) quoted whose former substantive pay prior to the introduction of the Moody-Ward scheme was Rs. 160 per mensem plus Rs. 50 consolidated allowance and who was absorbed as a travelling ticket examiner under the Moody-Ward scheme in the grade Rs. 70—5—95, the position is as follows :—

In accordance with the orders communicated in the Railway Board's letter No. 822-E.G., dated the 22nd December, 1932, to absorb higher paid travelling ticket examiners in posts carrying rates of pay equivalent or as near as possible to the rates of pay drawn by them in their substantive posts prior to their absorption in the Moody-Ward scheme, this travelling ticket examiner was subsequently appointed as assistant head ticket collector (grade Rs. 110—5—140) and was allowed to continue to draw Rs. 160 per mensem but the consolidated allowance was discontinued as the post in which he was appointed involved stationary duties.

(b) and (c). An assistant head ticket collector drawing pay at Rs. 140 in the grade Rs. 110—5—140 was promoted to the grade of junior inspector of tickets in the grade Rs. 150—10—190 when the individual referred to in part (a) to this question was still a travelling ticket examiner in grade Rs. 70—5—95. The former being in a higher grade was senior to the latter.

(d) and (g). I would refer the Honourable Member to the information laid on the table of the House, in reply to question No. 304 asked by Dr. N. B. Khare on the 9th April, 1935.

(e) and (f). Government are unable to make enquiries as the Honourable Member has not quoted specific cases in which supersessions have taken place.

(h) The Agent, East Indian Railway, reports :

The answer to the first part of the question is in the affirmative, but with this qualification that the restoration was limited to such as were eligible and exercised the option accorded. There are no grades under the Moody-Ward scheme equivalent to old East Indian Railway grades, mentioned in the question.

(i) Absorption of "the holders of the restored substantive grades" in grades in the Moody-Ward scheme commensurate with their pay is a matter dependent not only on the availability of vacancy in such grades, but also on the ability of the men concerned and their qualifications to be considered suitable for holding such grades. There can, therefore, be no rigid direction that all who were restored to their old scales of pay should be absorbed indiscriminately in vacancies within any fixed limit of time.

(j) Copy of Railway Board's letter No. 822-E.G., dated the 22nd December, 1932, to the Agent, East Indian Railway, is attached herewith. It may, however, be mentioned that notwithstanding the option given under certain conditions for the election of old substantive grades the policy is that the holders of such posts should be considered for vacancies in existing higher scales which approximate in value as nearly as possible to the pay drawn by them in the old scales.

Copy of letter No. 822-E.G., dated the 22nd December, 1932, from the Director, Railway Board, to the Agent, East Indian Railway.

#### TICKET CHECKING STAFF.

With reference to the correspondence ending with your letter No. 157, dated the 25th August, 1932, I am directed to state that, while the Railway Board are convinced that there is no justification for paying the ticket inspecting or examining staff mileage allowance as running staff, they are inclined to think that some consideration should be shown to those employees who now hold the posts of Travelling Ticket Examiners and who, prior to the Crew System, held permanent posts of Travelling Ticket Inspectors in a substantive capacity and drew a mileage or running allowance, in view of the comparatively large reduction in their emoluments. The Governor General has accordingly decided, as an *ex gratia* measure, that with effect from the 1st December, 1932, the following scale of monthly consolidated travelling allowances should be sanctioned to such employees :

|                                                                  | Per mensem. |
|------------------------------------------------------------------|-------------|
| For staff drawing less than Rs. 100 .. .. .                      | Rs. 35      |
| For staff drawing Rs. 100 and over but less than Rs. 200 .. .. . | 50          |
| For staff drawing Rs. 200 and over .. .. .                       | 65          |

2. I am further to state that the Railway Board have decided that an employee who held a permanent post in a substantive capacity as a Travelling Ticket Inspector prior to the introduction of the Crew System and who on the introduction of the duties the same or approximately the same as he discharged prior to the introduction of the Crew System should be allowed the option, with effect from the introduction of the Moody-Ward scheme, of retaining the scale of pay applicable to the permanent post held by him in a substantive capacity prior to the introduction of the Moody-Ward scheme with the benefit of increments therein. With a view to reducing the extra expense arising from the grant of this concession the Board desire that such employees should be considered for promotion to higher posts for which they may be qualified as vacancies occur in such posts.

3. I am to add that the Railway Board do not agree with the recommendation made in paragraph 29 of the 'Report of the Committee appointed to consider the appeals received from the Ticket Checking Staff absorbed in the Moody-Ward Scheme on the East Indian Railway'. The Railway Board are of the opinion that if a mistake has been made it should be rectified and the pay of the staff in question readjusted in the manner suggested in paragraph 29 of the Report, viz., in the lower grade of Rs. 37-3-52, the number of posts in this grade being temporarily increased as proposed in paragraph 29 of the Committee's report, the men in question being, however, allowed to retain the rate of pay actually drawn by them at present, and the difference treated as personal pay to be absorbed in future increments. The Board would like you to take steps accordingly unless you have any further representation to make on this point.

Information promised in reply to unstarred question No. 165 asked by Mr. B. B. Varma on the 9th March, 1935.

#### TREATING OF LOCOMOTIVE ASSISTANT RUNNING SHED FOREMEN AS CONTINUOUS WORKERS ON THE EAST INDIAN RAILWAY.

(a) The Agent, East Indian Railway, reports that the daily duty hours of the Assistant Running Shed Foremen at Bandel, Ondal, Allahabad, and Tundla are 12 based on the nature of the duty they perform in accordance with the Hours of Employment Regulations.

(b) The question whether they should continue to be treated as Supervisory staff or should be treated as continuous workers and brought under the Hours of Employment Regulations is under investigation by the Supervisor of Railway Labour. If the conditions of work of these employees justify a reclassification from supervisory to continuous, necessary action will be taken in due course.

Information promised in reply to unstarred question No. 207, asked by Mr. N. M. Joshi, on the 9th March, 1935.

#### ACTION TAKEN ON THE RESOLUTIONS ADOPTED AT THE CONFERENCE OF THE EAST INDIAN RAILWAY EMPLOYEES' ASSOCIATION.

Government are informed that the Association referred to by the Honourable Member has not, so far, been recognised by the Agent, East Indian Railway, and consequently he is not bound to consider representations which may be made by that Association either direct or by means of resolutions. The Agent, East Indian Railway, reports that he, nevertheless, took action on resolutions which concerned the East Indian Railway Administration. He accepted resolutions Nos. 7, 10 and 19. Resolutions Nos. 4, 9, 11, 11-B, 12, 14, 15, 16, 17, 20 and 21 were not accepted. As regards the matter dealt with in resolution No. 13, orders have since been issued that arrangements should be made for the provision of Box Khallasies for the carriage of boxes of all classes of drivers when circumstances render this necessary. The matter referred to in resolution No. 6 is under consideration. As regards resolution No. 5, the Honourable Member is referred to the replies given to starred questions Nos. 1545 and 1546 asked by Bhai Parmanand in the Legislative Assembly on the 5th April, 1935. It is understood that the statements made in resolutions Nos. 8, 18 and 25 are not based on facts.

Information promised in reply to starred question No. 957 asked by Mr. Sri Prakasa on the 21st March, 1935.

#### EXAMINATION HELD AT CHANDSAU FOR THE SELECTION OF CANDIDATES FOR ASSISTANT STATION MASTERS' COURSE.

The Agent, East Indian Railway, reports :

"(a) Yes.

(b), (c) and (d). Requests for application forms together with the fee were required to reach the Divisional Superintendent's office, Moradabad, not later than the 28th December, 1934. Accordingly, application forms were correctly issued up to the 28th December, 1934, afternoon. Candidates who obtained the application forms on payment of Re. 1 up to the 28th December, 1934, were given time to submit their applications up to the 4th January, 1935. Application forms received after the 4th January, 1935, were not considered.

(e) Applicants were required to be qualified in telegraphy with a speed of 20 words per minute in receiving and sending. Several of the candidates who passed the test or were finally selected did not attain a speed of 20 words a minute in telegraphy. The final selection did not necessarily depend only on the speed in telegraphy. Some candidates with higher speed in telegraphy were not selected as the Selection Board did not consider them otherwise suitable.

(f) 96 candidates with better claims and qualifications were selected for the Telegraphy Test, i.e., four times the number required. The fee of Re. 1 was not refunded in terms of the advertisement.

(g) This was due to late arrival of the train by which an officer of the committee was returning to Headquarters. The Selection Board had to sit late in order to avoid inconvenience to candidates who would otherwise have had to remain at Moradabad for another day.

(h) 13.

(i) Six candidates were selected for signallers' posts. Candidates having a higher speed in telegraphy but otherwise considered unsuitable by the Selection Board were not selected.

(j) No. The candidates not selected were not considered suitable for appointment.

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Information promised in reply to unstarred question No. 238, asked by Sir Muhammad Yakub on the 25th March, 1935.

# CANDIDATES FOR LEGISLATIVE ASSEMBLY ELECTION WHO LOST THEIR SECURITIES.

List of candidates whose deposits were forfeited under rule 12(3) of the Legislative Assembly Electoral Rules in connection with the general election of 1934.

| Name.                                        | Constituency.                                                   |
|----------------------------------------------|-----------------------------------------------------------------|
| 1. Mr. V. Subrahmanyam .. ..                 | East Godavari, West Godavari cum Kistna (Non-Muhammadan Rural). |
| 2. Mr. T. Kanthimathinatha Pillai ..         | Madura and Ramnad cum Tinnevely (Non-Muhammadan Rural).         |
| 3. Mr. P. Varadarajulu Nayudu ..             | Salem and Coimbatore cum North Arcot (Non-Muhammadan Rural).    |
| 4. Mr. T. R. Venugopal Chetti .. ..          | Tanjore cum Trichinopoly (Non-Muhammadan Rural).                |
| 5. Kalami Sahib J. A. alias Nawab Sahib      | North Madras (Muhammadan).                                      |
| 6. Mr. J. M. Mehta .. ..                     | Bombay City (Non-Muhammadan Urban).                             |
| 7. Mr. A. O. Koreishi .. ..                  | Bombay Central Division (Muhammadan Rural).                     |
| 8. Mr. Narayan Ramji Gunjal .. ..            | Bombay Central Division (Non-Muhammadan Rural).                 |
| 9. Mr. Baburao Vishwanatha Batane ..         |                                                                 |
| 10. Capt. Sardar Bhimrao Nagojirao Patankar. |                                                                 |
| 11. Mr. Nasservanji Navroji Anklesaria ..    | Bombay Northern Division (Non-Muhammadan Rural).                |
| 12. Mr. Amar Nath Dutt .. ..                 | Burdwan Division (Non-Muhammadan Rural).                        |
| 13. Mr. Joy Kumar Singh Dudhoria ..          | Presidency Division (Non-Muhammadan Rural).                     |
| 14. Rai Bahadur Rameshwar Prasad Bagla       | Allahabad and Jhansi Divisions (Non-Muhammadan Rural).          |
| 15. Mr. Yusuf Imam .. ..                     | United Provinces Southern Divisions (Muhammadan Rural).         |
| 16. Mr. Khayali Ram .. ..                    |                                                                 |
| 17. Kunwar Gajendra Pal Singh .. ..          |                                                                 |
| 18. Sardar Rajindra Singh .. ..              | Agra Division (Non-Muhammadan Rural).                           |
| 19. Resaldar Anup Singh .. ..                | East Punjab (Sikh).                                             |
| 20. Mr. Jagat Narain Lal .. ..               | West Punjab (Sikh).                                             |
| 21. Mr. Ram Krishna Jha .. ..                | Patna cum Shahbad (Non-Muhammadan).                             |
| 22. Mr. N. K. Chaudhuri .. ..                | Darbhanga cum Saran (Non-Muhammadan).                           |
| 23. Khan Bahadur H. M. Wilayatullah ..       | Chota Nagpur Division (Non-Muhammadan).                         |
| 24. Mr. Kunjilal Dube .. ..                  | Central Provinces (Muhammadan).                                 |
| 25. Rao Sahib Baburao Ramji .. ..            | Central Provinces Hindi Divisions (Non-Muhammadan).             |
| 26. Mr. S. G. Jog .. ..                      | Berar (Non-Muhammadan).                                         |
| 27. Mr. Maganlal .. ..                       |                                                                 |
|                                              | Ajmer-Merwara (General).                                        |

Information promised in reply to starred question No. 1012 asked by Mr. C. N. Muthuranga Mudaliar on the 28th March, 1935.

## ATTACHED OFFICES OF THE GOVERNMENT OF INDIA SECRETARIAT.

### STATEMENT.

| Offices.                                                                                                                        | Personnel. |                              |                    | Whether any portion of the office is kept at Delhi during the summer. |                              |                    | Cost of Annual move.      | Remarks.                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------|------------|------------------------------|--------------------|-----------------------------------------------------------------------|------------------------------|--------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                 | Officers.  | Minis-terial Estab-lishment. | Inferior servants. | Officers.                                                             | Minis-terial Estab-lishment. | Inferior servants. | Latest figures available. |                                                                                                                                                                                                                                                                         |
|                                                                                                                                 |            |                              |                    |                                                                       |                              |                    | Rs. a. p.                 |                                                                                                                                                                                                                                                                         |
| Office of the Central Board of Revenue.                                                                                         | 7          | 44                           | 32                 |                                                                       | Nil.                         |                    | 24,120 0 0                | A considerable portion of the expenditure on the move returns to Government in the shape of railway fare and freight on the N. W. Railway, and the net expenditure is therefore actually much less than the gross expenditure shown under column "cost of annual move." |
| Office of the Controller of Printing and Stationery, India.                                                                     | 3          | 38                           | 19                 | 2                                                                     | 33                           | 14                 | 3,158 0 0                 |                                                                                                                                                                                                                                                                         |
| Office of the Chief Controller of Stores, Indian Stores Department, including the Industrial, Intelligence and Research Bureau. | 15         | 165                          | 64                 | ..                                                                    | 1                            | 1                  | 67,800 0 0                |                                                                                                                                                                                                                                                                         |
| Office of the Director General, Posts and Telegraphs.                                                                           | 19         | 182                          | 103                | 11                                                                    | 172                          | 81                 | 12,625 0 0                |                                                                                                                                                                                                                                                                         |
| Office of the Director of Civil Aviation.                                                                                       | 6          | 49                           | 24                 |                                                                       | Nil.                         |                    | 19,484 0 0                |                                                                                                                                                                                                                                                                         |
| Office of the Chief Engineer, Central Public Works Department.                                                                  | 11         | 95                           | 71                 | 10                                                                    | 93                           | 67                 | 1,116 0 0                 |                                                                                                                                                                                                                                                                         |

| Offices.                                                | Personnel. |                            |                    | Whether any portion of the office is kept at Delhi during the summer. |                            |                    | Cost of Annual move.    | Remarks.                                                                                                      |
|---------------------------------------------------------|------------|----------------------------|--------------------|-----------------------------------------------------------------------|----------------------------|--------------------|-------------------------|---------------------------------------------------------------------------------------------------------------|
|                                                         | Officers.  | Ministerial Establishment. | Inferior servants. | Officers.                                                             | Ministerial Establishment. | Inferior servants. |                         |                                                                                                               |
| Office of the Public Service Commission.                | 6          | 28                         | 27                 | ..                                                                    | ..                         | 1                  | Rs. a. p.<br>13,450 0 0 |                                                                                                               |
| Office of the Intelligence Bureau ..                    | 8          | 39                         | 44                 | ..                                                                    | ..                         | 1                  | 26,597 0 0              |                                                                                                               |
| Office of the Director General, Indian Medical Service. | 4          | 37                         | 25                 |                                                                       | Nil.                       |                    | 18,670 0 0              |                                                                                                               |
| Office of the Bureau of Public Information.             | 2          | 12                         | 11                 |                                                                       | Nil.                       |                    | 9,384 0 0               |                                                                                                               |
| Office of the Director General of Archaeology.          | 3          | 15*                        | 14*                |                                                                       | Nil.                       |                    | 11,400 0 0              | * 1 clerk and 3 inferior servants are kept at Simla permanently. A considerable portion of the expenditure on |

|                                                                                       |    |     |    |    |      |    |              |                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------|----|-----|----|----|------|----|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Office of the Military Accountant General.                                            | 6  | 100 | 29 |    | Nil. |    | 1,16,984 0 0 | the move returns to Government in the shape of railway fare and freight on the N. W. Railway, and the net expenditure is therefore actually much less than the gross expenditure shown under column "cost of annual move."                                                                                                           |
| Central Standards Office of Railways.                                                 | 7  | 46  | 21 |    | Nil. |    | 19,220 0 0   |                                                                                                                                                                                                                                                                                                                                      |
| Supervisor of Railway Labour ..                                                       | 1  | 3   | 3  |    | Nil. |    | 2,140 0 0    |                                                                                                                                                                                                                                                                                                                                      |
| Statistical Research Branch of the Commercial Intelligence and Statistics Department. | 2  | 14  | 10 |    | Nil. |    | 5,257 0 0    |                                                                                                                                                                                                                                                                                                                                      |
| Office of the Agricultural Marketing Adviser to the Government of India.              | 19 | 17* | 20 | .. | ..   | .. | ..           | This office has been constituted with effect from the 1st January, 1935 and located permanently at Old Delhi. The head of the office will move with the Government of India between Delhi and Simla and two senior officers under him will be permitted to recess in Simla for not more than two months during the summer each year. |

\* One post to be filled up from 1st April 1936.

*Information promised in reply to part (b) of starred question No. 1038 asked by Mr. A. K. Fuzlul Huq on the 26th March, 1935.*

#### RECOVERY OF HOUSE RENT FROM TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.

(b) Yes. Applications for remission in whole or in part are being considered on the merits of each case.

*Information promised in reply to starred question No. 1235 asked by Pandit Sri Krishna Dutta Paliwal on the 30th March, 1935.*

#### HEARING OF APPEALS BY THE DIVISIONAL SUPERINTENDENT OF THE ALLAHABAD DIVISION, EAST INDIAN RAILWAY.

(a) The Agent, East Indian Railway, reports that it is not a fact that appeals in the Allahabad Division are always left to be disposed of by the very officers who initiate the punishment. Government do not consider that any useful purpose will be served by collecting statistics of appeals personally enquired into by Divisional Superintendent, Allahabad, in which the orders of subordinate authority were reversed.

(b) Yes, in the cases which are covered by the Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants.

(c) The Chief Operating Superintendent personally reviews all appeals that lie to him under the Rules.

(d) The orders of the Divisional Superintendent are reversed only if the Chief Operating Superintendent on examining the grounds of an appeal which lies to him finds that the orders of the Divisional Superintendent are not justified.

*Information promised in reply to starred question No. 1355 asked by Dr. N. B. Khare on the 2nd April, 1935.*

#### APPLICABILITY OF CERTAIN PARAGRAPHS OF THE STATE RAILWAY OPEN LINE CODE, VOLUME II, ON STATE RAILWAYS.

Many of the rules contained in paragraphs 155 to 302, 319 to 384 and 403 and Appendix 8 of State Railway Open Line Code, Volume II, have been superseded by new rules and regulations. An up to date Establishment Manual is under preparation at present, a copy of which will be placed in the Library of the House when ready.

Paragraphs 562 to 589 have been superseded by Volume I of Railway Audit and Account Code.

Appendix 2 of the State Railway Open Line Code, Volume II, has been superseded by Book of Financial Powers.

Appendix 3.—The rules for issue of free passes are at present undergoing revision, a copy of which will be placed in the Library of the House when ready.

Appendix 5 is still operative.

Appendix 6 has been superseded by the State Railway Code (Revised).

Appendix 10 has been amended to some extent by later orders.

#### ELECTION OF A MEMBER TO THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH AND ITS GOVERNING BODY.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order.

12 Noon. I have to inform the Assembly that upto 12 NOON on Thursday, the 5th September, 1935, the time fixed for receiving nominations for the Imperial Council of Agricultural Research

#### ELECTION OF A MEMBER TO THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH AND ITS GOVERNING BODY. 549

and its Governing Body, only one nomination was received. As there is only one vacancy I declare Mr. Muhammad Azhar Ali to be duly elected to the Imperial Council of Agricultural Research and its Governing Body.

#### THE CRIMINAL LAW AMENDMENT BILL.

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved yesterday by the Honourable Sir Henry Craik :

“ That the Bill to amend the Criminal Law be taken into consideration.”

**Mr. K. L. Gauba** (East Central Punjab : Muhammadan) : Mr. President, the Honourable the Home Member referred to the triple menace of terrorism, Communism and communalism. I am afraid the Honourable Member forgot a fourth menace, and a much bigger one, namely, an irresponsible executive. “ In 1927 ”, said the Home Member, “ after the Calcutta riots, every Indian newspaper lost its balance.” We would like to know, Sir, how many Provincial Governments, in the intoxication derived from the powers of the Criminal Law Amendment Act of 1932, kept their balance ! The Home Member referred to the voiceless millions of India. These voiceless millions have had many friends : the *Morning Post* (Laughter), Sir Michael O'Dwyer, and Mr. Winston Churchill ! Perhaps the Home Member does not know the silent prayer of the voiceless millions—“ God save us from our friends ! ”

The picture of India, Sir, which the Honourable the Home Member has painted, is a picture which shows that India is undermined with terroristic activity, that it is overrun by Communists, that communalism is rampant in the country. If these facts are really correct, I am afraid the Honourable Member has come to the wrong shop for the wrong remedy. If these are the necessities of the situation as he has painted it, the proper place for the proper remedy is the Viceregal Lodge for an Ordinance ! But, Sir, we know that the picture is not the picture of the country in substance. Terrorist activity, whatever it was in the past, is certainly not now what it was before,—and Communism is a much too exaggerated danger. It is merely a plea to get powers, which this House might not otherwise be ready to concede. When, Sir, we see officials waxing pathetic over communalism, we are reminded of the fact that even crocodiles can weep !

The Government, Sir, have come here for legislation. If this legislation is to go through, and if this House is to consider that legislation, it must be based on four essential facts : it must be tested by four distinct criteria. Firstly, Government must prove that there is a present and a proximate necessity. Secondly, Government must establish that the ordinary law is insufficient to meet the requirements of the situation. Thirdly, the Government must give a guarantee that the powers which they want under the legislation will not be abused.

**Pandit Lakshmi Kanta Maitra** (Presidency Division : Non-Muhammadan Rural) : What is the value of that guarantee ?

**Mr. K. L. Gauba** : Fourthly, Sir, the objects and terms of the legislation must be clearly and distinctly defined.



[Mr. K. L. Gauba.]

Let us for a moment consider the question of the present necessity. My learned friend referred to a terrorism which was rampant. Of course, in the case of terrorism, we are supposed to accept the statement that terrorism is rampant. That statement is based not on any published facts, but merely on confidential records. I would remind the House of only one thing. In January last, there was a motion for adjournment of this House on the question of the internment of a Member of this Assembly—Mr. Sarat Chandra Bose, and the reason for his detention. The reason why he had been prevented from coming to this House was said to be based on confidential information. The Government could not take any of the Leaders of the Parties into confidence over those facts; Government could not even place those facts before three eminent Judges for consideration. Sir, those were allegedly very damaging facts against an Honourable Member of this House. What happens six months after? Government releases Mr. Sarat Chandra Bose! I say, Sir, if that is the test of Government's confidential information, well, we know what value to attach to that confidential information.

Communism is the next of the menaces with which this country is alleged to be faced. Here also we are expected to accept the statement that Communism is rampant. Has the Honourable the Home Member put forward any evidence, whatsoever, before this House to convince this House that Communism is actually rampant in the country? We have had a harrowing picture of communalism in the shape of riots of 1926 and 1927, the outbursts of 1921 and the fierce articles of 1930. Has the Honourable the Home Member made out any case on the ground of communalism in 1935?

**The Honourable Sir Henry Craik** (Home Member) : I thought that was obvious.

**Mr. K. L. Gauba** : On that point I am ready at any time to join issue with the Honourable the Home Member. Well, Sir, we are told over and over again that India must prove her fitness before she can be given a further measure of responsibility. How has she managed the powers which have already been given to her? Well, so far as the executive is concerned, I think this House is entitled to put the very same test. We entrusted them with certain powers in 1932, and now they have come to us for further powers or for the continuation of those very powers for ever. We are entitled to know and the country is entitled to ask : "You have had three years of these extraordinary powers, and how have you used those powers during that time?" We are entitled to put that question, and, unless we get a definite, proper and convincing answer, we are not prepared to give them any further powers. Sir, we gave them certain powers to meet terrorist activities, Communist activities and communal activities, but we did not give them power to muzzle the press in such matters as the Quetta earthquake. I did not know until last evening, when I was looking at the statement which was laid on the table yesterday, that 15 papers had been penalised for articles about the Quetta earthquake. Well, Sir, if the Government want powers for terrorism, Communism and communalism, the Quetta earthquake does not come within that category.

**The Honourable Sir Henry Craik** : Have you read those articles?

**Mr. K. L. Gauba** : You might circulate those articles, and we will consider them on one of these days. Well, Sir, day before yesterday, there was an intimation in the newspapers that the security of the *Ahsan* of Lahore had been forfeited for an article entitled "Government and Shahidganj". I have not seen that particular article, but from the nature indicated by the title of that article it is perfectly clear that that article cannot come within either of the three categories mentioned by my learned friend opposite. The control and censorship of the press during the Shahidganj agitation was not directed towards avoiding so much of the conflict between one community and another.....

**The Honourable Sir Henry Craik** : Question.

**Mr. K. L. Gauba** :..... as to conceal the illegal acts, violent acts and unjustifiable acts of the military and the Punjab Government.

**The Honourable Sir Henry Craik** : Oh, no.

**Mr. K. L. Gauba** : The Honourable the Home Member may say "Oh, no" over and over again, but he knows it definitely, and every Member of the Punjab Government knows it well, that on the question of Shahidganj they are not prepared to face an inquiry. If that is the case, how can they blame us if we put the worst interpretations on their avoiding of an inquiry.

Well, Sir, one could understand if the Government of India had come to this House and said : "You gave us powers then and they were emergent powers. In 1932, we were desperately in need of legislation and the clauses of the Bill of 1932 were passed in a hurry. We think that those powers are necessary in the interests of the country and in a case of necessity, justice, equity and good conscience may be over-ridden. Now, that necessity has gone but we still want those powers. We have no objection if those powers are put into legal and proper form." But, Sir, Government have done absolutely nothing of the kind. They have put forward the legislation of 1932 and 1931, *mutatis mutandis*, for this House to re-nact in perpetuity. I will refer to only one instance. Take section 7 regarding picketing. Now, what was the case which the Honourable the Home Member made out as regards picketing? After all, it is a very important provision and great deal of the speech of the Honourable the Home Member was devoted to picketing. What case did he make out of picketing? He said there had been picketing in the MacLagan Engineering College at Lahore; there had been picketing in the Technical College of Lahore; and there had been picketing in a cinema at Amritsar. The MacLagan Engineering College incident is, I think, fresh to most members of this House. That was not directed against Government but the feelings of the students were outraged by certain remarks which are alleged to have been made by the Principal of that college. The dispute over the Hindu Technical College, Lahore, was more or less of a similar character. As regards the cinema incident, we are entitled to ask whether the cinema incident in Amritsar is a sufficient argument or a sufficient reason to saddle the whole of the country with legislation of this character? That is the type of argument and reasoning which has been put forward. Sir, I came here yesterday with an absolutely open mind. If Government had made out a clear and convincing case of the necessities of this situation, I think many Members of this House would have been

[Mr. K. L. Gauba.]

ready to give this legislation their best consideration. But so far they have made out no case at all.

Sir, I will refer to the Bill in a very slight detail. Might I draw the attention of the House to section 5 of the Criminal Law Amendment Act? This section refers to the reproduction of certain books, newspapers and documents which have been proscribed. The procedure laid down in the section is, that if Government takes any objection to any reproduction, it will issue a certificate to a Court and that Court must regard that certificate as final in the nature of its being either seditious or otherwise. We are not having emergent legislation now. We are considering an Act which Government want to be permanently placed on the Statute-book. If Government really want a section of this kind, the proper wording for it should be, that if any Court on a prosecution lodged by Government is of the opinion that a particular proscribed passage or seditious passage has been reproduced, the Court having arrived at that decision might convict the offender. If Government is to institute the prosecution, if Government is to be the judge, why shouldn't Government itself pass the sentence. Why shouldn't the Local Government itself issue a warrant of arrest, take the man and lodge him in prison instead of going through the farce of a proceeding in a Court of law. That is one instance of the crude phraseology, the crude provisions of this Act. Look at section 16. Section 16 adds various clauses to the powers given under the Emergency Press Act of 1931. In 1931, it was considered sufficient to control the Press in respect of certain articles about terrorist and those persons who praised murder. If that was the case in 1931, how is the situation in the country worse in 1935 to justify the continuance of section 16.

There is one question on which I think every Honourable Member of this House has a right to demand of Government a frank and straightforward answer. Do the Government want this legislation to meet terrorism, Communism or communalism? Are the Government willing to confine this Act for these three purposes? Or are they taking this Act from us on the pretext of three purposes but in reality to be employed for 50 purposes afterwards. Sir, I think before this House decides whether it is to give this Bill consideration or not, we should have from the Government a clear and frank answer on this subject, namely, whether Government really want this Act to meet these three purposes only or whether they want it for other purposes and whether the Government are prepared to confine the provisions of this Act to the three purposes which the Honourable the Home Member has mentioned.

There is another question which I think the Honourable the Home Member should answer for the benefit of Honourable Members of this House, namely, whether he wants this Bill as it stands, word for word, of the House with the Members of this House fair and proper amendments to this Bill.

**The Honourable Sir Henry Craik :** Certainly.

**Mr. K. L. Gauba :** I am very glad to hear from the Honourable the Home Member that he is open to consider proper amendments.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : Will he accept them?

**The Honourable Sir Henry Craik :** I did not say, accept. Obviously I cannot commit myself in advance.

**Mr. K. L. Gauba :** Neither, Sir, do we commit ourselves to accept the Bill in the final form in which it might appear. (Hear, hear.) The purpose of the Bill has been stated to be to help the new Governments that are coming into force. Well, Sir, I think that the new Governments, like those voiceless millions, can be left to look after themselves. The new Governments have been amply armed. Their armoury is full of defensive weapons, safeguards, Ordinances, individual discretions. If there were any armaments required for the new Governments, I am sure Mr. Winston Churchill would have discovered them. I do not wish to detain the House any longer. All I wish to say is this and I say it frankly and openly to the Honourable the Home Member opposite that so far as the Bill stands in its present form, it is entirely unacceptable (Applause) to every community in this country. (Hear, hear.) In any other form one cannot say, but in its present form, it is an insult to the intelligence of this House (Hear, hear) and it is an insult to the people of this country. (Applause.)

**Mr. G. Morgan** (Bengal : European) : Mr. President, before I state the views of the European Group on the motion before the House, I desire to congratulate most heartily my Honourable friend, Mr. Griffiths, on his excellent maiden speech. I may say, Sir, that it is the best maiden speech I have ever heard in this House. My Honourable friend showed a complete grasp of the subject, and from what I could see, no one in this Honourable House was more astonished than my Honourable friend, Mr. Satyamurti.

**Mr. S. Satyamurti :** That he could make such a good case out of a bad one.

**Mr. G. Morgan :** Sir, I have risen to support the resolution before the House.

My Honourable friend Mr. Satyamurti stated that the Opposition in opposing this resolution were acting under a deep sense of responsibility. Sir, I say that to vote against this resolution would show that one had no conception of what one's responsibility was as a Member of this House, or what was one's duty to India.

My Honourable friend Mr. Satyamurti stated that if his....

**Mr. Satyamurti :** You will always vote with the Government. That is your sense of responsibility.

**Mr. G. Morgan :** My Honourable friend, Mr. Satyamurti, stated that if his Party were in power they could rule the country without this Bill. He is an optimist. Mr. Satyamurti's points were, in the course of a long speech, three, so far as I could gather :

1. That Government were seeking to rule by executive action without any interference from Courts of law.

[Mr. G. Morgan.]

2. To suppress all journalists who were not friendly to Government.
3. That the ordinary law of the land was quite sufficient to cope with all subversive activities, and objectionable press publications.

Sir, with regard to the first point, no one in their senses could interpret this Bill as meaning what Mr. Satyamurti says it does.

The second point is pure imagination on my friend's part.

The third point, in regard to the press, the House has been assured that the existing Act is an obstructive measure which makes it practically impossible for responsible journalists to carry on their work. The answers to questions recently put in the Bengal Legislative Council reveal that only in an insignificant number of cases have deposits been forfeited, which seems to show that no very great hardship exists. There is no foreign country where the press is so free as in India, as a perusal of the daily papers shows.

Under the Act of 1932, a large number of presses have been started. So it cannot be argued that the Act has been a deterrent to journalists. Can it be said that there has been any misuse of the Act of 1932?

The press is at liberty to criticise Government. This legislation is designed not to restrict that freedom, but to prevent open incitement of people to lawlessness, and sympathy with subversive crime. No one in this Honourable House can object to that. No one can say that this legislation interferes with the real liberty of the press. No decently run press has anything to fear. The press is absolutely free to carry on the activities for which the press is intended.

I would refer the Honourable Members to the explanations at the foot of section 16 which is retained.

Sir, when I was taking notes yesterday morning, I put down cinematograph *vs.* press pamphlets, &c., but my Honourable friend, Mr. Griffiths, has already made the point I had hoped to make.

Sir, Government desire to continue the powers they have at present to curb certain subversive activities, which Government have reiterated, time after time, they cannot do under the ordinary law of the land. My Honourable friend, Mr. Griffiths, has explained this point very clearly. The ordinary law as stated by the Honourable the Home Member has no terror for those who decide on revolutionary activities.

Now, Sir, the opposition say the Bill is unnecessary, because,

- (1) Emergency has gone and the country is now quiet.
- (2) The ordinary law is sufficient.

But in fact though the country is quiet this is only because the Civil Disobedience Movement is quiescent and Congress themselves have emphasised that Civil Disobedience has only been suspended, and not abandoned. But this argument—namely that Civil Disobedience has been suspended and that therefore the Bill is unnecessary—is, as a matter of fact, off the point, because as the Statement of Objects and Reasons shows, the sections of the existing Acts, directed against special features of the

Civil Disobedience Movement, have been dropped in the Bill now before the House.

Sir, I repeat the Bill is a preventive measure designed to fill in gaps in the Indian Penal Code and the Criminal Procedure Code. As the Honourable the Home Member has explained, these are not sufficient under modern conditions to cope with certain forms of subversive or lawless activity.

Sir, the drastic sections 6 and 8 of Act 23 of 1932 have been dropped.

The main provisions of the new Bill are designed :

1. to deal with picketing,
2. to enable Government to take action in connection with premises and funds used for the purpose of unlawful associations,
3. to extend the period of the Indian Press Emergency Powers Act, 1931.

Under section 503 of the I. P. C. the intention is clear that picketing should be unlawful, but as the experience of recent years has shown this form of lawless activity has been and is being used against individuals who do not share the political, social or economic views of the picketers, or (as in some cases) are simply trade rivals. Section 7 of Act 23 of 1932 remains, *therefore*, urgently necessary. Moreover it should not be forgotten that, as a safeguard against its abuse, it only comes into force in areas notified by the Provincial Governments and action can only be taken upon it on reports made by senior police officers.

In regard to section 13 of the Act of 1932 this section remains as necessary today as it was in 1932, to enable Government to deal with unlawful bodies such as communist or terrorist organisations. The Honourable the Home Member has explained fully the reasons for this section and I heartily support him.

Sir, I share with the Honourable the Home Member the desire to make this Bill a permanent Act on the Statute-book.

If it is of a temporary nature, those who are busy with subversive activities will always cherish the hope that the Act may not be renewed. In any case Honourable Members are aware that an Act can always be repealed.

**Mr. President** (The Honourable Sir Abdur Rahim) : Today being Friday, I adjourn the House now to 2-15 P.M. The Honourable Member can resume his speech when the House meets again.

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 Abdur Rahim) in the Chair.

#### STATEMENT OF BUSINESS.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, with your permission, I desire to make a statement as to the probable course of

[Sir Nripendra Sircar.]

Government business in the week beginning Monday, the 9th September. You have already directed, Sir, that in that week the Assembly shall sit for official business on Monday, the 9th, Tuesday, the 10th, Wednesday, the 11th, Thursday, the 12th, and Friday, the 13th.

On Monday, the first item of business will be a motion for the election of a Member to the Standing Advisory Committee for the Indian Posts and Telegraphs Department. Leave will then be asked to introduce a Bill to supplement the Central Provinces Courts Act, 1917. Thereafter, the discussion of the motion to take the Criminal Law Amendment Bill into consideration will be resumed. Honourable Members will realise that it is difficult for me to say at this stage how much time will be occupied next week by this Bill. All that I can say is that, if time allows, we shall proceed to dispose of business left unfinished on Tuesday's List, and, thereafter, we shall take the consideration of the Payment of Wages Bill as reported by the Select Committee.

#### THE CRIMINAL LAW AMENDMENT BILL—*contd.*

**Mr. G. Morgan :** Sir, the Honourable the Home Member referred to four things which have to be guarded against, namely, (1) Civil Disobedience, (2) Terrorism, (3) Communism, and (4) Communal Unrest. My friend, Mr. Gauba, mentioned another, I think, and that was the irresponsible executive, but he forgot that the new Government of India Act was legislation to accomplish the very object he had in view. With regard to Nos. 1, 2 and 4, we know more or less where we are, but, with regard to No. 3, Communism, we are in considerable danger. It is a much bigger thing than any of the other three. Communism is in open conflict with the democratic as well as the capitalistic system. In this connection, I would like to quote what the Bulgarian Communist declared at a recent meeting of International Communists in Moscow held early in August. He declared that Communists must remain irreconcilable enemies to every Bourgeois Government. He said that Communists must constantly endeavour to persuade their fellow workers that overthrow of existing Governments and establishment of proletarian *dictatorships* are the only final solution. Those who favour democratic institutions would do well to take note of this fact. The Honourable the Home Member has pointed out that the Congress views would be opposed by Communism. My friend, Mr. Gauba, said that Communism was a much exaggerated thing, that Government could not prove that Communism was rampant in India. That may be so, but we do not want to wait until anything is rampant in the country to pass the necessary laws to enable the Government to deal with any situation which may arise. We should not wait until the danger has got to such a pitch when it can be called rampant and then have to take much more drastic measures than a measure of this description to check it.

Sir, to conclude, we support this resolution, because we feel that it is in the best interests of India. I come from Bengal, and I endorse every word spoken by my friend, Mr. Griffiths. We wish to save the youth of this country from all subversive crime and we wish Government to have all powers that are necessary to achieve their object, and save India from disaster.

**Sir Ghulam Hussain Hidayatallah** (Sind Jagirdars and Zamindars : Landholders) : Sir, I will not take much time of this House. I shall make only a few observations. The Honourable the Home Member has in his lucid statement told us the objects of this Bill, and those objects are to check terrorism, Communism, Civil Disobedience and communal unrest. Before I show this House the necessity for this legislation, I will deal with the various objections that have been raised in this House against this measure. I request Honourable Members to consider this measure on its merits. Face the facts as they are, and don't be led away by prejudices or fancies.

Now, Sir, I shall first deal with the objection that was raised by the Opposition, including my friend, Mr. Gauba, whom I don't see here. He said there was no necessity for emergency laws, because we can deal with all these by the ordinary laws. I may remind the House that this is an emergency measure. When the Government find that this cannot deal with some of these evils by the ordinary law, when they find that they cannot adequately and effectively deal with some of the activities or movements which are not covered by any of the existing laws, this must bring forward a measure which can effectively deal with all these evils, and, therefore, they have brought forward this Bill. Take, for instance, terrorism. No doubt, it can be dealt with by the ordinary law, but what has been the result? In most cases, we cannot get evidence. When witnesses come forward to give evidence, what is their fate? They are shot down. Therefore, Sir, special measures are necessary to deal with evils like terrorism. My friend, Mr. Gauba, said that he would not be satisfied till Government had made out a strong case in justification of this measure and proved that terrorism was rampant. I will draw his attention to the debate in this Assembly last March in Delhi, when the Honourable the Leader of the House quoted a catalogue of cases which were the reports of judicial proceedings of Courts and proved that terrorism was rampant, and if my friend likes it, I will make a present of those proceedings to him. Sir, even when Government have these emergency powers, there are the terrorist crimes committed, and the Honourable the Leader of the House had quoted a number of cases that had occurred from 1930, 1931, 1932, 1933, 1934, 1935 and 1936....

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Not 1935 or 1936. 1936 has yet to come. (Loud Laughter from Opposition Benches.)

**Sir Ghulam Hussain Hidayatallah** : Sir, I am used to these laughters. When things are unpalatable, you can only laugh. I am quite used to these laughters for the last 14 years. I am used to laughters even at my home, because I have four noisy boys who create laughter.... (Interruptions.)

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : Why do you always speak unpalatable things then?

**Sir Ghulam Hussain Hidayatallah** : I have very good experience. You never listen to reason. Whenever truth is told to you, you never listen. Everybody must have patience to hear the other side. Afterwards, you may decide the case as you like. I do not like interruptions. Otherwise, I will every time interrupt you, it is hardly fair to a speaker to interrupt him incessantly.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can go on. The Chair hopes Honourable Members will not interrupt him.

**Sir Ghulam Hussain Hidayatallah** : Otherwise I will also adopt the same tactics. I now come to picketing. On that point I join issue with my Honourable friend, Mr. Satyamurti, that it is an offence under the Indian Penal Code.

**Mr. S. Satyamurti** : On a point of personal explanation, Sir. I said picketing carried on by unlawful or illegal means is an offence under the ordinary criminal law of the land.

**Sir Ghulam Hussain Hidayatallah** : Not picketing by itself. That is my point. And I may tell my Honourable friend, Mr. Gauba, that had he been, as we were, in the thick of the fight in Bombay when there was Civil Disobedience, he would have found in every street and in every market picketing, boycotting and nothing else.

**Mr. K. L. Gauba** : That is an old story now.

**Sir Ghulam Hussain Hidayatallah** : They have suspended it, the Honourable Member should realise they may revive that movement any time. (Interruptions.) I object to all these interruptions.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member does not like to be interrupted, and the Chair hopes that Honourable Members on the Opposition Benches will give him a chance to speak without being interrupted.

**Sir Ghulam Hussain Hidayatallah** : They are talking of the liberty of speech, the liberty of the citizen. Is this not restraining the liberty of speech ? As regards picketing almost all the commercial associations in the City of Bombay, I am speaking from memory, were tired of this picketing. They actually made representations to the Government of Bombay to tighten the law in regard to picketing. I am sorry I do not find my Honourable friends from Bombay.

**Some Honourable Members** : Here we are, half a dozen are here.

**Sir Ghulam Hussain Hidayatallah** : Those who made those representations I mean. How can you know of those representations when they were against you ? Those representations were made, I am speaking from memory, by the Millowners' Association and several other commercial associations.

**An Honourable Member** : Mainly European.

**Sir Ghulam Hussain Hidayatallah** : Indians also. And when Government want to make picketing an offence, my Honourable friends oppose it. Suppose picketing is an offence under the ordinary law, it will not serve the purpose unless, as provided in the Bill, it is made cognisable and non-bailable. Whenever any person has protested against picketing, what has been his fate ? The picketers redouble their efforts to harass him, and they make his life miserable by picketing, by social boycott and other means. Therefore, the object will not be served unless the picketer is at once arrested and is not released on bail. If he is released on bail he will start picketing again and the very object will be frustrated. My Honourable friend, Mr. Satyamurti, says that section 7 will be directed

against temperance and swadeshi movements. I may assure him, if he reads the section carefully, he will find that if those movements are carried on peacefully by mere speeches, by persuasion, by distributing leaflets, they will not come under this section at all. My reading of that section is, that intention to coerce followed by overt acts will be an offence. Therefore, the legitimate activities of temperance and Swadeshi movements cannot be covered by this section.

**Mr. Mohan Lal Saksena** (Lucknow Division : Non-Muhammadan Rural) : They have been covered.

**Sir Ghulam Hussain Hidayatallah** : I do not know.

**Mr. Mohan Lal Saksena** : I was convicted.

**Sir Ghulam Hussain Hidayatallah** : Another point that was made by the Opposition was that public opinion has not supported this Bill. May I ask the opponents of this Bill, have they produced any evidence that any public association has opposed this Bill ?

**An Honourable Member** : Every association.

**Sir Ghulam Hussain Hidayatallah** : Where are they ? What are they ? Who are their leaders ? I have not received any complaint. What is public opinion ? Are not the members of local Legislatures representatives of public opinion ? Have they not passed three years ago supplementary legislation to this legislation, and I assure this House that even supplementary legislation with regard to this present Bill will be passed in all the provinces. They are the representatives of the people. (Interruption.) You may say the press is against these provisions, but I may tell the House that the opinion of the press is divided ; the sober and moderate press is in favour of the measure, only the extremist section is afraid of being affected by this Bill.

**Mr. S. Satyamurti** : May I know which Indian newspaper has supported this Bill ?

**Sir Ghulam Hussain Hidayatallah** : (Interruptions.) We have two Hindu Associations—the Hindu Mahasabha, and the Sind Hindu Association. What is their programme for the new Assembly of Sind ? They say they will oppose the activities of the Congress. Openly they have declared in the press, and I challenge anybody to contradict it.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : They have not done so yet.

**Sir Ghulam Hussain Hidayatallah** : But I know they have done so. Then, the Muhammadans are against these subversive activities, and they form three-fourths of the population of Sind. So, I have popular support at my back in what I say.

**An Honourable Member** : What is the percentage of people behind you ?

**Sir Ghulam Hussain Hidayatallah** : The whole of Sind. I represent the Hindu and Muhammadan Zamindars and Jagirdars of Sind, those who have a stake in the country, and some of them have 15,000 to 20,000 tenants. (Interruption.) The other argument that I heard against this Bill is that it will interfere with the liberty of the citizens. It has been replied to, that every law to a certain extent interferes with the liberty

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of the citizen. Is not picketing and boycotting interference with the liberty of the people? What is this measure going to do? Restoring the liberty of those whose liberty has been restrained by picketing and by boycotting. It will only restrain the liberty of those who wish to restrain the liberty of the ordinary citizen.

Now, Sir, the question was whether this legislation should be made permanent or not. The Honourable the Home Member gave very cogent reasons on that subject. When we have temporary legislation we raise hopes in the minds of people that it will expire and those affected by the legislation will think of renewing their activities. In the meantime, they organise themselves. My friend, Mr. Satyamurti, said that the Congress is not going to withdraw the Civil Disobedience Movement and that confirmed my belief that they want to resort again to their picketing, disobedience and boycott. Therefore, I am convinced that the measure should be made permanent. It seems from their attitude that they will not work the reforms but wreck them, and how can they do it if these emergency laws are on the Statute-book. They do not want the new Ministers should have this additional weapon in their armoury to deal with them. Now, Sir, as regards the temporary legislation, I may quote a case cited by the Leader of the House. He says :

"I would ask Members of this House to realise the fact that this apparent quiescence for four years did not mean that if pressure were relaxed there was not going to be any further trouble. In this trial, letters written by or to some of these six detenus or six leaders, whatever one might like to call them, were exhibited, from which it appears that one was actually writing to the others that now that the Ordinance has dropped and we are not being watched by the police, this is the time for us to prepare."

So, Sir, those who oppose this Bill are afraid that if this Act is made permanent, they will have no time for preparation.

Now, I come to terrorism. Is it still in existence or is it dead? The Honourable the Leader of the House had quoted a number of cases. I shall not waste the time of the House by repeating them. Terrorism is still in existence in spite of these laws and but for these laws, it would have been still worse. When terrorism exists, are we not justified in legislating this measure?

I now come to Communism. It is also making rapid strides. The Honourable Members who belong to the Congress know that there is a Communist party in the Congress also but their platform is quite different. I think the day is not far distant when they will capture the Congress and my friends will be a back number. Now, I will quote the reply of the Honourable the Home Member to a question on the 14th August, 1934, by Mr. Gaya Prasad Singh :

"In its draft platform of action the communist party of India has, amongst others, laid down the following :

- (1) The complete independence of India by the violent overthrow of British rule, (2) the cancellation of all debts, (3) the abolition of the Indian States, (4) the creation of an Indian Federal Workers and Peasant Soviet Republic, (5) the confiscation without compensation of all the lands, forest and other property of landlords, Ruling Princes, Churches, British Government officials and money-lenders and handing them over for the use of the toiling peasantry.

The more important of the stated methods by which the communist party propose to achieve these ends are (1) to develop a general strike and convert into a general

political strike, (2) to develop a spontaneous peasant movement for the non-payment of rent, debts and taxes into an all-India movement directed into channels of agrarian revolution, and (3) to spread revolutionary propaganda among soldiers and police and to explain to them the necessity of their armed insurrection together with the masses of the country, against British rule."

Now, Sir, how can any Government satisfy the communist unless they abdicate? When such a movement exists, is not Government justified in having this emergency Bill?

Now, I come to communal strife. We must all admit to our shame and humiliation that we have not been able to compose our differences. It is no use throwing the blame on the third party.

**An Honourable Member :** So long as jobs are there.

**Sir Ghulam Hussain Hidayatallah :** I have heard the leaders of the Hindu community say "Hindustan is for the Hindus". I did not want to say this, but you are compelling me to speak about it. Those feelings are there. I think, on that matter, the less said the better.

Now, I come to the Civil Disobedience Movement. Had it been withdrawn, there was a case to ask Government to drop certain sections which might be directed against that. What is the past history of the Congress? It might be non-violent in theory but, in practice, I will show you what they have been doing. What is picketing? By boycott and picketing they have sought to destroy the whole trade, commerce and industry of the City of Bombay. Now, Sir, what have they been doing in regard to the various murders committed by the terrorists? What resolutions have they been passing? They have been passing resolutions condemning the murders, but praising the murderers. (Hear, hear.) What have they said of the various murderers? They have eulogized them for their patriotism, for their heroism, and have held them up as martyrs for the country. What is the effect of such resolutions on the impressionable minds of young students? Well, the student will say it is a good thing to be a martyr, to sacrifice one's life for the country. What has the greatest man of India, Mahatma Gandhi, said about these resolutions? He calls them a form of self-deception; he says, these resolutions are against the principles of non-violence. I think there cannot be a greater authority than the Mahatma who has condemned these resolutions of the Congress.

**An Honourable Member :** Do you follow him?

**Sir Ghulam Hussain Hidayatallah :** Well, wherever his theories are not destructive. (Laughter.)

**An Honourable Member :** The Deputy Mahatma!

**Sir Ghulam Hussain Hidayatallah :** Sir, I will not waste the time of this Honourable House by quoting various cases that were already quoted at one of the meetings of the last Assembly by the Honourable the Leader of the House, showing the connection of some of the members and office-bearers of the Congress with the terrorist movement.

Now, Sir, I come to deal with the various clauses. Objection was taken first to clause 5. Sir, the object of clause 5 is this. Under the Criminal Law Amendment Act the executive Government has the power of proscribing any publication whether it be a book, newspaper or anything else. Now they have under that Act that power already. They are not seeking that power now. They want to make penal the republication



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under this clause. If the Government have the power to proscribe, and they have no power to punish re-publication that power is not effective. Therefore they are seeking this power. Already the Legislature has given the executive the power of proscribing. We should not mis-interpret this clause 5. Then, Sir, clause 7 only punishes "whoever with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or member of his family or person in his employ, etc., etc."—swadeshi or temperance movement will not be affected by this clause. Again to clause 11, Sir, some objection was raised. Under the Criminal Law Amendment Act Government has already the power of declaring any association illegal; that is, the executive is already armed with that power, but the further power that they want is to take possession of the place where these subversive activities are being carried on and to confiscate the moveable property and all the funds with which those activities are carried on. So the executive has already the power; but to make that power effective, these clauses are added. Sir, I do not want to say anything about the Press. It has been dealt with very ably by our new recruit to this Assembly, my Honourable friend, Mr. Griffiths, from Midnapore, the hot-bed of terrorists (Hear, hear): and I must congratulate him on his very able maiden speech, and on the excellent way in which he has placed the case. (Loud and Prolonged Cheers.) With these remarks, Sir, I support the motion.

**Pandit Krishna Kant Malaviya** (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, I had no mind to intervene in this debate at this stage. As a matter of fact, I had requested the Honourable the Home Member yesterday to supply me with a proof copy of his speech so that I might be able to refer to it and not rely upon my memory alone. I had planned, Sir, that I would speak on the third or the fourth day of the debate, after having enjoyed the privilege of having listened to the speeches of all the supporters of the Bill and after having heard all that could be urged in favour of this Bill. But, as we know, Sir, in this world of ours, man is a mere creature of circumstances. He proposes, God disposes, and so, in spite of me, the speech of the Honourable Member from Midnapore has driven me to my feet. But, before I take up his speech, I, with your permission, Sir, would like to publicly congratulate him on his very admirable maiden performance. (Loud Applause.) His zeal, his earnestness and the manner in which he defended this outrageously indefensible Bill, in spite of the fact that his was a hostile speech, has won our admiration. I hope, Sir, that in the near future he will one day be sitting on the Front Treasury Benches. (Hear, hear),—for I think these are the essential qualifications which are necessary for the officials of the Front Treasury Benches. So far as he is concerned, Sir, I can only say that his zeal, his earnestness, his great powers of expression were worthy of a better cause. (Hear, hear.)

Coming to his speech, Sir, I must say that his was the outlook of an administrator: he looked at the matter solely from the point of view of a magistrate, and it was only natural for him to overlook the point of view of those who have to suffer the rigours of this lawless law. This Bill is a negation of all laws, and, by one stroke of the pen, it deprives us of even the elementary rights of a man. Sir, I have been a journalist for the last

25 years and more. A magistrate does not and cannot know what we have to suffer from. He cannot even imagine all that. It is only we, poor editors, who know where the shoe pinches, how and where it hurts and how it draws the blood from our bare bodies. I wish I had the ease and the advocacy of the Honourable the Leader of the Opposition. I wish I had the debating skill, the power of repartee and the fluency of my Honourable friend, Mr. Satyamurti. I wish that, for pleading this cause of mine, I had the analytical power of the Leader of my Party, the Honourable Mr. Aney, and I wish I had the choice of language and diction of my Honourable friend, Sir Girja Shankar Bajpai. Sir, I know, I can demolish every argument that has been advanced by the supporters of the Bill. Truth is on my side, justice is on my side, and mine is the cause of righteousness, the defence of the God-given gift of freedom of expression. This tongue would be a useless thing if it did not exert itself in defence of its own birth right. I do not, Sir, remember exactly the name of the person who said it, but it has been said by a great thinker that all the evils of this world would have disappeared had not the man gagged the babbling child from saying his innermost thoughts. This was said in by-gone ages. In our own day, Sir, a great writer, a great thinker, has said that :

"The man whose tongue is constricted by laws or taboos against free speech, whose pen is constricted by the censorship, whose loves are constricted by an ethic which considers jealousy a better thing than affection, whose childhood has been imprisoned in a code of manners and whose youth has been drilled in a cruel orthodoxy, will feel against the world that hampers him the same rage that is felt by the infant whose arms and legs are held motionless."

The author of these lines is no less than Bertrand Russell, an illustrious countryman of the Honourable the Home Member. I leave this point here. I will not argue it. It can take care of itself.

Sir, the House had had a glimpse into the life of an administrator through the eyes of the Honourable Member from Midnapore. I beg you, Sir, just to have a glimpse into the life of a poor editor who has to look after the management of the press, the editing of the paper, and also to beg, borrow or steal and find money for the press to make both ends meet. The Honourable Member from Midnapore narrated his own experiences, and I will, with your permission, Sir, narrate mine. My troubles began soon after the Press Act was passed in 1910. Fortunately or unfortunately, I claim a smattering knowledge of international politics and affairs. About the year 1912-13, I began a series of articles in my paper *Abhyudaya*, the title of which was *Sansar-Sankat* or the "World Crisis". In this series I forecasted a world war in the near future. I said, Sir, that England and Germany would fight, that England was itching for a war to annihilate Germany and that Germany was dying to strangle the throat of England. I do not exactly remember at this late date what exactly I had written. But whatever I wrote was the precursor of troubles. I began to be sent for by the magistrates of my town and received warnings and advices. When the war began, I perhaps wrote that if only Sir Edward Grey, may his soul rest in peace, had spoken out his mind and had told Germany that he would make a drastic jump in, there would have been no war and no bloodshed. This was more than the little Mughal could bear, and I was again sent for to be reprimanded, advised and cajoled. The greatest trouble began, Sir, when I advocated the





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in India. I stopped the paper, because I regarded the demand of security as an insult and as an attack upon my personality. A great hue and cry was raised in the country, and, as my good fortune would have it, Lord Hardinge, the good, was then ruling as the Viceroy. He intervened, and I think, for the first and the last time in the history of the Press Act, an order for the deposit of security was withdrawn. In my life, Sir, I have been twice hauled up in the name of sedition, under section 124-A, the prince of repressive laws. Once, while I was in jail and undergoing a sentence of nine months on account of the Civil Disobedience Movement, sometime back a poem had appeared in my paper. Generally I write the editorials and do not see what else is being published in the paper. A poem, a very old one, which was culled out by some one in the office from a book which was selling in the market, appeared in my paper. The trying magistrate gave me another nine months, but he was good enough to write in his judgment that the creed of the paper was non-violence, that in that very issue there was enough evidence to show that non-violence was urged and preached, or some such thing. I was in jail and cannot be sure, but when the matter reached the High Court, a Lordship there came to the conclusion that violence was preached. The trying magistrate was an Indian; he is a good poet himself. He knew the language and arrived at his conclusions by reading the paper himself. But this mighty Judge of the High Court, who was innocent of my language, opined that violence was preached and thus I had to suffer for his ignorance of my language. Once, while I was in jail, Sir, the police pounced upon my press and searched it. The suspicion was that the leaflet which was thrown in this Assembly together with the bomb Member is not aware of the fact that in every press there are some police informers and spies. One of the compositors, who was a spy and had been in my press for only a few months, gave the information that he had composed the matter himself. Fortunately for us, the authorities in Allahabad know us well. They know full well that we are as far removed from violence and things of this sort as the Home Member himself. They made inquiries and were convinced that the alleged types in which the leaflet was said to have been printed were received by us only a few months before from the Bombay Gujrati Type Foundry, that Bhagat Singh's (may his soul rest in peace!) leaflet was thrown in the Assembly years before, and so nothing was heard of the affair. A security was demanded at this time or a little before it, and it was only due to the goodness of a few friends of mine that the paper could deposit the security. I had no money and would not have been able to deposit the security.

The Honourable Member thinks that the deposit of security is an easy matter. He does not know our condition. He talks glibly, only because he does not know. May I tell him, Sir, that we are always running into debts? That we can hardly manage to make both ends meet? Speaking for myself, I resent such treatment at the hands of the executive. I know I am an honest man. I will never injure a fly, I will not lie and I will not prevaricate. I will not compromise with truth. I will never disgrace the editorial chair by writing something which I know to be untrue, but Government now compel us to fight shy of naked truths and have recourse to half truths and all that. I feel, Sir, that that editor is not worth his salt who, for the favours of Government or for his own selfish

ends or for saving his skin, writes matter which he knows to be untrue or says things which he knows ought not to be said in the best interests of the country. The editor, according to me, Sir, is the preceptor, the *guru*, he is for the time being above Kings and should only sit on the chair if he is confident that he will be impartial, will say nothing which is untrue or which is not in the best interests of mankind. The Press Act wants us to be dishonest, it wants us to stifle truth, to curb our own thoughts and to be more careful, lest, by blurring out the naked truth, we might become His Majesty's permanent guests. I have at times differed from Mahatmaji. I have differed, at times, from my own uncle, I have differed from the Congress, I have always differed from the Government. But when I differ from my own people, these rulers of ours are happy, but when I criticise them, they think I am committing a crime. I tell you, Sir, that the Press Act has made it impossible for any man to be an honest journalist. To secure safety, one must pass over so many things that happen every day. I will give you an instance. As soon as some security from a paper was demanded in the name of Quetta, I wrote in my paper that the name of Quetta need no more be mentioned in my paper. I also requested my other brother journalists to forget for the time being that there is any such place in this country which is known by the name of Quetta. During the periods of the Civil Disobedience Campaign, I have a standing rule not to publish any editorials, "we" disappears for the time being, only news are published. We would be hauled up every minute, if we were to write what we feel or what we see or know. I ask my Honourable friends here whether they have read in any papers that are being published in this country anything written about Chittagong, about Midnapore, about Dacca and all that has been going on there. This is how things are being suppressed. I will not take up this question; I leave it to my Bengal friends to tell you, Sir, what Black and Tan methods have been tried in those parts of our country. I want to know, why cannot the members of the executive regard us as honest men? Why cannot they trust us? Have we no love for our country? Are we not patriots? Are we not competent enough to be good judges of what is best for our country? Do they think that we will mislead our own youths? What for and why? Are they not our own children? Are they not of the same blood? Have we no feelings for them? Do not we want to better their lot? The Britishers are entitled and justified in taking away their youths from their own universities to fight an unrighteous war in the name of Belgium, but we are not entitled to ask our youths to join us in a non-violent civil fight with these Masters of ours for just securing to us our human rights. One thing in this connection is noteworthy. We who preach these things do not take cover behind the lines; we who preach these things are always in the front.

The Honourable Member from Midnapore said that it was the bounden duty of Government to protect the youths of this country from falling into the hands of terrorists. But he forgets that the duty of Government neither begins nor ends there. May I know, if it is or it is not the duty of the Government to see that these youths have enough to maintain their bodies and souls together? Is it or is it not the duty of this Government to see that these youths are employed? Has it made any arrangement to see that these youths should have sufficient clothing and food and a roof to give them shelter? He talks as if he cares more for the good of these young men than we. He tries to befool us by posing as their benefactor

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and tries to lead us to believe that he is more anxious for the well-being of our youths. We have a proverb which says, Sir, that a woman who says that she loves a child more than its mother is not a woman but a she-demon. I wish to draw the attention of the Honourable Member to what is being done in other countries by their Governments to fight unemployment. What about the doles in England? What about the schemes that are every day being thought of in America? Will the Honourable Member from Midnapore or the Honourable the Home Member tell us, Sir, what their Government have done or are doing to help these educated unemployment young men except driving them to despair, suicides and terrorism? He has talked of terrorists and the Honourable the Home Member has dilated upon three menaces. May I tell him that they are not three menaces, they are only the triplets born of foreign domination? They are the products of their own creation: by their repressive policy and for their own ends they have given birth to them. They are driving our young men to despair, so much so that they take their lives in their own hands and prefer death to this life. Do the Government realize, Sir, that the repression has reached to such heights that it has goaded even our young sisters and daughters to bid goodbye to their ordained lives and join the fray, the end of which cannot but be death and the gallows? Have they ever considered that these terrorists will disappear if the repression was not there? If they had employment to keep them busy and engaged, if they could act up to their ideals and realise their ambitions in life here, these terrorists will become the most responsible members of our society. If we had our own Government, every one of these youths would have risen high both in the civil and military service of our motherland. Those who were in Chittagong, those misguided youths of our country, if they only had been in the army and responsible members of society could have very well led an army and fought on any battle-field with honour and success. You deny them opportunities, you want them to remain hewers of wood and drawers of water in their own land; you do nothing to provide them with a living wage; you do not trust them; you would not make them captains and generals in the Army and the Navy for which they are most fitted; you will take thousands of years to Indianise our Army and, in the meantime, the flowers of our race, our hopes of the future, are withering and dying an unnatural death.

Let those who have eyes to see note that terrorism, communalism and Communism are all fruits of the economic situation—and some of them have been directly fostered by our Masters. Do we not know how communalism is spread, how it has been planted in our own land? Do we not know the history of separate electorates? Do we not know the history of the Communal Award? Does it lie in their mouth, Sir, to talk of communalism?

We are being warned further and a bogey is being set up before us of Communism. May I know if there are not Communists in England? May I know what the British Government is going to do with them or has so far done to them? May I know if the British Government has passed laws like the one which this Government is going to pass in this country? My friend here reminds me, that England has now entered into a treaty with Russia. Why and wherefore then this talk of Communism? But assuming for argument's sake that Communism is a bad thing, I hold no

brief for it, may I know whether democracy has succeeded or whether democracy has failed in Europe? Will any Honourable Member kindly point out to me whether there is democracy in France, whether there is democracy in Italy, whether there is democracy in Germany, whether there is democracy in Turkey, whether there is democracy in any part of Europe to-day? May I tell you, Sir, that in England, Parliament no doubt rules, but these Parliaments are ruled by unaudited Party Funds? Do our Honourable Members want us to have a Fascist regime here? Do they want us to have National Socialism here? Then, why this bogey of Communism? We know our men: we can sit down, talk and discuss things with them: they are our own kith and kin; we will settle our differences or even fight amongst ourselves; but what we are interested in, in the beginning, is to get rid of this foreign domination; and replace it by a responsible Government, in which they also can have a share, if they want to settle here as fellow citizens, when we have got rid of a third party which magnifies our differences and makes capital out of it, then, Sir, there will be time enough to settle our own domestic quarrels and differences!

While we are talking of terrorism, I am reminded of agents provocateurs. You must have read, Sir, about them, how they induce the youth, egg them on and then give information to their masters. There are cases on record of informers planting bombs in the houses of innocent people and implicating them. I will tell you of cases of which I have personal knowledge or just as good as personal knowledge. One agent provocateur seduced a young boy, and, after some time, gave him a revolver and taught him how to use it. The boy began to move about with the revolver in his pocket and a few days after he began to be shadowed by the police. After all, he was young; he got terrified and ran to a brother journalist friend of mine and told him his trouble. My friend reprimanded him and asked him to go and deliver the revolver back to the man who gave it to him, and, after he had done that, he took him in his care and saved him from future gallows. I want to inform the Honourable the Home Member that this very same revolver was found in the Lahore Conspiracy case. The Honourable Member should also know that this very journalist friend of mine, a most selfless worker, the honour and pride of our profession, who is unfortunately no more, was no other than Ganesh Shankar Vidyarthi, the man who worked hard in hot haste that the attempt on Lord Irwin should be foiled. As soon as he somehow got the information he used his personal influence to see that the attempt should not be made. The Honourable Member from Midnapore has nothing but curses for us journalists. I want to tell him that but for us journalists I do not know where this ruthless exploitation of our country and these repressive laws will drive our young men and what will happen in this country.

I will tell you another story. A young man came to me not long ago at dead of night and told me that he was in trouble and wanted my help and advice: he told me that he was a revolutionary that he was being hunted down by the police, that he hid himself in the day and moved about by night, was constantly moving to avoid arrest and never lived in a place for more than a few hours, that he had been asked to attempt the life of so and so on such and such a date, but that he was nervous: he had spent all the money he had in moving about and hiding himself, that he was hungry and badly in need of money. I saw his weapons with my own eyes: he had two of them. I gave him food, gave him money after I had extracted a solemn promise from him that he would desist from the

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path, and instead of proceeding to the appointed place he will go back to his mother and leave his friends who were training him in these ways and leading him astray. He promised with tears in his eyes and went away. If he was a police spy and had been sent to find out my views, the Honourable the Home Member must be aware of this by now, but if he was a genuine misguided revolutionary, I know that he acted up to the promise he gave me as a gentleman. I might, here, as well, refer to the much-maligned admiration of terrorists. I myself plead guilty to the charge; and say, Sir, that one would be less or more than human who would not at times be led away to admire uncommon deeds of self-sacrifice and valour although one may be religiously observing non-violence as a creed, as a supreme faith of life and although temperamentally one may even shudder at the thought of murder or violence. Does the Honourable Member from Midnapore or the Honourable the Home Member know who paid the highest tribute to Kanai Lal Dutt, the man who shot the informer Gossain in the Alipore Jail? May I tell you, Sir, that the man who could not resist admiring was a perfectly honest and most trusted *pucca* Englishman, a cent. per cent. Britisher, I mean the editor of the *Pioneer*. Our difficulty is this....

**The Honourable Sir Henry Craik :** The editor of the *Pioneer*? Was it Mr. Wilson? What was his name?

**Pandit Krishna Kant Malaviya :** I don't remember his name, it is an old story of the year 1908 or thereabout. I think it was Mr. Chesney. I am not speaking of the *Pioneer* of today. I am speaking of the *Pioneer* as it was conducted some years ago, when every single editorial was written by the best I. C. S. people in the land. I am talking of the *Pioneer* when it was at the top of its glory, when it was regarded as the best paper in India. This honest English gentleman, I mean the editor of the *Pioneer*, could not be suspected, he was above suspicion and nobody could dare misunderstand or put a different meaning on his writings but we are suspects, and whatever we may do or say, we will remain suspects, and our ordinary writings will be made to bear meanings which they should not. I will only narrate one case more, that of poor Azad. He is no more. May his soul rest in peace. But may I say, Sir.....

**The Honourable Sir Henry Craik :** Is he another murderer too?

**Pandit Krishna Kant Malaviya :** You may call him a murderer, if you so choose. I am only pleading for those who are not here to defend themselves, but please first hear what I have got to say.

**The Honourable Sir Henry Craik :** Is he also another murderer?

**Pandit Krishna Kant Malaviya :** I am speaking of Azad.

**The Honourable Sir Henry Craik :** Also another murderer?

**Pandit Krishna Kant Malaviya :** If you are so anxious and curious to know about him, I shall tell you presently what I have heard about him. I say, Sir, that we Indians could have slept soundly, without caring for the defences of our country, by making him our Commander-in-Chief. A man of valour, a great organizer, a gentleman to the core of his bones, from all that I have heard of him, and one of the best shots that was ever born on this earth. I am sorry I never met him in life, but I want to tell you, Sir, that this Azad was persuaded by some people to give up terrorism.

He had agreed to do so, but the difficulty was that the police was hunting him down; he would have been arrested, even if he had given up his way of life, and had honestly decided to live like us. If he had been caught, he would have been either transported or hanged. If we were trusted by the Government, if we were in their confidence, I could have gone to the Honourable the Home Member and told him that henceforth this youngman is in my charge, I am responsible for him; he has given up the life of terrorism, so do not molest him any more, if you find him deviating from the right path, just drop a hint to me, do not harass him, let him settle down in life. This is what I would have told the Home Member. The life of this young man would have been saved, he would have lived a useful life and adorned any place, wherever he may have been, but this is not possible. We ourselves are suspects, what then about those who are recommended by us? Well, Sir, I heard that Azad had agreed to change his mode of life, and because it was not possible for him to live in safety in this country, some friends decided that he should leave the country and go and settle down somewhere else in a distant place like Japan or America or anywhere else. Where was the money to come from? Some friends agreed to raise the money, and they raised about Rs. 1,500 or Rs. 1,600 for him. He was paid about Rs. 1,300, and only about Rs. 300 was wanting, and he was sitting in the Alfred Park in Allahabad, because someone had promised him that somebody would give him the balance there. He was sitting there to receive the money. He would have got it within 15 or 20 minutes, and he would have left Allahabad and bid India also good-bye for ever, but some one informed the police, and he was all of a sudden surrounded on all sides unawares. He had no knowledge and he was shot at and maimed, because the police knew him to be the best shot, and no one would approach him even from a distance of say 100 yards. He was shot while he was sitting under a tree talking to some friend, perhaps bidding good-bye to him for ever. He was maimed and lamed before he had any knowledge of the danger. What happened afterwards? Would you care to know, Sir, he was being shot at from all sides, and he was defending himself all alone; he could not rise, he could not run, he could not even get up. He was under a tree, in the open, and the defenders of law and order and justice were shooting at him from all sides from behind the trunks of the trees. You will be surprised to learn, Sir, that not one shot of Azad missed the mark. The marks left by the bullets on the trunks of the trees showed that every shot was correct to the point of an inch, was pointed at the heads of the shooters. Whichever side he shot, the marksmanship was perfect. Who can help pitying and admiring this misguided unfortunate youngman, a picture of physical health, in the prime of his life, if you see his photograph, but it is not the admiration.....

**The Honourable Sir Henry Craik :** I can't admire him.

**Pandit Krishna Kant Malaviya :** Will you please bear with me for a little while?

**The Honourable Sir Henry Craik :** It is very difficult to be patient.

**Pandit Krishna Kant Malaviya :** But, Sir, it is not admiration. We weep and shed tears for the loss of young lives of great promise. I was in jail then. What could I have done even if I had been outside? But I want to impress upon you, Sir, that the life of this youngman could have been saved if we knew that we enjoyed the confidence of the powers that

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be, if we could only depend upon them and approach them to get pardon for the young man when he was changing his way of life.....

**The Honourable Sir Henry Craik :** Pardon for a murderer ?

**Pandit Krishna Kant Malaviya :** We could have placed him in charge of an Army.

**The Honourable Sir Henry Craik :** The Army does not take murderers.

**Pandit Krishna Kant Malaviya :** The Honourable the Home Member is getting very excited, I beg him not to bring heat in the discussion. I have to plead for those who are not here to plead for themselves, he refuses to see the tragedy of our lives, and I would, therefore, like to talk to him about another Home Member who was adorning the Front Benches in this very House. I tell him there was one Home Member,—may his soul rest in peace. (Interruption by the Honourable the Home Member.) I am sure, my friend, the Home Member, will not be proud of the expression he had used when I tell him that I am referring to no less a person than the late Sir Alexander Muddiman. I am sorry, Sir, he said something about his predecessor which he should never have said.....

**The Honourable Sir Henry Craik :** I said nothing at all about him.

**Pandit Krishna Kant Malaviya :** Well, Sir, Sir Alexander Muddiman died an untimely death, his death is mourned by everybody who knew him. Sir, I was a Member of this House, I was a non-co-operator, and I never mixed with any officials, in fact I remained in this House for a pretty long time without talking to many officials. But, one day, I approached the late Sir Alexander Muddiman, with diffidence. I told him that I was interested in a bomb case prisoner who was under a sentence of transportation for life, that I had never met the man in my life, that I knew nothing about his antecedents, that I by chance happened to meet him while I was in jail, and that he might give him a chance to start his life again. May I tell you, Sir, the reply that I got from him ? He said that he hated keeping these young men in jail. He asked me whether I would be responsible for him, and on my saying yes, he said, your man will be released. He further asked me whether he should write to the Deputy Commissioner of the district to keep an eye upon him and give him a post, and on my saying that I would find him a place somewhere, orders were issued, the man was released, and this Siddique Ahmed, a God-fearing man, is in service now and is enjoying married life in peace and contentment. Government has not lost anything by this act of grace and mercy. The Honourable the Home Member and the Honourable Member from Midnapore know not our difficulties. I must have become a most dangerous suspect even now in the eyes of the Honourable the Home Member. He won't trust us. Let him trust us, let us co-operate with perfect good will and trust and every young man will give up this path of terrorism.

**Mr. F. E. James (Madras : European) :** May I remind my Honourable friend that the three immediate predecessors of the Member from

Midnapore, most beloved of Englishmen, who were popular with the people, have been murdered by these men ?

**Pandit Krishna Kant Malaviya :** My Honourable friend ought to know that I am not defending murders, I am a Brahmin, they are revolting to me, but I will give an answer to that later. Trust begets trust and I will reply to what you have said later, when I have a talk with you outside this House. As I was saying, Sir, I must have become a most dangerous suspect in the eyes of the Honourable the Home Member even now. I may be charged with association with terrorists. I may be charged with hiding and helping suspects having sympathy for them and one thousand and one other things. But very few people realise that these misguided youths are our own kith and kin, of our own blood, and our own countrymen and as you know, Sir, sons may be truants, they may be wayward children, they may be even bad, but a mother is a mother and she loves even her worst son. Who can be more interested in their welfare than ourselves ? We want them to change, but they look to us and are not fed. When they drift we have no knowledge of them, when we know them we cannot help them. Even talking to them is beset with danger. You know not where they are and they will not come to you, even if they do, you know not their inner thoughts. May I tell the Home Member, Sir, that I met a famous revolutionary in a town where I had gone to address a meeting, he was introduced to me under a false name and it is only now, after three or four years that I have come to know who he was ?

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Does the Honourable the Home Member know that there is one sitting in this House on my side for whose arrest, alive or dead, this Government of his had announced a prize of Rs. 25,000 ? Does the Honourable the Home Member realise now how good and tame these terrorists are ? Will they even now repent for their mistakes ? Will they change their methods ? Every one of these terrorists would be an M. L. A. and sit with us here and be a most responsible member of our society, only if the police will not hunt them down, will not thirst for their blood but allow them to live in peace the moment they come back to us and solemnly give us a promise that henceforth they will be like us and will have nothing to do with terrorism. After all the terrorists also must have been fed up with the life of hide and seek and constant dangers which at the best cannot bring about much.

While talking about terrorists, I think it would not be amiss if I refer, Sir, to one more matter in this connection. The one great complaint of the Honourable the Home Member and the Member from Midnapore is that why are these terrorists painted and admired as martyrs ? They want to know why these are not condemned as mere simple murderers. My reply to this is, Sir, that they are the loyal subjects of the Crown and imitate their Masters. I am afraid I will have to explain it. I will not say much. I will refer to only one unfortunate incident, and I hope the House and my Mussalman



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friends especially will pardon me for this reference. I am only referring to it as a reply to the Honourable the Home Member. I believe in "Reville not the dead" and I have nothing to say against the departed soul. Does the Honourable the Home Member remember the genesis of the Karachi firing? Was the Government very anxious not to hurt the susceptibilities of my Mussalman friends?

**Sir Ghulam Hussain Hidayatallah :** But you did not support us,—your Party.

**Pandit Krishna Kant Malaviya :** You know not what you talk. You have not heard what I have said. Were the Government anxious not to hurt the susceptibilities of my Mussalman friends? Were the Government very keen to see that the last honours were duly paid to the departed soul? Am I to understand that the Government regarded the soul departed as a martyr? What Government do in the name of placating the Mussalman friends, we do in the name of humanity, for every controversy ceases with death. I think this answer will satisfy the Honourable the Home Member.

**The Honourable Sir Henry Craik :** On point of order, Sir. Has this anything on earth to do with the Bill under discussion?

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The Honourable Member appears to be in order, because he is giving some of his grounds for opposing the Bill.

**Pandit Krishna Kant Malaviya :** The Honourable the Member from Midnapore knows not, he professes his love for the youths of this country, he knows not what we, poor and powerless as we are, do. We have no power in our own land, we are not trusted by the Government. If we had the power, if we could only throw open opportunities in life, we would have every young man employed and engaged. The Honourable the Home Member is moving in a vicious circle. He wants to have mango fruits by planting "Babul". He forgets that as you sow, so you reap. He wants to kill and extirpate terrorism which is a by-product of his own terrorism, by repression and more and more repression. He knows that his Government has not succeeded so far. He had had these laws for years, but they have not proved effective. He knows all this, but still he is for repression more and more. He will not learn that terrorism begets terrorism. His thirst for repression like that of wine leads him to cry for more and more. He will not change his methods, he will not learn, he will not take us into his confidence, he will not trust us. He will not believe us when we tell him that we are as anxious to extirpate terrorism as he, perhaps more because we want to save the lives of our youths. He will not give us power and say, manage your youths and make them responsible citizens. He will not give us a chance even. I want to tell him, Sir, "Trust us, have faith in us, give us power to remove poverty and unemployment. Open out fresh fields and pastures new for our young men" and then this phase of terrorism will fade away like a bad dream. Will he listen to us? Will he be good enough to follow this advice for even a few months?

My friend has talked of picketing. He says it is not peaceful and it cannot remain peaceful. I may or may not agree with the first part but with the latter part I do agree, and why? During the last Civil Disobedience Campaign picketing was going on in the market of Allahabad. Ladies of the most respectable families in Allahabad were picketing a foreign cloth shop. I was sitting at a distance. Some senior man had to remain in the market so long as these sisters and daughters of ours were there. At about noon, one man came and told me that two riff-rafs of the town had been given drinks and had been persuaded to come to the shop for purchases, create trouble and insult the ladies. I at once left my place and went and sat in a neighbouring shop. Within five or ten minutes the drunken riff-rafs arrived and can you imagine, Sir, what they did? Their first act was to rush through the chain of the pickets, abusing them and trying to molest them. I had informed the ladies. They were careful and nothing untoward could happen and the situation was saved. By this time some people assembled. Those who knew the riff-rafs, reprimanded them and they were persuaded to go back. I do not insinuate anything. I blame nobody. I can say for the authorities in Allahabad that they are very civil to us. They have never failed in showing me every courtesy. They have to carry out orders and they carry them out honestly without at the same time bidding good-bye to their good manners and civility. But I ask the Member from Midnapore and the Home Member how can we encourage the use of Swadeshi, how can we carry on a campaign of "Buy Indian goods", how can we protect our key industries? We have not the power to pass a law and protect them. We have not the power to erect high tariff walls around us or ban the imports of foreign goods. We have not these powers and the Government will not pass such laws to help us. What is left to us, then, but picketing, entreating and begging our people not to buy foreign goods or not to go in for liquorshops. If we had the power we could achieve all this by one stroke of the pen. But does the Honourable Member know how his people in England behaved when Indian fabrics were exported in large quantities to England? Those who wore them could be fined, if I mistake not, £75 and the Honourable the Home Member will, I hope, not be surprised if I tell him that ladies wearing Indian fabrics were molested and their clothes torn off in public streets.

**Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh : Muhamadan Rural) :** When and where?

**Pandit Krishna Kant Malaviya :** In London, during the times the East India Company was here. It is very good to sermonise and preach where your interests are not at stake, where you do not suffer and where you have to gain all and lose nothing. The truth of the matter in the words of a poet is :

*"Ham ah bhi karte hain to hojate hain badnam"*

*"Voh Kati bhi karte hain to charcha nahin hota."*

Even if we sigh, complain or criticise and say that we are suffering, we are given bad names, while when they commit murders, the news of those murders are not even allowed to be published and they are not known. I would not, Sir, pursue this line of argument any

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further. I would only draw your attention to what the Honourable the President said in this Assembly in 1932 when the Press Law was being passed. The Honourable the President, an Honourable Member as he then was, called it, Sir, a double-faced and deceptive measure, professing to control violent writings but really aimed at taking control of the entire Press. We know, Sir, that we are powerless, the executive is bent upon passing this Bill into a law. We can only say, let them have it, if they so choose, in spite of us. We will not share the responsibility of disfiguring the Statute-book. His Excellency the Viceroy has powers of veto, he has the powers of certification, let His Excellency certify this Bill also and bear the responsibility but, at the same time, Sir, I want to draw the attention of the Honourable the Home Member to a very wholesome principle laid down by his own colleagues in the Repressive Laws Committee Report. They said, Sir, in their report that it is undesirable that any Statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislatures. The Report of the Press Laws Committee is also before us. The whole question was judged by three tests (1) has it been effective (2) whether an Act like this is necessary for the maintenance of law and order (3) whether on a comparison of the advantages and disadvantages which the retention of this Act will involve, its continuance is desirable and the conclusion at which they arrived at after mature consideration was that the law should be repealed. As the Honourable the Home Member must be aware, these committees were presided over by the Right Honourable Sir Tej Bahadur Sapru and Sir William Vincent was a prominent member of these committees. I have nothing more to say. The Home Member, Sir, has not proved his case. He began as if he was going to convince us why the measure was necessary and why the ordinary law of the land was found to be insufficient. I am sorry that he began by assertions, went on with assertions and ended with assertions without proving anything or convincing us. To give this Bill the name of 'law' will be insulting and degrading the word 'law' itself. To me it seems that the best name that we can give to this gravest encroachment that any Government has ever made on the liberty of the Press and the public in times of peace should be "Sir Henry Craik's Boa Constrictor". I want the Honourable the Home Member to tell you, Sir, why this indecent haste, why this hurry to place this enactment on the Statute-book. Will Heavens fall down if the measure does not become law by December, 1935, or 1936? Will the British domination disappear if he does not arm himself with this poisonous gas, the use of which should be tabooed by all civilized Governments. I know, Sir, that constitutional reforms have always been preceded by such Press Acts. We had the Press Act in 1910 when the Montagu-Chelmsford Reforms were coming. The new Constitution has been passed into law. The executive knows that it has to be thrust upon our heads in spite of us. It knows that the new Constitution has been condemned by every shade of public opinion in this country, that there are people here who are pledged to destroy it, mend it or end it: The bureaucracy is anxious to see, Sir, that it is worked, and they want to have the points of their bayonets raised at us every minute of our lives and to be ready for all emergencies. Their Damocles' sword of this

Bill will be dangling at our heads, so that if we raise our heads even by an inch, if we want to carry on agitation for the rejection of the new Constitution they will be able to draw out blood. I, therefore, say Sir, that this Bill is unfair, unjust and has no moral sanction behind it, and I only end by saying in the words of an Urdu poet :

"Ham ne dekhi thi ada kal tere diwano ki  
Dhajjiyan kuch liye baithe the garibano ki  
Aj darband kiye jate hain zindano ke  
Aur bigadenge misaj ap ke diwano ke."

(Loud Applause.)

**The Honourable Sir Henry Craik :** Go on cheering. He has praised murderers !

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadan Urban) : Mr. President, I must say that I like the Honourable the Home Member's speech better than many of the speeches that I have heard from the other side. Well, Sir, although the Home Member has left the Hall and although he has not himself observed, what he has so very much preached to this side of the House, that is, to keep dispassionate and cool, in spite of all that, I will say that I stick to what I said originally, namely, that I like his speech better than the other speeches I have heard from over there, and I will tell you why. It is for this reason that it has seemed to me to be a little less panicky, and there seemed to be a little more analysis in his speech than in the speeches I have so far heard on the other side. What did we find in Sir Ghulam Hussain Hidayatallah? Sir, he allowed himself to be panicky and nervous and heated, and he was talking about terrorism, Communism and communalism without giving any thought to the subject.

**Sir Ghulam Hussain Hidayatallah :** I have given the matter better thought than you.

**Dr. G. V. Deshmukh :** Sir, I do feel that when the Home Member comes forward before this House in connection with a measure that was passed simply because it was a temporary measure at the time of an emergency, I do think that when it is sought to be put permanently on the Statute-book, there should be something more than the mere desire of their having more and more authority in the hands of the executive. Sir, as is well-known, the appetite grows by eating. You very well know, Sir, and those who have been old Members of the Assembly know, that when this measure first came up before this House, it was considered in its legal aspects, and when it was considered in its legal aspects, it was absolutely demonstrated that this measure violated every principle of law, that it was indeed a misnomer to call it a law, that it must be called a lawless law, that it violated the first principles of jurisprudence, that it adjudged a man guilty when by all the codes of jurisprudence a man ought to be considered innocent till he is proved to be guilty. It took away the right of appeal. It subordinated the powers of the Legislature and of the judiciary to those of the executive, and what is more, it handed over powers to the magistracy which are not given even in ordinary cases. I do not want to deal with this subject from the legal aspect. Sir, the Home Member very adroitly has avoided this aspect in introducing this Bill even though he has suggested that this temporary measure should be



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permanent. I have a shrewd guess as to why he did it. I believe he still finds that there still is that small band of fighters who fought this Bill to the last, especially the Press Emergency Bill when it was managed to be brought up at the fag end of the Session : and perhaps it may be that the Honourable the Home Member might have been frightened and dared not deal with the Bill in its legal aspects in view of the fact that the Honourable gentleman who adorns the Chair today is the Honourable Sir Abdur Rahim of that band of fighters. The Home Member has come up for the sanction of this House to the passage of this Bill on four grounds and they are these. The first ground is the Civil Disobedience Movement—and I will say it to his credit that whereas other speakers merely got panicky over Civil Disobedience, the Home Member qualified his remarks by saying that the Civil Disobedience Movement has nearly disappeared, so that it was a disappearing Civil Disobedience.

As to the second alleged ground, terrorism, the Home Member was good enough to say “reviving terrorism” ; he did not say it in the same way as other speakers have done, and he also admitted that there are some signs of “reviving terrorism” only in Northern India—I think I am rightly quoting the Home Member. Then with regard to advancing communalism—the third of the alleged grounds for this measure—we should like to know whether there are any valid grounds at all for this panicky state of things and committing us to putting a piece of legislation on the Statute-book of this country and disgracing it in this fashion. Sir, let me take Civil Disobedience first. The Honourable Member who spoke yesterday afternoon was very pleased when my colleague, Mr. Satyamurti, admitted and admitted frankly and honestly that Civil Disobedience will never be given up.

**Mr. P. J. Griffiths** (Bengal : Nominated Official) : I was sorry.

**Dr. G. V. Deshmukh** : After all, what is Civil Disobedience? Civil Disobedience is an idea, and I may assure the Honourable Member who made his speech yesterday that, whether you like it or not, Civil Disobedience has come to stay not only in India but all the world over because once an idea comes into this world, the idea is immortal. And what is Civil Disobedience? The principle of Civil Disobedience is this that when a helpless people has to deal with an oppressive and unjust Government, then with which you can fight any unjust and oppressive Government, then if my Honourable friend is not pleased with this, under the circumstances, what is wrong with the answer that Civil Disobedience can only be suspended and cannot be stopped? I say it can only be suspended and cannot be stopped. May I tell the Honourable gentleman who spoke so much about What did the waitresses of Regent Street do? England, is not free from it? dience? I suppose you think that is too insignificant an illustration. Then, I will refer him to the farmers of Kent. What did they do? Did they not use Civil Disobedience? If you do not call it Civil Disobedience, then what is it? Therefore, I repeat again that it is absolutely impossible accurate diagnosis of the situation, section 7 seems to have been retained, Disobedience Movement is going to be launched again, then it will be by

means of picketing. Now, here, again, my Honourable friend, who spoke yesterday afternoon, said that picketing can never be peaceful. If that is so, then do away with it completely. In that case where is the necessity of the explanation of section 7? You have the section above in which you mention the things which must not be done and then to save your own face, because you are not certain whether picketing really can be considered illegal, to show you are reasonable, you add an explanation saying that for indigenous goods and for temperance purposes it may be used and it will not come under this section. I will refer him again to the history of his own country. Does he mean to tell me that when picketing is done in this fashion in connection with temperance it can ever be peaceful? I will refer him to what happened in England when a certain gentleman came there whose name I forget.

**Some Honourable Members** : Pussyfoot Johnson.

**Dr. G. V. Deshmukh** : Yes, he was the man. I want to ask you whether those movements in the interests of temperance were ever peaceful. I must say to the credit of my medical colleagues and students of all the hospitals that in London they took a leading part in this movement. In spite of all our activities, I did not see any legislation from the Parliament or from the executive authority of England saying that this is a very bad sign and that if this temperament develops it will again be used for other movements and, therefore, it will lead to disorder ; therefore, they must have the concentration of authority into the executive hands. I can understand your attitude if you go the whole hog with it. I can understand you if you say that we will have nothing to do whether picketing is legal or illegal ; we want to abolish it. But what is the meaning of the saving clause in this explanation? That only goes to show that you yourself are not certain about what you are doing and that it is only a pretext to concentrate all the authority in your own hands. We were also told yesterday that so far as liberty in this country is concerned, we are very much better off and we were given instances of Russia and Italy. We were told that we were very much better off and we had no reason to grumble. Now, if you take the case of Russia and Italy, then what are the Governments there? Do they pretend that they are democratic Governments? They say downright they are dictatorial Governments. If you are prepared to do that, I will agree with you. But so long as you do not do that, then I say there is such a thing as *noblesse oblige*. If you pride yourself on your parliamentary institutions and if you pride yourself that you are going to rule your vast Empire by means of parliamentary institutions, then I say that in your own interests do not give us instances from these dictatorial countries. It will not help you. If, on the other hand, you say that whatever it may be in England, we are not going to rule in India according to the forms of Government in England, there again I agree with you. I will have no complaint against you if you do that openly and frankly. But, then, you should not have these farces of parliamentary government such as, Round Table Conferences, Joint Parliamentary Committee Reports, White Papers and Parliamentary Acts. Wind up all that and say that we want to establish a miniature Mussolini in every district and a hefty Hitler at the centre and we want to rule like a dictatorial and despotic Government. If you do that, I will agree with you. But till such time as you do not do that, then it is either hypocrisy or you want to concentrate all your power into the hands of the executive:

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Figures and statistics are very good things and I have to deal with them a great deal but they are only valuable if you look at them in a dry way. But where vital values are concerned, I can tell you that statistics do not mean anything. My friend, the Honourable gentleman from Midnapore, spoke yesterday with earnestness and sincerity and I think I was one of those who congratulated him at the end of his speech. Now, what was the point he made? He said why should Indians grumble so much for, after all, these laws, even if they are repressive laws, are not working so harshly and he gave a few statistics. The statistics were that in this country there are 4,000 odd newspapers and there were only 70 or 80 prosecutions and the proportion of prosecutions was something like 1 to 180. Therefore, we have to accept that the laws here are exercised very mildly. He will pardon me if I give him another illustration. Now, the population of this country is 350 millions and I will not make any difference between the Europeans who are in this country and the Indians who are in this country. I should like to treat the whole lot for my purposes as one. Now, how many terrorist outrages have taken place? I take it that there are about 300.

An Honourable Member : Much more.

Dr. G. V. Deshmukh : I do not mind whatever you say. But what is the proportion that works out? It works out to about one in a million. Does my Honourable friend want me to wait till the proportion comes down to 1 to 180? Does he mean to say that until that time terrorism is exercised very mildly in this country and, therefore, nothing should be done? If that is the kind of argument, I would despise myself as a man. I repeat again that where human values are concerned, it is not the statistics which help us but it is the principle of the thing which is important. I know that Indians, as a class, deplore terrorist crime; they are not fond of terrorist crime. If the principle is bad, then it matters very little to me whether one press has been prosecuted or 100 presses have been prosecuted or whether the proportion comes to 1 in 180 or 1 in 18,000. I am on the question of figures, I might refer to another thing. Now, that told by some other speaker that in spite of these repressive laws, we were printing presses have gone up in this country. The conclusion drawn of the printing presses, then the figure would not have gone up. Now, figures, as I said, are always correct but the interpretations that you can put on them may be different. I do not say that my Honourable friend's interpretation may not be correct, but what I do say is this that there are many other interpretations that can be put. And the interpretation that I am going to put may also be correct and I hope the Honourable Member will do me the justice of saying so. India is a poor country and according to your own estimates there is a large number of educated in their villages and only wanting to follow their religion. I am not talking about the poor millions resting peacefully about them. I am talking about those discontented graduates, educated persons. What are the avenues left for them? Nothing. Therefore, especially in times of world depression when practically every profession was in distress, then these young men took to small and petty up? So, I submit that the number of presses does not mean anything. What I would like to know is this. If printing profession or the press

was thriving on account of this law, how many of the big presses were instituted into this country. Until I know that and until I know that the big presses, which were existing in this country before the Press Act, have actually made more profit after that time, I will pay no attention to this figure of 4,000 presses which are existing in this country. Then again about the papers, we were told that there are about 4,000 odd papers. I am taking a little time over this because it does seem to me that an attempt was made to misguide the House by means of statistics and figures. My opinion is that unless you have vital values and human values considered with these figures, these figures do not mean anything. We are told again that there are a large number of papers in this country, as many as 4,000 odd newspapers in this country. What does that mean? That does not mean anything. Does the circulation of all these papers put together come up even to the circulation of a single paper like the *Times*. I am not referring to the *Times of India*, I am talking of the *London Times*. On the one hand you yourself will say, that our masses are very ignorant, that literacy is very poor and, therefore, you must necessarily admit that the circulation of these papers must be very little and that possibly even though a paper might have a circulation of 100, or 200 or even 500 that would be included in your statistics as a newspaper to swell up the number of papers which go on your record. But I say that the circulation of all these papers put together, I doubt very much, whether it will come up to the circulation of one paper like the *Times* of London or the *New York Herald* in the West or in Europe. You cannot have it both ways. You cannot have an argument that the masses of this country are ignorant, illiterate, very apathetic and that they do not care what kind of political Government there is, they pay their taxes, and remain quiet; and at the same time say that the presses somehow or other must be choked, must be throttled, because otherwise they diffuse and spread widespread discontent, that they spread inflammatory material to the public and that it will lead to public danger. I say that this is not a fair argument to apply. I think I have pretty nearly disposed of some of the statistical fallacies connected with the speech of my Honourable friend of yesterday afternoon.

Now, so far as Civil Disobedience is concerned, what are you going to do with it? Are you going to stop Civil Disobedience by means of this Act? The object of this Act any one can see, it does not need very much acumen to find out where it is driving at. It is not so much the Civil Disobedience. You are not frightened by these terrorists. You cannot tell that now to the Indian people. I know that the Britisher is a brave person, he has fought Germany, he is constantly fighting wars on the different frontiers of the Empire. It is not that. I tell you what is the whole idea behind this measure. You want to attack the Press; that is the whole objective behind this game (hear, hear). You are not going to tell me that you, who fought perhaps some of the bravest nations on the face of this earth, that you, are frightened by 100 or 200 terrorists and that you cannot take care of them. I will not believe it. I say that in every measure that you propound there is something quite different behind it. We are no more children in this country to take your measures at their face value. The facade is quite different; there is something inside the house which is entirely different. I will now try my best to prove it to you and to the people who are willing to be convinced by reason that this is the whole and main objective behind all this. In the case of

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the Civil Disobedience Movement, in case it is going to be revived, if you admit that it is a principle which has come to stay, how are your press laws, or how is the Criminal Law Amendment Act going to prevent the Civil Disobedience Movement? Therefore, it cannot be prevented.

I will now come down perhaps to the second ground which the Honourable the Home Member has given to the House to authorize him to place this Act on the Statute-book, and that is on account of terrorists. The best thing when one becomes panicky or frightened is to analyse the situation. I believe that that course will not be denied to me by the Opposite Benches. What is terrorism? Is terrorism foreign to our nature, to our culture and to our traditions or is it something that we will take to readily? You have only to look at the traditions and culture of India to realise that terrorism is something that is very foreign to the people of this country. I do not do any injustice by saying this, I do not claim very much more than what has already been granted to the Indian, the mild Hindu if you please. Terrorism is so foreign to his nature that actually it has become a fault of his and the opprobrious name of "mild Hindu" has been applied to him. I am convinced that it will also comfort my Honourable friend, Sir Ghulam Hussain Hidayatallah, to know that he is not included under very much of a different category to the mild Hindu. Therefore, terrorism is after all against the tradition of the country. Well, then, I am not talking of reviving terrorism of today or the terrorism that was during this preceding period when it was nearly wiped out. I want to be fair to the opposite of the Ganges, in Southern India and in the Central India, where were the cases of terrorism? There were none. Mind you, Sir, it is a vast tract of country, perhaps five-sixths of India and with all that, in these, it was not that the papers were not being circulated. I will presently try to explain it in a better way. Where was terrorism? Terrorism was localised to two Provinces, that is the Punjab and Bengal or the north of India. It is merely common sense that when a vast country like this is practically free from terrorism and when only in a few provinces it is localised, then what a good physician or a good doctor will do? How will he diagnose? Will he condemn the whole country or will he be right in saying that this is a local disease and, therefore, when a treatment is to be undertaken it is to be entirely local.

**The Honourable Sir Nripendra Sircar** (Leader of the House): Amputate that portion.

**Dr. G. V. Deshmukh**: But you do not amputate the whole body. I am glad that the Honourable Sir Nripendra Sircar has taken the very words out of my mouth. I am coming to the very argument presently. I am glad that the Honourable Member has anticipated me. I say it is a local disease and if there had been any terrorism in any other part of the country I can assure you that the Honourable the Home Member would have informed us of it, but even yesterday in an apologetic way, he said that terrorism seemed to be reviving in Northern India. Well, Sir, if that is so, what I say is this.

**Mr. Muhammad Yamin Khan**: What about the attack on the Bombay Governor?

**Dr. G. V. Deshmukh**: You are very good, I was not going to forget it; I was going to mention it. It was not an act of terrorism, if you have read the case. That is why I say you are panicky, and, with the names of terrorism and Civil Disobedience, you seem to lose your brains and get panicky (Laughter), and that is how an attempt is being made to stampede you and people of your type into voting for this measure (Laughter). Now, Sir, I say that if the disease is local you must try to find out local remedies for it. Why is it that terrorism does not exist in the rest of India but seems to exist only in the land of the Jallianwalla Bagh and in the land of detenus where detenus are kept in prison without trial, without giving them a chance to defend themselves and without bringing them to trial?

**The Honourable Sir Henry Craik**: Has there been no terrorism in Bombay?

**Dr. G. V. Deshmukh**: No, Sir.

**The Honourable Sir Henry Craik**: What about the attempt to murder Sir Ernest Hotson?

**Dr. G. V. Deshmukh**: Would you call that an act of terrorism? What is an act of terrorism? If, without warning in the middle of the night, somebody tries to come and kill you, that may be called an act of terrorism. After all, you yourself have never proved that it was an act of terrorism. It might have been a private grievance; I am not here to defend it. But I do deny that that particular act was an act of terrorism. But even supposing for the sake of argument that there was one attempt which fortunately did not result in any loss of life, in the whole of the 5/6ths of India with a population of about 200 million.....

**The Honourable Sir Henry Craik**: That is quite inaccurate; there were acts of terrorism in Madras too.

**Dr. G. V. Deshmukh**: I am absolutely in love with your style of making assertions. What I say is that if there was only an attempt in a vast territory containing about more than 200 million population, would you call that terrorism in the country? When it suits you, you say that India is a big country, it is not a country, but it is a continent; it consists of different races and different provinces. But can you show me a single week in which in the continent of Europe there is not one single act of violence? You see terrorism in the civilised parts of Europe such as France, Germany and England and in other parts but you do not on that account have repressive laws and laws concentrating the whole of the power in the executive authority.

**Mr. F. E. James**: My Honourable friend is probably not aware that, over a greater part of the continent of Europe, there are such repressive laws as my Honourable friend does not dream of.

**Dr. G. V. Deshmukh**: My Honourable friend does not seem to have either heard or understood what I said in the earlier part of my speech. If you have a dictatorial and despotic Government here tomorrow, I am with you; I have no complaint against you. But because you make a pretence of democratic and Parliamentary Government, that is why I am coming forward before you, and I say that if you want to keep your prestige as a Parliamentary nation, you must grant us Parliamentary institutions and you must behave in a democratic fashion. And it is no

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good your picking up instances from countries which are ruled autocratically and applying those to us and then saying that you are still a Parliamentary nation. That is my complaint ; I hope you are satisfied. (Laughter.)

Well, Sir, coming back to this terrorism, will you penalise the whole country by having a general measure like this ? I say that for a local complaint you can certainly by all means have a local remedy. And you cannot deny that you have plenty of weapons in your armoury. And I do not know why so much fuss is being made about the future Constitution and trying to see that the future Ministers may be left in comparative peace. That does not mean much of a compliment to my own compatriots and countrymen because it is an insidious insult if only my countrymen will look at it. The argument is put forward that they want to give to the future Government these Acts so that their administration may be easy. I suppose the Members of this House well know that the future Constitution is supposed to be provincial autonomy and that all the authorities are supposed to be transferred to Indian hands ; and they have no confidence that my own countrymen, the Indian Ministers, will be able to administer properly under criticism unless from now on they make this preparation that there shall be no criticism by the press. Sir, this is an insidious underground insult to my own countrymen and under the garb of saying that they want to leave the future Constitution safe and smooth to work. This is the insult that is being hurled at my own countrymen. In the case, therefore, of this local terrorism I have no complaint if you have local measures. It is not that even in the future Constitution you are not supplied with the proper remedies. Why, you have the discretion of the Governor ; it is not merely the Governor General in Council but you have his independent judgment. He is responsible for the safety, he can have Ordinances and even Ordinance Acts. With all these powers and with provincial autonomy soon to come in, I fail to see the force of the argument that in the interests of the future Constitution that is coming in, let us have an all-India measure so that the future Constitution may be safe to work. I say that there is something behind this and that something, so far as I can guess, is nothing but attack on the press.

Now, Sir, let me come to the third ground on which the Home Member wants the permission of this House for this Statute, and that is Communism. There again I am not very much frightened of Communism. And after all is said and done, in spite of the lurid picture that was drawn before our eyes so that our hair may stand on end that there will be armed revolution and the fabric of the society will be destroyed, I say here again I am not frightened at all. Can you prevent the principles of Communism coming into this country ? You go round the bookshelves and their shelves are full of Russian history and the principles of Communism. They are not written in Russian, if you please, but by your own English authors. And they are not revolutionary authors but men like Bertrand Russell and H. G. Wells and others. You will find libraries full of this Russian literature. Therefore, so far as the principles of Communism are concerned you cannot absolutely prevent them ; you cannot prevent the intercourse of nations in these days much

as any tyrant would like to do. It is impossible, the times are not with them.

**Pandit Krishna Kant Malaviya :** And there is the judgment of the Calcutta High Court.

**Dr. G. V. Deshmukh :** Yes, I will come to that.

Then, so far as the principles of Communism are concerned, I do not think anybody can prevent them. And what is more, if you object to those principles, how is the progress of humanity to go on ? It is the glory of England and perhaps the one consolation that we have,—it might be a very poor consolation but it is a consolation and a grievance also,—that a nation which stands so much for free thought and has given shelter to so many persecuted Princes and Governments of Europe should by chance govern us but at the same time deny us the same privileges which they accord, not only to their own people, but particularly to those people whom they have nothing to do with. That is our grievance. All these books you cannot prevent. What is going to happen to your judicial Courts ?

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

What is going to happen after the decision in the Calcutta High Court the other day ? For mere designing or planning you cannot put a man in prison. I suppose there again the Government of India will say " We cannot bring these culprits to book and, therefore, let us have new legislation, which will take away the power of the High Courts and put it in the hands of the District Magistrate as has been done in the case of the press in this very Act ". I take it that that is going to be the next step under this democratic parliamentary Government. What are you going to do by having this Press Act ? By preventing papers saying anything about Communism, you cannot prevent the principles being disseminated amongst the intellectuals or amongst the reading public of this country ; and, therefore, you might as well not make the attempt to muzzle the press. If it comes to action which goes against the law of the land or against society, I take it that the Honourable the Home Member will not sleep as he is doing now : we will certainly expect him to stir and sit up and do something—there is sufficient power in the country to prevent that. But in the hope that some day danger might arise you are not going to fetter the country by all kinds of measures at the present time.

But even here, the analysis of Communism does not stop. I might be permitted and excused if I give some of my personal experiences that I have had with the leaders of this Communism. I think that the first real display of the Communistic spirit, that might be said to have occurred in this country, was in 1928—I think it was in connection with the textile strike that took place in Bombay. My friend, Sir Ghulam Hussain Hidayatallah, will bear me out that I took a considerable part, occupying an important position—the chair of honour in that city, that is the President of the Bombay Municipal Corporation which gave two such illustrious Presidents to this Assembly. (A Voice : " You will be the third ".) May be. During that time—this strike went on for nearly ten weeks or three months and it was a regular textile strike : I happened to go amongst the majority of men who were prisoners in the

[Dr. G. V. Deshmukh.]

Meerut Conspiracy Case later under the charge of Communism or Bolshevism or something of the sort—I will tell you the genesis of this and that might suggest a remedy to the Government, if they mean to take it up : I say that this Communism in India as everywhere else is nothing but a struggle between the haves and the have-nots : and if the have-nots have not got sufficient to feed themselves and if they are starved and if they have to go and live their lives in misery, then call it Communism or call it Bolshevism or call it capitalism and labour trouble—you are going to have trouble ; and if it has developed further into the so-called Communism I say that the genesis is entirely there, because to my mind when they went on strike it was not so entirely unreasonable : I had conferences with the Millowners' Association—I think my Honourable friend, Sir Ghulam Hussain Hidayatallah, was in charge of the department of Government which deals with this and what is more, not only was I of the opinion, but here is one who was also of the same opinion. I ask him whether he can deny it : he cannot ; because he had a conference with them at the Secretariat : if he had thought that they were Communists that they were red-hot Bolsheviks, I take that he would not have conferred with them.....

**Sir Ghulam Hussain Hidayatallah :** May I rise to a personal explanation and as the Honourable Member has spoken of me ? At that time I was in charge of Labour and I wanted to settle the strike : therefore, I had to call the leaders whether they were Communists or others ; and I succeeded in settling that dispute.

**Dr. G. V. Deshmukh :** I am very glad that Sir Ghulam Hussain has given his explanation. The dispute was finally settled by Sir Ghulam Hussain on the last day ; but if you ask those gentlemen themselves they will have to admit that practically all the preparation for it was done by the Bombay Municipal Corporation. I do not grudge Sir Ghulam having the credit—let him have it. I do not care even if the present Government of India take the credit. What I stand for is the weal and welfare of my people and it is from that point of view that I am discussing all these things. I say if you want to prevent Communism or Bolshevism coming in, it will not be by throttling the press : it will not be by repressive measures ; but it will be by improving the industries of this country. I see the Finance Minister puffing out his cheeks and smiling. (Laughter.) I am glad he has done that. If he had a chance, I am sure he would have quoted some Professor Pegu or somebody or other—he is fond of quoting books. I will ask him very simple questions which perhaps he has neglected to this day ; but Indians, like Romesh Chunder Dutt and Mahadev Govind Ranade, found out a long time ago, perhaps 50 years ago, before either the Finance Member or I was born. By the statistics and producing power of this country, they proved conclusively that this country has no hope unless it takes to maintain the population in this country. It is all very well for him to maintain the balance of trade by selling the precious metals : I suppose if in England they had a Finance Minister like this who

kept up the balance of trade by exporting precious metals he would soon have been exported. (Laughter.) I do not know if that is the cause of his being here. (Renewed Laughter.) Here, with no responsibility, with no power of criticism in the people, he can go about preaching his old ancient ideas which do not suit present conditions of the country, quote professors, bully merchants wherever he goes, talk to them what he likes as he did in Bombay and do generally as he likes with the country. But I do not think he could have done it in his or in any other country. (Interruptions and cries of "Go on.") Therefore, the real remedy against this is the industrial regeneration of the country. What country is there on this earth which will on grounds of economy say—where the Commerce Member will be allowed to continue if he uses the arguments : "We can buy our materials outside at a cheaper rate in the case of vital industries." The labourers of that country, the industrial labourers would not make his life as a Commerce Member worth while even for two days : they will soon see to it that he has to vacate his office. We hear all kinds of arguments here. We hear that because it is cheaper to buy some materials from outside,—I do not want to allude personally to anybody, and I hope that nobody will take my remarks as personal,—it is not from the present Commerce Member alone that we hear it but we also heard it from his predecessors,—we hear that because it is cheaper to buy some material from outside we should buy it in preference to the indigenous material. Sir, whoever has heard in regard to commercial policy that when you start thinking of an industry, the deliberations go on for 13 years, and at the end of 13 years you say that it is not profitable to get the material in this country because according to statistics it is cheaper for you to buy that stuff from outside ! Sir, I say that all vital industries of the country must first be started irrespective of whether they are profitable or not, because, Sir, besides calculating the return in pounds, shilling and pence, it gives employment to labour, it improves the status, the manhood of the nation, it improves the level of life. It has so many indirect advantages which cannot be calculated in rupees, annas and pies. Therefore, I say that so long as the policy of this country continues to be what it is at present, if vital industries are ignored or neglected, if industries are not started, fostered and developed in this country, what is the industrial labour to do ? Your law and order may be all right, peace and tranquillity may be all right, but they are only means to an end. Where the Honourable Member who spoke yesterday and we on this side differ is in this. He wants peace and tranquillity as an end in itself ; we want peace and tranquillity as a means to an end. You will have peace and tranquillity when you have the tranquillity of death ; we also want the repose, but we want the repose of life. That is the difference between your way of looking at things and our way of looking at things, hence arises all this difference between you and us and the difference in point of view between you and us. That is the vital difference, and, therefore, whatever you may say cannot appeal to us, and I daresay whatever we say cannot and will not appeal to you, because our way of looking at things is quite different from yours. Sir, I think it is Balzac who mentions in one of his novels about somebody's wife crying. He was one of those ultra scientists very fond of facts and figures. His wife happened to be



[Dr. G. V. Deshmukh.]

crying, and he tells her, "Why are you crying? Do you know what your tears mean? They mean 99.94 per cent. of water and perhaps .06 per cent. of sodium chloride". (Laughter.) Whenever our own wife and child cry we realise the pain and feeling, but that realisation cannot be the same when we see the wife and child of somebody else crying. Logic and life cannot go together. You are talking merely of your dry facts and figures, whereas we are vitally concerned in our country's welfare in this question. You are merely concerned with the interests of your office, you are concerned to that extent alone, and no more. As soon as your term of office is over, you take your pay and whatever fortune you make and clear out of this country. And what is still more regrettable, you take away with you the experience that you gain from this country. What we want to do,—and that is what we are trying to do for the welfare of our people,—we want to keep all that talent and experience in this country. Now, we as human beings are not very different from you, but we look at things from different viewpoints, or to use a very common expression, from a different angle of vision. We look at baby's tears as our baby's tears which will move us from an emotional point of view; you look at them from an economist's point of view so far as India is concerned; not that you are incapable of feeling when the emotions are stirred. Why? You saw the attitude and conduct of the Home Member just a little while ago when the passions were stirred. In spite of his advice to us yesterday that we should not introduce bitterness or emotion into the discussion we saw him perturbed and agitated, and he could not hear the speech of my friend, Pandit Malaviya. You may thoroughly dislike it. We hear many things from your side which we thoroughly dislike. I suppose yesterday the Home Member was prominent on that side in shouting 'Order, order', if I am not very much mistaken. I don't say he was wrong; he was perfectly right; and I would do the same on this side. But it is very easy to talk about being dispassionate, being cold and looking at things merely in the light of cold reason and logic when things do not touch you. As soon as things really touch you, not merely in the matter of emotions, but in the matter of interests, then every human being is apt to lose his logic.....

**Mr. President** (The Honourable Sir Abdur Rahim): If the 5 P.M. Honourable Member has much more to say.....

**Dr. G. V. Deshmukh**: Sir, I have a great deal more to say, and I shall require a little more time.

**Mr. President** (The Honourable Sir Abdur Rahim): Then it is better we adjourn now.

The Assembly then adjourned till Eleven of the Clock on Monday, the 9th September, 1935.

## LEGISLATIVE ASSEMBLY.

Monday, 9th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## QUESTIONS AND ANSWERS.

### TRIBAL VENDETTA ON THE NORTH-WEST FRONTIER.

197. \***Mr. S. Satyamurti**: Will Government be pleased to state:

(a) whether the facts regarding the tribal vendetta on the North-West Frontier published on the 22nd May, 1935, are correct;

(b) what part Government played therein; and

(c) whether Government observe neutrality in such matters?

**Mr. J. G. Acheson**: With your permission, Sir, I propose to reply to questions Nos. 197, 210 and 213 together, as they all relate to the murder of Khan Sahib Zangi Khan, Madda Khel, and the events which followed it.

The reports published in the papers were noticed by Government. The facts stated in the account published on the 22nd May, 1935, are based on information supplied by Government to the Press and are substantially correct.

These events took place in unadministered tribal territory, where Government do not exercise control in regard to purely internal tribal matters.

Information regarding important events on the North-West Frontier is invariably furnished, as in this instance, to the Press. Government do not consider it necessary to table the papers.

**Mr. S. Satyamurti**: May I know what is meant by unadministered areas? What is the extent and nature of Government control in these areas?

**Mr. J. G. Acheson**: Government control is of a general nature and is mainly confined to protecting the interests of the inhabitants of the neighbouring administered districts of British India.

**Mr. S. Satyamurti**: With regard to the Honourable Member's answer to clause (c) of question No. 197, may I know whether in these unadministered areas the Government observe strict neutrality among those tribes or whether they support one tribe as against the other, and, if so, on what considerations?

**Mr. J. G. Acheson :** It is extremely difficult to give answers to general questions regarding unadministered tribal territory as the conditions vary enormously from place to place. If the Honourable Member will specify any particular area, I will give an answer.

**Dr. Khan Sahib :** Is it a fact that in the unadministered area round about Loe Agra the woods there are kept as a preserve for the pleasure shoots of the Political Officer and his British friends, and is it also a fact that, if any tribal man intercedes, he is fined Rs. 50 and given three months' rigorous imprisonment?

**Mr. J. G. Acheson :** I have no information, but the story sounds to me extremely improbable.

**Mr. S. Satyamurti :** May I know what is meant by purely inter-tribal matters?

**Mr. J. G. Acheson :** It is difficult to give legal definition at such short notice, but speaking offhand, I should define purely inter-tribal matters as being matters which do not concern the inhabitants of the neighbouring districts of British India.

**Dr. Khan Sahib :** Will the Honourable Member kindly take the trouble of finding out if what I have stated is true?

**Mr. J. G. Acheson :** Certainly.

**Mr. S. Satyamurti :** May I know the reasons why Government at all interfere as between these tribes? What are the reasons why Government interfere?

**Mr. J. G. Acheson :** In the interests of the security of the neighbouring districts of British India and the interests of the security of India as a whole.

**Mr. S. Satyamurti :** Have Government tried to come to any terms with those people, in order to observe certain rules in their relations with one another?

**Mr. J. G. Acheson :** Certainly. In most cases agreements have been executed with the tribes, and these are being observed.

**Mr. S. Satyamurti :** In how many cases, have such agreements been executed?

**Mr. J. G. Acheson :** I cannot give the exact number, but I would refer the Honourable Member to Aitchison's Treaties, a copy of which is, I believe, in the Library of the House.

**Mr. S. Satyamurti :** Is that the latest word on the subject?

**Mr. J. G. Acheson :** It is the latest word up to, I believe, 1928, when the last edition was revised.

**Mr. S. Satyamurti :** Are there any treaties after 1928?

**Mr. J. G. Acheson :** I believe there have been one or two agreements—one, for instance, the Jhalanai Agreement of 1933 which has recently been broken by the Upper Mohmands.

**Mr. S. Satyamurti :** With reference to the Honourable Member's answers to question No. 210 which was also answered along with

question No. 197, may I know whether the Durand Line is still the Frontier recognised by the tribes as such?

**Mr. J. G. Acheson :** Yes, Sir. I will suggest that I should meet my Honourable friend and some of his friends and give them a lecture on the subject and give answers to questions. I find it very difficult to answer this miscellaneous mass of questions in the House though I am very happy to give all the information I possibly can.

**Mr. S. Satyamurti :** I do not want lectures, but I want some intelligible information about the Frontier. I am asking the Honourable Member why, in spite of all these various treaties, the tribal warfare perpetually goes on costing enormous sums to the Indian Exchequer and loss of life?

**Mr. President (The Honourable Sir Abdur Rahim) :** It is a big question, and it cannot be answered by means of questions and answers.

**Mr. S. Satyamurti :** Sir, it is a non-voted subject, and what else can we do? We can only ask questions.

**Mr. President (The Honourable Sir Abdur Rahim) :** It deals with a big question of policy, and the Chair thinks it can be more appropriately discussed on the budget.

**Mr. S. Satyamurti :** We are seeking information, and we cannot get information on the budget discussion. Anyhow, I leave it at that. As regards the Honourable Member's answer to question No. 213, I thought I heard the Honourable Member say that this was in connection with the construction of a road.

**Mr. J. G. Acheson :** I did not say that, it had no connection with the construction of a road.

**Mr. S. Satyamurti :** Then, what was this murder due to?

**Mr. J. G. Acheson :** As far as can be ascertained, it was committed in prosecution of a typical Pathan blood feud.

**Dr. Khan Sahib :** Is it a fact that people who know about this murder on the Frontier attribute it to the Political Department?

**Mr. J. G. Acheson :** I resent that question very much. I have never heard of any such allegation, and it is entirely false.

**Mr. S. Satyamurti :** With reference to the Honourable Member's answer to part (c) of question No. 213, will Government place all the relevant papers on the table of the House?

**Mr. J. G. Acheson :** Government do not consider it necessary to place the papers on the table of the House.

**Mr. S. Satyamurti :** May I know why they do not consider it necessary?

**Mr. J. G. Acheson :** I have nothing to add to my answer.

#### SAFEGUARDING OF THE INTERESTS OF INDIANS IN KENYA.

198. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether, after the debate in this House during the last Session on the adjournment motion on the question of Indians in



Kenya, especially as regards the reservation of the highlands for Europeans, any correspondence has passed between them and the British Government, and if so, whether they will place the correspondence on the table ;

(b) whether there has been any change in the situation, and if so, for better or for worse ; and

(c) what steps Government propose to take to safeguard the interests of Indians in Kenya ?

**Sir Girja Shankar Bajpai :** (a) Since the debate referred to by the Honourable Member the representations foreshadowed by me have been made to His Majesty's Government, and the result is awaited. Government regret that publication of the correspondence cannot be considered until the negotiations have been completed.

(b) So far as Government are aware there has been no change in the situation for the worse.

(c) Government have already taken such steps as seemed desirable to safeguard Indian interests in this matter.

**Mr. S. Satyamurti :** With reference to the answer to clause (a) of the question, may I know when the Government of India addressed His Majesty's Government on this matter ?

**Sir Girja Shankar Bajpai :** Soon after the debate. I do not exactly remember the date.

**Mr. S. Satyamurti :** Have they had any reply to it or none at all ?

**Sir Girja Shankar Bajpai :** The position is that the Secretary of State for India and the Secretary of State for the Colonies are discussing this matter.

**Mr. S. Satyamurti :** With reference to clause (b), I take it there has been no change for the better either.

**Sir Girja Shankar Bajpai :** There is no change at all. The *status quo* remains.

**Mr. S. Satyamurti :** With reference to clause (c), I thought my Honourable friend said that Government have taken some steps. May I know definitely what steps they have taken ?

**Sir Girja Shankar Bajpai :** At this stage, the only step taken is the step of representing the position to His Majesty's Government.

**Mr. S. Satyamurti :** Will the Government of India remind His Majesty's Government and ask them to expedite a decision on this matter ?

**Sir Girja Shankar Bajpai :** I think my Honourable friend will appreciate the fact that we do not want to hustle the Colonial Office unduly. It is not that we are altogether contented with the existing position. At the same time, it is very much better than the position which would be if the Order in Council were passed and we want to let the Colonial Office have as much time as they like in order to consider this matter so long as the result of the consideration is favourable to us.

**Mr. S. Satyamurti :** Are Government satisfied that no final order will be passed, until the Government of India have had their final say in the matter ?

**Sir Girja Shankar Bajpai :** The Secretary of State for the Colonies gave an assurance to that effect in the House of Commons.

**Mr. B. Das :** Is the Honourable Member aware of the statement of Mr. Pandya and has he approached the Honourable Member in that connection ?

**Sir Girja Shankar Bajpai :** With the exception of the interview that he gave to the press, Mr. Pandya has taken no steps to approach the Government of India either in regard to this matter or any other matter affecting Indians in Kenya.

**Mr. B. Das :** He is probably disappointed with the Government of India.

**Sir Girja Shankar Bajpai :** That is a question which my friend might address to Mr. Pandya, but my recollection of the interview is that he expressed satisfaction with the steps taken by the Government of India.

#### POSITIONS OF INDIANS IN ZANZIBAR WITH REGARD TO THE CLOVE ORDINANCES.

199. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) the latest position of Indians in Zanzibar with regard to the clove ordinances ;

(b) what steps the Government of India have taken and are taking ; and

(c) whether the question will be settled when the next clove crop comes in, and if not, why not ?

**Sir Girja Shankar Bajpai :** (a) and (b). The attention of the Honourable Member is invited to the reply given by me on the 4th September, 1935, to question No. 118.

(c) I hope so, Sir.

**Mr. S. Satyamurti :** May I know, apart from this optimistic temperament which I entirely share with my Honourable friend, he has any reasons for this hope ?

**Sir Girja Shankar Bajpai :** The mere fact that the Colonial Office have not told us definitely that they propose to do nothing, is, in my opinion, a circumstance that gives rise to hope.

**Mr. S. Satyamurti :** Is there nothing more hopeful than that in the situation ?

**Sir Girja Shankar Bajpai :** My friend will appreciate that there can be nothing more definite until we have had a definite reply, which has not yet materialised.

**Mr. S. Satyamurti :** Will the Government of India ask the Colonial Office to expedite the reply ?

**Sir Girja Shankar Bajpai :** I can assure my Honourable friend that the Government of India are stimulating the Colonial Office to such an extent as they consider desirable.

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**Sir Girja Shankar Bajpai :** I can assure my Honourable friend that the Government of India are stimulating the Colonial Office to such an extent as they consider desirable.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware of an Associated Press message that a company has been floated in England by name Zanzibar Distilleries Company ?

**Sir Girja Shankar Bajpai :** I think my Honourable friend, Mr. Joshi, put a similar question, and I asked him to supply information so that I might consider whether an inquiry is desirable. If my Honourable friend will do likewise, I shall be very glad to oblige him.

**RATE-WAR BETWEEN THE BRITISH INDIA STEAM NAVIGATION COMPANY AND THE AGARWAL STEAM NAVIGATION COMPANY.**

200. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they are aware of the rate-war going on between the B. I. S. N. Company and the Agarwal Steam Navigation Company ;
- (b) whether Government propose to take any steps in the matter ; and
- (c) if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** With your permission, Sir, I shall answer questions Nos. 200 and 225 together.

The Government of India recently received from the Agarwal Steam Navigation Company a complaint alleging that the British India Steam Navigation Company had started a rate-war against them by reducing the passenger fares on the run between Rangoon and Calcutta, and requesting the intervention of Government in the matter. Shortly thereafter a representation was also received from Messrs. Ganga Singh and S. C. Bhattacharjee, on behalf of one Passenger Service League, Rangoon, requesting the intervention of the Government of India in regard to the question of reducing passage rates between Rangoon and the Indian ports to the pre-war level and in the rate-war alleged to have been started by the British India Steam Navigation Company. As regards the alleged rate-war, the Agarwal Company, on their own showing, were the first to reduce their passage rate between Rangoon and Calcutta and only complained when a further reduction of rates was made by the other Company. The Government of India, therefore, decided not to take any action in the matter. With regard to the general question of reduction of passage rates between Rangoon and the Indian ports, reference is invited to the reply given by the Honourable Sir Joseph Bhore to Mr. Ananthasayanam Ayyangar's unstarred questions Nos. 116 and 118 on the 27th February, 1935.

**Mr. S. Satyamurti :** What is the position of the Government of India ? Do they refuse to interfere to reduce the fares between Rangoon and Indian ports ?

**The Honourable Sir Muhammad Zafrullah Khan :** As the Government of India found that the rate-war which had been complained of had been started by the complainant company, they did not consider it fair to call it to the notice of the other company concerned. In this case, the rate-war had been started by the Agarwal Company themselves.

**Mr. S. Satyamurti :** Apart from the original responsibility, do not the Government of India consider that, in the interests of the development of Indian shipping, they should lay down certain maxima and minima rates, so that there may be a fair chance for Indian shipping ?

**The Honourable Sir Muhammad Zafrullah Khan :** Under what authority ?

**Mr. S. Satyamurti :** Have the Government examined that question ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government have looked into the question which was raised, to which I have given a reply, but if my Honourable friend will tell me under what authority he expects Government to interfere, I shall look into the question further.

**Mr. S. Satyamurti :** Have Government considered the need for giving some opportunity for Indian shipping to develop ?

**The Honourable Sir Muhammad Zafrullah Khan :** It appears from the correspondence carried on between the two companies that according to one of these companies the rates are already so low as to be uneconomical.

**Mr. S. Satyamurti :** With regard to clause (b) of question No. 225, may I know what is the reason why the Government do not propose to reduce these fares to the economic level prevailing immediately before the War ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have suggested that if my friend will refer me to the authority under which Government can interfere, I shall be very happy to look into the matter.

**Mr. S. Satyamurti :** Am I the legal adviser to the Government of India ?

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member's reply is that Government have no authority.

**Mr. S. Satyamurti :** They could easily say so !

**Mr. Sami Vencatachalam Chetty :** Is it the contention of the Government that the Agarwal Company violated the agreement entered into by them with the B. I. S. N. Co. ?

**The Honourable Sir Muhammad Zafrullah Khan :** Was there any agreement entered into ?

**Mr. Sami Vencatachalam Chetty :** I thought Sir Joseph Bhore brought about certain compromise between these two companies !

**The Honourable Sir Muhammad Zafrullah Khan :** These were not the companies concerned.

**Prof. N. G. Ranga :** Do Government consider that the unfettered rate-war now going on is in the interests of Indian shipping ?

**The Honourable Sir Muhammad Zafrullah Khan :** If I am bound to offer an opinion on that, I think, when companies start a rate-war between themselves, it is bound to injure some interest or other, but I am not in a position to give an opinion as to this particular rate-war and the limits that it has reached.

**Mr. Sami Vencatachelam Chetty :** Will Government make a similar arrangement as in the case of the other companies ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government's good offices were invited in connection with one or two previous disputes and Government were ready to offer their good offices when they found that the companies concerned were willing that Government should take a hand in the matter. When Government find a similar readiness on behalf of any other group, I think Government will not be behind-hand in offering their help, if, by the offer of such good offices, they can help to bring about a settlement.

**Mr. Sami Vencatachelam Chetty :** Having regard to the fact that one of the companies stands to gain by this struggle, would it not be possible for the Government themselves to intervene and bring about a settlement ?

**The Honourable Sir Muhammad Zafrullah Khan :** At the stage where matters stand, Government are not sure which company is likely to gain and which is likely to lose. When they come to a stage when they require the good offices of Government and the intervention of Government is likely to lead to good results, Government will not be unwilling to render such assistance as they can ?

**Mr. S. Satyamurti :** Are Government not aware that Indian shipping is in an infant stage as compared with these giants ? Will not Government offer their good offices in the interests of the development of Indian shipping ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government's experience is that the offer of good offices at a stage when the good offices are likely to be rejected by those concerned does not lead to any useful purpose. A stage might arise when such good offices might lead to good results.

#### GOLD EXPORTED FROM INDIA SINCE ENGLAND WENT OFF THE GOLD STANDARD.

201. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the total quantity of gold exported from this country since England went off the gold standard ;
- (b) the effect of it on the internal or the external trade of India ; and
- (c) whether Government propose to take any step to prohibit and restrict the export of gold from this country, and if not, why not ?

**The Honourable Sir James Grigg :** (a) About 30½ million ounces between 22nd September, 1931, and the 25th August, 1935.

(b) and (c). I would invite the attention of the Honourable Member to the reply given by me to starred question No. 8 by Mr. T. S. Avinashilingam Chettiar during the current Session.

**Mr. S. Satyamurti :** Has the Finance Member not changed his opinion yet ?

**The Honourable Sir James Grigg :** Not yet.

**Mr. S. Satyamurti :** Has the Finance Member examined the question as to how much of this gold is what is called "distress gold", that is, not gold which can be spared easily, but gold which is given up out of distress of the unfortunate people concerned ?

**The Honourable Sir James Grigg :** I have considered that aspect of the question in so far as it is possible to do it without a special inquiry. A special inquiry would, of course, be extraordinarily expensive, and, I think, would lead to very indefinite results.

**Mr. S. Satyamurti :** What is the conclusion of the Finance Member's examination of this question ? How much of this is distress gold ?

**The Honourable Sir James Grigg :** Not very much, in my own opinion, but I do not claim that it is more than a matter of opinion.

**Prof. N. G. Ranga :** Is the Honourable Member aware of a book called "Wisdom and Waste" written by one of their own experts, Mr. Darling, in which it is definitely stated that a great part of this gold is, naturally, very distress gold ?

**The Honourable Sir James Grigg :** I do not entirely agree with Mr. Darling, though, of course, this may be presumptuous on my part.

**Mr. S. Satyamurti :** Will Government institute an inquiry and find out how much of this is distress gold, and whether the interests of the country do not demand at least a limited embargo on this gold export ?

**The Honourable Sir James Grigg :** No, Sir.

**Prof. N. G. Ranga :** What is the extent of the scope for the further exports of gold from India ?

**The Honourable Sir James Grigg :** Do you mean how much gold is left in India ? Some figures were given in one of the League of Nations publications. I can look it up, and I can give the Honourable Member the reference.

**Mr. Lalchand Navalrai :** May I ask what have been the aggregate exports to date and how much of gold is still left ?

**The Honourable Sir James Grigg :** My recollection is—if you look at the League of Nations publication to which I have referred—that only about a fifth or sixth of the gold stocks has left the country.

**Prof. N. G. Ranga :** In view of the deplorable condition of our present balance of trade, how much longer does the Finance Member expect our unrestricted gold exports to help him in the balance of trade ?

**The Honourable Sir James Grigg :** As long as is necessary.

**Mr. S. Satyamurti :** Does the Honourable Member wish and expect all the gold to be exported ?

**The Honourable Sir James Grigg :** No, Sir.

**Mr. S. Satyamurti :** With reference to clause (b) of the question—I am not prying into Budget secrets—may I ask, whether the Honourable Member has considered the possibility of these gold exports falling, and of his apple cart being then upset ?

**The Honourable Sir James Grigg** : I have considered that possibility, but I do not think it is probable in the near future.

**Mr. Lalchand Navalrai** : How much gold does the Honourable Member wish should remain in India ?

**The Honourable Sir James Grigg** : I am not prepared to answer a hypothetical question like that.

**Mr. Lalchand Navalrai** : I only want the Honourable Member to give us the aggregate quantity that has been exported and I want to know how much scope for further exports there is now ?

**The Honourable Sir James Grigg** : I am not prepared to answer that offhand.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### RIGHTS OF INDIANS IN ZANZIBAR.

202. **\*Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether their attention has been drawn to the statement made by Mr. Ghulam Ali Qadarbhoi, Zanzibar Indian Leader, published by the Associated Press of India, on the 19th May, 1935, regarding the rights of Indians in Zanzibar ;

(b) whether the statements made therein are true ; and

(c) what step if any, Government propose to take in the matter ?

**Sir Girja Shankar Bajpai** : (a) Yes.

(b) The statements referred to by the Honourable Member contain both facts and inferences. Of the former, only those relating to Zanzibar appear to be precise. These are substantially correct.

(c) The position of Indians in the territories mentioned continues to engage the attention of Government. As regards the Zanzibar Land Alienation Decree, a Commission was appointed by the Government of Zanzibar to report on the problem of agricultural indebtedness in the Protectorate. Its report has been submitted and is under the consideration of the Colonial Government.

**Mr. S. Satyamurti** : Have the Government of India got a copy of that report ?

**Sir Girja Shankar Bajpai** : Yes, Sir, but it is still confidential.

**Mr. S. Satyamurti** : Have this Government made any representations to His Majesty's Government on that report ?

**Sir Girja Shankar Bajpai** : Yes, Sir, we have represented to His Majesty's Government that the report should be published as soon as possible.

**Mr. S. Satyamurti** : Have they made any recommendations from the point of India to His Majesty's Government ?

**Sir Girja Shankar Bajpai** : The Government of India prefer to defer representations until they are in possession of the views of the Colonial Government.

**Mr. S. Satyamurti** : Are the Government of India satisfied that the Colonial Government will not pass final orders, till the Government of India have had an opportunity of expressing their opinion ?

**Sir Girja Shankar Bajpai** : The Secretary of State for the Colonies has been asked to take no action on the report or on the recommendations of the Government of Zanzibar until the Government of India have had an opportunity of making their representations ?

**Mr. S. Satyamurti** : Has he made any yet ?

**Sir Girja Shankar Bajpai** : Yes.

#### FINANCIAL ADJUSTMENT FOR THE CREATION OF THE NEW PROVINCES OF ORISSA AND SIND.

203. **\*Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether the financial adjustment for the creation of the new provinces of Orissa and Sind have been completed ;

(b) if so, what they are ; and

(c) if not, whether the Governments of Madras and Bihar and Orissa in respect of Orissa, and the Government of Bombay in respect of Sind, will be given opportunities to state their case before a final solution is arrived at ?

**The Honourable Sir James Grigg** : (a) and (b). Final conclusions in these matters have not yet been reached.

(c) The Governments concerned have already been given the fullest opportunities to state their cases.

**Mr. S. Satyamurti** : Did they state their cases ? Are their cases being considered ?

**The Honourable Sir James Grigg** : Naturally.

**Mr. S. Satyamurti** : May I know whether, before Draft Orders in Council on this matter are placed before Parliament, the Government will have an opportunity of stating their opinions with regard to these arrangements ?

**The Honourable Sir James Grigg** : Indubitably.

**Mr. S. Satyamurti** : Will this House be given an opportunity of expressing its opinion ?

**The Honourable Sir James Grigg** : I cannot give any undertaking in that matter. For the most part these are accounting arrangements, and the questions of principle are very simple.

**Mr. S. Satyamurti** : May I know since the Federal Government will presumably have to foot a portion of the Bill at least in respect of these provinces, what are the reasons why this House should not be given an opportunity of expressing its opinion on these fundamental matters ?

**The Honourable Sir James Grigg** : The questions of principle concerned have been in the main determined by the Imperial Parliament.

**Mr. S. Satyamurti** : With regard to the actual amount of contribution which should be paid by the Central Government, no principle has been

laid down. May I know whether the actual proportion will be laid before the House for its opinion?

**The Honourable Sir James Grigg :** I cannot give any undertaking in that matter.

**Mr. Lalchand Navalrai :** May I ask if a non-official is going to be joined with the officers who are investigating into this financial question of separation?

**The Honourable Sir James Grigg :** No, Sir.

**Mr. Lalchand Navalrai :** Why not?

**The Honourable Sir James Grigg :** Because I consider it is more expeditious and, in the end, more satisfactory if the question is determined impartially and if there is no wrangle between members representing the various provinces.

**Mr. Lalchand Navalrai :** Does the Honourable Member think that, if a non-official were joined to this committee of officials, he would not be impartial?

**The Honourable Sir James Grigg :** I cannot hear the Honourable Member.

**Mr. Lalchand Navalrai :** I am talking quite loudly.

**The Honourable Sir James Grigg :** It reverberates.

**Mr. Lalchand Navalrai :** Will the Honourable Member say, if a non-official Member is joined to the committee of officers who are investigating this question, that he will not be impartial?

**The Honourable Sir James Grigg :** Of course not; non-officials will represent the provinces they come from.

**Mr. S. Satyamurti :** May I ask if the very important question of the financial solvency of the proposed federation and of these provinces is not a matter which should be discussed on the floor of this House? What are the reasons why the Government propose to conduct the inquiry in camera, and pass orders over our heads?

**The Honourable Sir James Grigg :** The Honourable Member had better put down a question and then I can give a considered answer. In any case, the main responsibility in the matter is the Government's.

#### ESTABLISHMENT OF A GERMAN AUTOMOBILE FACTORY IN BOMBAY.

204. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether it is a fact that a German automobile factory is being established in Bombay with a capacity for turning over fifteen thousand cars and one thousand omnibuses annually;

(b) whether any permission is sought for or given for the opening of that factory; and

(c) if so, on what conditions?

**The Honourable Mr. D. G. Mitchell :** (a) Not so far as I am aware.  
(b) and (c). Do not arise.

#### INDIAN EXPORTS AND IMPORTS AND INDIA'S TRADE POSITION.

205. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether it is a fact that during the year 1934-35 Indian exports to the United Kingdom showed only a small increase of about 32 lakhs;

(b) whether during the same period Indian imports from the United Kingdom increased by over six crores of rupees;

(c) whether India's trade with other Empire countries showed any appreciable rise in exports;

(d) whether imports from Empire countries into India showed an increase from 67 crores to 69 crores;

(e) whether Government have considered these figures as bearing on India's trade position;

(f) whether Japan contributed considerably to India's export trade; and

(g) whether India's exports to foreign countries have increased in spite of the great decline in export to Germany, France, Italy and Turkey?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) According to the latest available figures, exports from India to the United Kingdom were Rs. 47.81 crores in 1934-35 as compared with 47.21 crores in 1933-34, an increase of Rs. 60 lakhs.

(b) Imports into India from the United Kingdom amounted to 53.73 crores in 1934-35 as compared with 47.59 crores in 1933-34, an increase of Rs. 6.1 crores.

(c) India's exports to the other Empire countries amounted to 21.53 crores in 1934-35, as against 20.94 crores in the preceding year.

(d) Imports into India from Empire countries, other than the United Kingdom, were valued at Rs. 11.62 crores in 1934-35 as against Rs. 10.11 crores in 1933-34.

(e) Government are fully aware of the position disclosed by these figures of India's export and import trade.

(f) Yes.

(g) Yes. An increase of Rs. 10 crores in Japan's taking of raw cotton more than counterbalanced decreases of Rs. 2 crores in exports to both France and Germany. Exports to Italy, however, showed an increase while in the case of Turkey there was a small decrease.

**Mr. S. Satyamurti :** With reference to answer to clause (d) of the question, did I hear the Honourable Member to say imports from other than Empire countries?

**The Honourable Sir Muhammad Zafrullah Khan :** I said the imports which came to India from Empire countries other than the United Kingdom for which I have already given the figures.

**Mr. S. Satyamurti :** In view of the answers to clauses (a), (b), (c) and (d) of the question, may I know if the Honourable Member has examined these figures, in the light of the working of the Ottawa Agreement?

**Mr. B. Das :** Is it not a fact that except the Department of Education, Health and Lands, there is no Indian Deputy Secretary or Joint Secretary or Secretary in any other Department of the Government of India ?

**The Honourable Sir Henry Craik :** I do not think that is the case.

**Mr. B. Das :** Is it not a fact that there was a Joint Secretary in the Finance Department and there was a Deputy Secretary in the Home Department and now.....

**The Honourable Sir James Grigg :** I suggest to my Honourable friend that he should talk to me personally and I will tell him some facts about that which he does not know.

#### NEGOTIATIONS WITH THE SHAMOZAI TRIBE ON THE NORTH-WEST FRONTIER FOR A FRIENDLY AGREEMENT.

208. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a telegram from the Free Press of India, dated Simla, the 1st May, regarding negotiation with the Shamozai tribe on the North-West Frontier for a friendly agreement ;

(b) whether the facts stated therein are true ; and

(c) whether any further progress has been made in this matter ?

**Mr. J. G. Acheson :** (a) Yes.

(b) In the main—the Shamozai were at their own request permitted, not invited or pressed, to come into a jirga.

(c) Yes ; the road to Loe Agra has since been completed and it has been possible to allow normal traffic across the river.

#### TRADE NEGOTIATIONS BETWEEN THE UNITED KINGDOM AND ITALY AND INDIA.

209. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the statement made by Colonel Colville in the House of Commons, with regard to the trade negotiations between the United Kingdom and Italy ;

(b) whether the Government of India have made any progress in negotiating such arrangement with the countries mentioned therein ; and

(c) if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) On the assumption that the Honourable Member is referring to the statement made by Lieut.-Colonel Colville, Secretary of the Department of Overseas Trade, in the House of Commons, on the 29th April, 1935, the reply is in the affirmative.

(b) and (c). The countries mentioned by Colonel Colville were, Italy, Turkey, Egypt, Spain, Peru and Uruguay. Representations have already been made in respect of India's trade relations with Italy and Turkey. The trade relations of India with the other countries mentioned do not appear yet to justify the initiation of negotiations.

**Mr. M. Ananthasayanam Ayyangar :** Is it a fact that all articles from India to Italy have been banned ?

**The Honourable Sir Muhammad Zafrullah Khan :** No.

#### TROUBLE ON THE DURAND LINE ON THE NORTH-WEST FRONTIER.

†210. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the telegram of the Free Press of India, dated the 1st May, 1935 from Simla regarding the trouble on the Durand Line on the North-West Frontier ;

(b) whether the facts stated therein are correct ; and

(c) whether Government from time to time are prepared to issue authoritative communiqués so as to give accurate and up-to-date information to the public ?

#### INDIAN AND EUROPEAN ASSOCIATIONS CONSULTED ABOUT THE EXTENSION OF REPRESSIVE LEGISLATION.

211. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they consulted the European Associations in the country with regard to the extension of repressive legislation, some of which expires by the end of this year and if so, which are the Associations they consulted ;

(b) whether they will place the information they have received on the table of the House, and if not, why not ; and

(c) whether any Indian Associations were consulted, and if not, why not ?

**The Honourable Sir Henry Craik :** (a) and (c). No Associations, either European or Indian, was consulted in the matter.

(b) Does not arise.

**Mr. S. Satyamurti :** Did any Association forward their opinions to the Government of India, without being consulted ?

**The Honourable Sir Henry Craik :** I think a good many individuals and Associations submitted their opinions to the Government of India.

**Mr. S. Satyamurti :** Did any Indian Association send its opinion ?

**The Honourable Sir Henry Craik :** I cannot remember that, but we have had a good many opinions.

**Mr. S. Satyamurti :** Did any European Association offer any opinion ?

**The Honourable Sir Henry Craik :** I am not sure about that.

**Mr. S. Satyamurti :** Was any European Association against this Bill ?

**The Honourable Sir Henry Craik :** I must have notice of that question.

**Mr. S. Satyamurti :** Was any Indian Association in favour of this Bill ?

**The Honourable Sir Henry Craik :** There, again, I must have notice.

†For answer to this question, see answer to question No. 197.



## CONSUMPTION OF INDIAN LINSEED IN GREAT BRITAIN.

1212. \***Mr. S. Satyamurti** : Will Government be pleased to state :

- whether it is a fact that during the year 1934-35 Great Britain's consumption of Indian linseed dropped by about 65 thousand tons ;
- whether it is a fact that the Argentine imports of linseed increased by ten thousand tons ; and
- whether this decline and increase are growing, and what are the latest figures ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) and (b). The position stated by the Honourable Member is correct as compared with the year 1933-34.

(c) I lay a statement on the table showing the imports of linseed into the United Kingdom from India and Argentine during the three years ending 1934-35 and the months of April to June during 1933, 1934 and 1935. It is not yet possible to say whether the tendency to which the Honourable Member refers still continues.

*Statement showing the imports of linseed into the United Kingdom from India and Argentine during the period 1932-33 to 1934-35.*

|                 | Total.  | From India. | From Argentine. |
|-----------------|---------|-------------|-----------------|
|                 | Tons.   | Tons.       | Tons.           |
| 1932-33 .. .. . | 338,557 | 13,520      | 316,059         |
| 1933-34 .. .. . | 243,474 | 173,988     | 67,113          |
| 1934-35 .. .. . | 186,657 | 108,697     | 77,411          |

*Statement showing the imports of linseed into the United Kingdom from India and Argentine for the months April to June in the year 1933, 1934 and 1935.*

|                     | Total. | From India. | From Argentine. |
|---------------------|--------|-------------|-----------------|
|                     | Tons.  | Tons.       | Tons.           |
| April 1933 .. .. .  | 23,747 | 2,220       | 21,017          |
| May, 1933 .. .. .   | 14,612 | 4,118       | 9,486           |
| June, 1933 .. .. .  | 14,128 | 8,674       | 4,799           |
| April, 1934 .. .. . | 19,347 | 4,928       | 14,419          |
| May, 1934 .. .. .   | 15,738 | 10,788      | 4,950           |
| June, 1934 .. .. .  | 10,617 | 6,276       | 4,341           |
| April, 1935 .. .. . | 10,223 | 55          | 17,164          |
| May, 1935 .. .. .   | 16,047 | 1,742       | 14,305          |
| June, 1935 .. .. .  | 14,549 | 7,451       | 7,087           |

**Mr. S. Satyamurti** : In view of the fact that there has been a frantic propaganda about linseed after the Ottawa Agreement, will the Honourable the Commerce Member examine this phenomenal drop, and see how far it is due to mere laws of supply and demand, and preference had nothing to do with it ?

**The Honourable Sir Muhammad Zafrullah Khan** : Sir, the drop is not phenomenal as a reference to the figures that I have submitted would show. For instance, in 1931-32, the export of linseed from India was 15,933 tons altogether. In 1932-33, it was 13,520 tons. In 1933-34, it was 173,988 tons, and, in 1934-35, it was 108,697 tons. There has been some drop, but I do not think that the inference can be drawn that there has been a phenomenal drop. Besides, it might be due to seasonal factors.

**Mr. S. Satyamurti** : Is a drop of 65,000 tons only a small one ?

(No answer.)

## MURDER OF KHAN SAHEB ZANGI KHAN OF MADDAKHEL, NORTH-WEST FRONTIER.

†213. \***Mr. S. Satyamurti** : Will Government be pleased to state :

- whether their attention has been drawn to the *Associated Press* statement published from Peshawar, on the 18th May, regarding the murder of Khan Saheb Zangi Khan of Maddakhel, North-West Frontier ;
- whether the facts stated therein are true ; and
- whether Government will place all the relevant papers on the table of this House ?

## COMMITTEE FOR THE CLASSIFICATION OF RAILWAY GOODS.

214. \***Mr. S. Satyamurti** : Will Government be pleased to state :

- whether their attention has been drawn to the leading article in the *Hindu*, dated the 2nd May and entitled " Railway Goods Classification Committee " ;
- whether they propose to deal with the complaints stated therein ; and
- if so, what steps they will take to meet them ?

**Mr. P. E. Rau** : (a) Yes.

(b) and (c). The difficulties experienced by the public to which reference is made in the article have been recognised by Railway Administrations, and the investigation, which is at present being made by the Indian Railway Conference Association in connection with the revision of the Railways' General Classification of Goods, has simplification as one of its objects.

**Mr. S. Satyamurti** : At what stage does this investigation stand ? When was it started, and when is it expected to finish ?

†For answer to this question, see answer to question No. 197.

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LEGISLATIVE ASSEMBLY.

[9TH SEP. 1935.]

**Mr. P. R. Rau :** I gave a full reply to this question only last week.

**Prof. N. G. Ranga :** May I know if the Andhra Chamber of Commerce has brought to the notice of the Honourable Member certain anomalies in the rates classification that prevail on the Madras and Southern Mahratta Railway ?

**Mr. P. R. Rau :** If my Honourable friend is referring to the interview that I had with the Andhra Chamber of Commerce, I may inform him that they have given me a printed memorandum which is under the consideration of the Railway Board.

**Mr. S. Satyamurti :** Will Government expedite their decision on this question ?

**Mr. P. R. Rau :** I informed my Honourable friend last week that Government would do their best to expedite their decision.

**Mr. F. E. James :** May I ask, Sir, whether there will be another meeting of the conference which was held between the representatives of the Railway Conference and the representatives of the Chambers of Commerce in regard to this classification of rates ?

**Mr. P. R. Rau :** I have not seen the proceedings of the last Conference, and, I am not sure, whether it was intended that they should meet again.

**Prof. N. G. Ranga :** Will all the interests concerned—industrial, commercial and agricultural—be given an opportunity of expressing their views before a final decision is reached in regard to this re-classification of rates ?

**Mr. P. R. Rau :** I think that has always been the intention of the Government.

ARTICLE ENTITLED "THE CIVIL SERVICE BOMB" IN THE *Amrita Bazar Patrika*.

215. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to an article, entitled "The Civil Service Bomb", in the *Amrita Bazar Patrika* ;
- (b) whether they propose to follow up the publication of this circular with a view to finding out the real authors thereof ; and
- (c) whether they propose to take any disciplinary action against them, and if not, why not ?

**The Honourable Sir Henry Craik :** (a) Yes, Sir.

(b) No.

(c) No, because the opinions expressed in the note were private opinions which were never intended for publication.

**Mr. S. Satyamurti :** Is it the position of the Government of India that their services can express any opinions in private for being considered by Service Associations, however much they may be against the policy of the Government ?

**The Honourable Sir Henry Craik :** I do not see how the Government of India can stop it.

**Mr. S. Satyamurti :** May I ask if these opinions were expressed by these Honourable gentlemen as memoranda for the Bengal Civil Service Association ?

**The Honourable Sir Henry Craik :** The suggestions contained in that circular were rejected by the Bengal Civil Service Association.

**Mr. S. Satyamurti :** Do Government, therefore, propose to take no action against these gentlemen whose opinions clearly show that they are against even the reactionary Government of India Act, now placed on the Statute-book ?

**The Honourable Sir Henry Craik :** We do not punish people for holding private opinions about certain subjects.

**Mr. S. Satyamurti :** Even though such opinions are expressed publicly ?

**The Honourable Sir Henry Craik :** No ; they were expressed privately.

**Mr. S. Satyamurti :** Not even under the Press Act, can you punish them ?

**The Honourable Sir Henry Craik :** Only if they are published.

ABOLITION OF THE EXISTING FRANCHISE ENJOYED BY INDIANS IN FIJI.

216. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the fact that a proposal is on foot in Fiji to abolish the existing franchise enjoyed by the Indians there ;
- (b) if hereafter they will be represented on the legislature by the nominees of the Government ;
- (c) whether the Government of India were consulted in this matter, and what their opinion was ; and
- (d) whether Government propose to start enquiries in the matter and take steps to see that the legitimate rights of Indians are protected ?

**Sir Girja Shankar Bajpai :** (a) to (d). The attention of the Honourable Member is invited to the answer given by me on the 5th September, 1935, to Mr. Avinashilingam Chettiar's question No. 149.

APPOINTMENT OF A BOARD OF NON-OFFICIAL VISITORS TO THE ANDAMANS.

217. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the date on which they invited Dewan Bahadur Gopathy Narayanasamy Chettiar to visit Port Blair in the Andamans ;
- (b) the reasons why they invited him to do so ;
- (c) whether Government met the cost of his trip to and fro, and if so, why ;
- (d) whether this visit was planned after the letter of Mr. Mohan Lal Saksena to Government on this subject ;

(e) whether Government are proceeding with their scheme to appoint a board of non-official visitors to the Andamans ; and

(f) if so, at what stage the matter stands and when it will be completed ?

**The Honourable Sir Henry Craik :** (a) to (c). The Government of India did not invite Diwan Bahadur G. Narayanaswami Chetti to visit Port Blair. In September, 1933, he asked for permission to visit the Andamans. The permission was granted in November, 1933, as a special case, as the Diwan Bahadur has taken an active interest in prison administration and prison reform in India. Circumstances prevented him from paying the visit till April, 1935. The expenses of the journey to and from Port Blair were paid by the Diwan Bahadur himself.

(d) No.

(e) and (f). The question is under consideration. I hope to discuss it further with the Chief Commissioner who is likely to visit Delhi during the cold weather.

**Mr. S. Satyamurti :** May I know what are the general principles on which permission is given or refused to gentlemen who want to visit Port Blair ?

**The Honourable Sir Henry Craik :** I do not know if there are any general principles.

**Mr. S. Satyamurti :** May I know why permission was refused to a Member of this Honourable House, while permission was given to a Member of another House ?

**The Honourable Sir Henry Craik :** The reason why permission was refused to a Member of this House is the subject of a later question.

**Prof. N. G. Ranga :** Why was this special treatment accorded to Diwan Bahadur Narayanaswami Chetty to visit the Andamans ? Is it because that he has been notorious in keeping down the amenities of " C " class prisoners in Madras ?

**Mr. S. Satyamurti :** May I know if the Diwan Bahadur is a " friendly " person to Government, as there are friendly Presses ? Is it because of his being a friend of the Government of India that he was permitted to visit Port Blair ?

**The Honourable Sir Henry Craik :** He is a friend of mine, although I was not a Member of the Government at the time when permission was given to him.

**Mr. S. Satyamurti :** May I know whether Government have perused his description of Port Blair as an Utopia, and do they propose to transfer their headquarters to Port Blair for some time ?

**Mr. F. E. James :** May I ask, with the permission of my Honourable friend, Mr. Satyamurti, whether it is not a fact that Diwan Bahadur Narayanaswami Chetty has for years past been interested in the general question of prison administration and is, in fact, one of the prime movers of Discharged Prisoners' Aid Society both in Madras and in Delhi and Simla ?

**Mr. S. Satyamurti :** The Honourable Member is giving information, and not asking a question.

**Prof. N. G. Ranga :** He is also a friend of the Madras Government.

**The Honourable Sir Henry Craik :** Yes, Sir. The Diwan Bahadur is a well known authority on prison administration, and prison reform. I think he was the founder of, or, at any rate, he was instrumental in founding, the Prisoners' Aid Society in Madras.

**Mr. S. Satyamurti :** Is it not a fact that his is a faithful echo of " His Master's Voice " ?

#### POSSIBILITY OF GIVING WARNINGS TO THE PUBLIC ABOUT IMPENDING EARTHQUAKES.

218. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the question answered in the House of Commons about the possibility of giving warnings to the public about impending earthquakes ;

(b) whether Government have taken any action in the matter ; and

(c) if so, with what result ?

**The Honourable Mr. D. G. Mitchell :** (a) Yes.

(b) and (c). The Government of India have consulted the Director General of Observatories whose opinion is that there is no practical method of giving warnings of impending earthquakes. He has, however, suggested that a special research organisation is needed to study earthquakes in India, and this suggestion is now under consideration.

#### REFUSAL OF PERMISSION TO PUBLIC ORGANISATIONS TO PROCEED TO QUETTA FOR EARTHQUAKE RELIEF WORK.

219. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether the President of the Indian National Congress appealed to the Viceroy and the Government of India to permit *bonâ fide* public organisations, including the Indian National Congress, to proceed to Quetta after the earthquake in order to help in giving relief ;

(b) whether such permission was given or was refused ; and

(c) if it was refused, the reasons why it was refused ?

**The Honourable Sir Henry Craik :** (a) The answer to the first part of the question is in the affirmative.

(b) The permission was refused.

(c) The reasons for refusal were stated in paragraph 3 of the Communiqué issued to the Press on the 5th June, 1935, copies of which will be found in the Library.

**Mr. S. Satyamurti :** Were there any political reasons for the refusal of permission, for example, that the Indian National Congress shall not be allowed to add to its prestige by doing humanitarian work in Quetta, as they did in Bihar, during the last earthquake there ?

**The Honourable Sir Henry Craik :** No reasons of that kind.

**Mr. S. Satyamurti :** Were there any military reasons why strangers should not be allowed to see the havoc done by the earthquake in and around Quetta ?

**The Honourable Sir Henry Craik :** Not that I am aware of.

**Mr. S. Satyamurti :** Was this the reason—that the salvage work was stopped too early by Government, and, therefore, they did not want strangers and outsiders to come and see for themselves, in order to form their own conclusions, as to the right or wrong of having stopped the salvage work too early by Government ?

**The Honourable Sir Henry Craik :** I do not admit that the premises on which the Honourable Member's presumption is founded are correct.

#### ORGANISATION OF SUGAR MARKETING.

220. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the paper read by Mr. V. C. Bhatt before the Royal Society of Arts, London, on India's sugar industry ;
- (b) whether Government propose to take any steps for the better organisation of sugar marketing ;
- (c) whether a Sugar Bureau is proposed to be started for a self-supporting information service ; and
- (d) what other steps Government propose to take in this matter ?

**Sir Girja Shankar Bajpai :** (a) The Government of India are not aware of any paper read by Mr. ' V. C. Bhatt ' before the Royal Society of Arts, London. Presumably my Honourable friend came across a Tamil variant of B. C. Burt's. This officer has contributed a paper to the Journal of the Royal Society of London and Government have seen that.

(b) and (d). This matter has been taken up by the Indian Sugar Mills' Association and by the Indian Sugar Producers' Association. The Sugar Technologist, Imperial Council of Agricultural Research, has given them all the technical assistance required in the preparation of standards of Indian factory sugars, and is Chairman of a small committee set up by the Imperial Council of Agricultural Research for this purpose. Funds for the preparation of standards were provided by the Imperial Council of Agricultural Research. It is expected that these Standards which will be prepared annually, will be on sale shortly to all requiring them.

(c) A sugar Bureau has been in existence for many years. An Indian Trade Sugar Information Service on a self-supporting basis has been in operation since April, 1934, while a Sugar Cable Information Service, which is also self-supporting and which gives to subscribers information about sugar prices, production, crop prospects in foreign countries, has been functioning since 1922.

**Mr. S. Satyamurti :** I plead guilty to the charge of reading Tamil pamphlets and newspapers. May I ask the Honourable Member

whether these departments are on a permanent basis, or on a temporary basis ?

**Sir Girja Shankar Bajpai :** I am not quite sure to which departments my Honourable friend refers. The Imperial Council of Agricultural Research is a department on a permanent basis.

**Mr. S. Satyamurti :** Although on a supplementary grant ! I am asking whether these research departments which my Honourable friend mentioned just now, in reply to part (c) of my question, are on a permanent basis, or on a temporary basis ?

**Sir Girja Shankar Bajpai :** The position as regards that is that the Sugar Technologist who forms part of the Department of Imperial Council of Agricultural Research is, I believe, on contract. This particular Research into Sugar standards is only a temporary thing for two or three years, I believe.

**Mr. M. Ananthasayanam Ayyangar :** Has the Imperial Council of Agricultural Research evolved a scheme for making India self-sufficient in the production of sugar ?

**Sir Girja Shankar Bajpai :** I do not think that is the function of the Imperial Council of Agricultural Research.

#### PROPOSAL TO ESTABLISH A SWADESHI AUTOMOBILE INDUSTRY IN INDIA.

221. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether certain businessmen of Bombay, or any other place in India, approached the Government of India with regard to a proposal to start and establish a swadeshi automobile industry in India ;
- (b) what their reply to the request was ; and
- (c) what steps Government propose to take in this matter ?

**The Honourable Mr. D. G. Mitchell :** (a) No.

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

**Mr. S. Satyamurti :** May I know if Government will apply to them the same standard as the Griggian standard that they must be self-sufficient five years hence, before they give them any facilities ?

**The Honourable Mr. D. G. Mitchell :** The question has not yet arisen.

#### RAISING OF NEW LOANS.

222. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they propose to raise any new loans this year ;
- (b) whether those loans will be raised in India or in England ; and
- (c) if the reply to part (a) be in the affirmative, what the terms and conditions will be ?

**The Honourable Sir James Grigg :** One sterling and one rupee loan have already been raised and the terms and results have been published in the Press. As regards the question of further loans I do not think it is in the public interest that I should make any statement.

**Mr. S. Satyamurti :** Are Government considering any proposals for raising loans for conversion purposes ?

**The Honourable Sir James Grigg :** I do not quite know what the Honourable Member means. The whole debt programme of the Government of India is constantly under review and Government embark on conversions at the earliest moment when they are likely to give good results. It is a continuous process.

**Mr. S. Satyamurti :** Apart from the maturing programme, are Government constantly considering the question of using the present low rates of interest in the money market, to give relief to the Indian tax-payer by way of conversion ?

**The Honourable Sir James Grigg :** Certainly, but, of course, each conversion is a question of the rights of the existing holders. You cannot force them out, you can only persuade them out ; and sometimes it is rather more expensive to persuade them than is worth while.

**Mr. S. Satyamurti :** Then, why does not the Honourable Member consider the question of buying them out, and thus follow the right British precedent ?

**The Honourable Sir James Grigg :** I am certainly prepared to consider buying them out at any time when it gives favourable results.

**Prof. N. G. Ranga :** What were the respective rates of interest paid on these two loans ?

**The Honourable Sir James Grigg :** I think the London one was about 3.1/6 and the Indian one a shade under 3 1/4 ; that is including redemption.

#### RISE IN THE PRICE OF SILVER.

223. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have considered the situation arising out of the continued rise in the price of silver ;
- (b) whether they have considered the desirability and practicability of introducing the Government of India Rupee Securities on the London Stock Exchange ; and
- (c) what the precautions are, if any, which Government propose to take to see that the Rupee does not go out of circulation, and an inconvenient demand does not arise for the conversion of currency notes into silver rupees ?

**The Honourable Sir James Grigg :** (a) It is not quite accurate to say that there has been a continued rise in the price of silver. During April the price rose from about Rs. 68 to Rs. 84 per 100 tolas. It has since dropped to something in the neighbourhood of Rs. 65.

(b) and (c). Government have naturally been keeping a close watch on events and will continue to do so but I cannot say now what action they will find it necessary to take in any particular situation.

**Mr. S. Satyamurti :** With regard to the answer to clause (b), may I know whether Government have considered this particular sugges-

tion of mine of introducing Rupee Securities on the London Stock Exchange ?

**The Honourable Sir James Grigg :** To be quite honest with the Honourable Member, I was not quite certain what the suggestion was, because the quotation of securities in other currencies on the London Stock Exchange is entirely a matter for the Committee of that Exchange.

**Mr. S. Satyamurti :** Have Government made a representation to that Committee ?

**The Honourable Sir James Grigg :** No, Sir.

**Mr. S. Satyamurti :** Why, Sir ?

**The Honourable Sir James Grigg :** Because Government do not consider that it is necessary.

**Mr. S. Satyamurti :** Is it not desirable ?

**The Honourable Sir James Grigg :** I think probably not.

**Mr. S. Satyamurti :** Have Government examined this question with any seriousness and with expert information, or is it case of off-hand opinion ?

**The Honourable Sir James Grigg :** It all depends on how the Honourable Member regards my opinion. If I am an expert, then it has been considered by an expert.

**Mr. S. Satyamurti :** Unfortunately you are. But, with regard to the answer to clause (c), what steps have Government considered in connection with this matter ?

**The Honourable Sir James Grigg :** I do not think I can answer that.

**Mr. S. Satyamurti :** Is there any possibility of that kind ?

**The Honourable Sir James Grigg :** That is a matter of opinion, and one opinion is obviously held by the Bombay Bullion Market.

**Mr. S. Satyamurti :** What is the expert's opinion ?

**The Honourable Sir James Grigg :** I think the expert's opinions are in number equal to the number of experts.

**Mr. S. Satyamurti :** What is the Finance Member's opinion ?

**The Honourable Sir James Grigg :** I cannot give you that.

**Mr. M. Ananthasayanam Ayyangar :** What is the quantity of silver sold by the Government of India ?

**The Honourable Sir James Grigg :** There is a question on that later on.

DEFAMATORY PASSAGES ABOUT INDIANS IN A PUBLICATION ENTITLED "SOUVENIR PROGRAMME OF MALAYAN CELEBRATIONS".

224. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a publication entitled "Souvenir Programme of Malayan Celebrations" of the Silver Jubilee of His Majesty the King, issued by Messrs. T. B. Rogers and Co., Ltd., and edited by James H. Martin :

**Mr. S. Satyamurti :** Are Government considering any proposals for raising loans for conversion purposes ?

**The Honourable Sir James Grigg :** I do not quite know what the Honourable Member means. The whole debt programme of the Government of India is constantly under review and Government embark on conversions at the earliest moment when they are likely to give good results. It is a continuous process.

**Mr. S. Satyamurti :** Apart from the maturing programme, are Government constantly considering the question of using the present low rates of interest in the money market, to give relief to the Indian tax-payer by way of conversion ?

**The Honourable Sir James Grigg :** Certainly, but, of course, each conversion is a question of the rights of the existing holders. You cannot force them out, you can only persuade them out ; and sometimes it is rather more expensive to persuade them than is worth while.

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**Prof. N. G. Ranga :** What were the respective rates of interest paid on these two loans ?

**The Honourable Sir James Grigg :** I think the London one was about 3.1½ and the Indian one a shade under 3¼ ; that is including redemption.

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(a) whether their attention has been drawn to a publication entitled "Souvenir Programme of Malayan Celebrations" of the Silver Jubilee of His Majesty the King, issued by Messrs. T. B. Rogers and Co., Ltd., and edited by James H. Martin ;



- (b) whether their attention has been drawn to the defamatory passages about Indians in that publication ; and
- (c) whether Government propose to proscribe the book or take any other steps in order to prevent such defamation ?

**Sir Girja Shankar Bajpai :** (a) and (b). Yes.

(c) As the Honourable Member is probably aware a representation against the passages referred to by him was made on behalf of the Indian community in Malaya to the Government of the Colony. In Government's reply, which was widely published, His Excellency the Governor expressed, on behalf of the general public, his profound regret that the reputation of the Indian community should have been subjected to such an odious and unjustified attack. The publishers also agreed to expunge the offending passages from the unsold copies of the publication. The Government of India were advised by their Agent in Malaya that no further action was necessary on their part and they accepted this advice.

**Mr. S. Satyamurti :** With regard to clause (c), I got no answer. May I know whether this Government propose to take any steps to proscribe that book in India ?

**Sir Girja Shankar Bajpai :** The Government of India are not aware that any copies of this book have actually reached this country. Their information is that this was a publication of entirely local interest printed exclusively for local circulation.

**Mr. S. Satyamurti :** But have Government considered the possibility of this book being introduced into India, and do they proscribe books only after they arrive here, and never before ?

**Sir Girja Shankar Bajpai :** The Government of India consider it extremely unlikely that a supplement to a newspaper of purely local interest will reach this country. If my Honourable friend has information to the contrary in his possession, I shall be very glad to bring to the notice of the department concerned the question of restrictive action.

**Mr. S. Satyamurti :** May I know why my Honourable friend is answering this question when the Department concerned is not answering it ?

**Sir Girja Shankar Bajpai :** I am speaking on behalf of the Department of Education, Health and Lands, which is primarily concerned with Indians overseas.

#### RATE-WAR BETWEEN THE BRITISH INDIA STEAM NAVIGATION COMPANY AND THE AGARWAL STEAM NAVIGATION COMPANY.

†225. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have received any representation from Mr. Ganga Singh, M.L.C., and Mr. S. C. Bhattacharjee, editor of the *Rangoon Mail*, about the rate-war started by the B. I. S. N. Steam Navigation Company against its new rival, the Agarwal Steam Navigation Company ; and

†For answer to this question, see answer to question No. 200.

- (b) whether they propose to interfere, in the larger interests of the public, and stop this rate-war, and reduce the passage fares between India and the Rangoon ports to the economic level prevailing immediately before the war ?

#### TRANSFERS FROM THE BRITISH SERVICES TO THE INDIAN ARMY.

226. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether it has been decided to re-open the transfers from the British Services to the Indian Army, which had been closed for the last four years ;
- (b) whether officers commissioned between 1921—30 will be accepted for transfer ; and
- (c) whether this arrangement will entail extra cost to the Indian Exchequer, and if so, how much ?

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

(c) No.

**Mr. S. Satyamurti :** Is there no proposal to transfer more Indian senior officers now, than before, to the Indian army ?

**Mr. G. R. F. Tottenham :** Wherefrom ?

**Mr. S. Satyamurti :** From the British army ?

**Mr. G. R. F. Tottenham :** There are no Indian officers in the British army.

#### APPOINTMENT OF DELIMITATION COMMITTEES.

227. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they are aware that Delimitation Committees have been appointed by Madras and by other provinces ;
- (b) whether the Government of India were consulted in this matter ; and
- (c) what the functions and powers of these Delimitation Committees are ?

**The Honourable Sir Nripendra Sircar :** (a) Yes.

(b) No.

(c) The functions of these Committees are advisory and relate to matters pertaining to the delimitation of constituencies and connected electoral points referred to in the terms of reference to the Indian Delimitation Committee in respect of the future Legislatures.

**Mr. S. Satyamurti :** May I know if these Provincial Governments have appointed these delimitation committees, without any reference to the Government of India at all ?

**The Honourable Sir Nripendra Sircar :** I have answered the question whether the Government of India were consulted in this matter in the negative.

**Mr. S. Satyamurti :** Does my Honourable friend draw a distinction between consultation and reference ?

**The Honourable Sir Nripendra Sircar :** What is exactly meant by reference ?

**Mr. S. Satyamurti :** I think my Honourable friend knows it better than I do.

**The Honourable Sir Nripendra Sircar :** We were not consulted.

**Mr. S. Satyamurti :** Were you informed about it ?

**The Honourable Sir Nripendra Sircar :** Yes, we were.

**Mr. S. Satyamurti :** And what was your answer ?

**The Honourable Sir Nripendra Sircar :** The answer was acknowledgment. It is a matter for the provincial committees to decide. We gave them no directions, and that is why I said that we were not consulted.

**Mr. S. Satyamurti :** Do the Government of India contemplate varieties of voting and constituencies in the various provinces, and do they leave absolute discretion to the provinces to evolve fancy franchises, fancy votes, and fancy constituencies ?

**The Honourable Sir Nripendra Sircar :** I object to all these insinuations in the question about fancy this and fancy that, and, if my Honourable friend will properly put the question, I will answer him.

**Mr. S. Satyamurti :** There is no insinuation. In Madras, for example, they have suggested single transferable votes. I am asking whether the Government of India do not consider some amount of uniformity necessary in the working of the various provincial franchises.

**The Honourable Sir Nripendra Sircar :** That is a matter for the Committee to consider and uniformity is impossible, for conditions in the different provinces are absolutely different.

**Seth Govind Das :** Are Government aware that, as far as the Central Provinces Delimitation Committee is concerned and its work is concerned, there is great dissatisfaction felt by the northern districts ?

**The Honourable Sir Nripendra Sircar :** We have no specific knowledge, but we know this much that whatever is done will cause dissatisfaction to some part of the provinces.

**Mr. S. Satyamurti :** My question is this : do the Government of India propose at any time to examine the proposals of these committees with a view to testing their soundness, their practicability, and their facility to promote the working of democratic institutions in this country, or do they propose to observe benevolent neutrality in these matters ?

**The Honourable Sir Nripendra Sircar :** Whether they will adopt an attitude of benevolent neutrality or malevolent neutrality or whether they will take up belligerent attitude are matters on which no final decision has been arrived at.

**Mr. S. Satyamurti :** My question was whether this Government proposed to examine these various proposals of the provincial com-

mittees with a view to testing their soundness, practicability, and their fitness for democratic institutions : do they or do they not ?

**The Honourable Sir Nripendra Sircar :** What the Government of India will do in the future is a matter about which there is at present no final decision.

**Mr. S. Satyamurti :** Questions can be asked only about the future course of Government action.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair thinks, the Honourable Member has answered it : he has said that he has not arrived at any decision.

**Mr. S. Satyamurti :** I take it from you, Sir.

### UNSTARRED QUESTIONS AND ANSWERS.

#### APPOINTMENT OF ASSAMESE IN CERTAIN APPOINTMENTS IN THE COMPTROLLER'S OFFICE, ASSAM.

**23. Srijut N. C. Bardaloi :** (a) Will Government state whether the number of appointments in the Comptroller's Office in Assam, Shillong, are filled up as follows ?

| Kind of service.                               | No. | Hindus of Bengali race including Sylhet Bengalees. | Others. |
|------------------------------------------------|-----|----------------------------------------------------|---------|
| (i) All-India Service, ..                      | 2   | 1                                                  | 1       |
| (ii) Assistant account officers ..             | 3   | 3                                                  | Nil.    |
| (iii) Superintendents and Senior Assistants .. | 17  | 17                                                 | Nil.    |
| (iv) Divisional accountants ..                 | 3   | 3                                                  | Nil.    |
| (v) Clerks ..                                  | 112 | 90                                                 | 22      |
| (vi) Typists and stenographers ..              | 4   | 3                                                  | 1       |
| (vii) Record clerks ..                         | 12  | 6                                                  | 6       |

(b) Is it a fact that prior to 1929 Non-Bengali candidates had to pass an office test whereas Bengali Hindus were exempted from passing that test ?

(c) Is it a fact that since 1929 recruitments are made direct without any test in the proportion of two Hindus and one Muhammadan ?

(d) Is it a fact that the number of Hindus in the Assam Valley Districts of Assamese race far out-number the Hindus of the Surma Valley who are Bengalis by race ?

(e) Will Government please state how many Assamese are there in the list given above and how many Hindus of the Surma Valley are appointed till now ?

(f) Apart from the all-India services, is it not the policy of Government to distribute posts and preferments equitably among all communities and races ?

(g) Is it a fact that the selecting officers in the Comptroller's Department are two Bengalis and an Anglo-Indian ?

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(h) Are Government aware of the fact that the Gauhati College and the Calcutta Colleges are turning out scores of Assamese graduates every year, and that great discontent among Assamese youths for being deprived of their legitimate shares in the posts of these lucrative Departments is prevalent? Are Government prepared to re-shuffle the posts of these Departments and fix a proportion of appointments to be given to the Assamese according to their population in the Province?

**The Honourable Sir James Grigg :** The information is being obtained and will be laid on the table of the House in due course.

#### PERIODICAL TRANSFER OF THE SUPERVISING OFFICIALS IN THE MADRAS CUSTOMS HOUSE.

24. **Mr. B. B. Varma :** (a) Will Government be pleased to state whether it is a fact that the present Assistant Collectors and Chief Inspector of the Madras Customs House have been working in the Madras Port for many years, and if so, will Government please state the number of years each official, referred to, has been working in the Port?

(b) Will Government be pleased to state whether it is a fact that the supervising officials of the Madras Customs House belong to all-India cadre and are liable to transfer to other Ports?

(c) Is it a fact that in the Salt Department amalgamated with Customs recently, supervising officials are not posted continuously in the same station for many years in public interest?

(d) Will Government be pleased to state whether they are aware that only two or three sample packages of cement bags, imported fruits, etc., are reserved for weighing while the rest of the goods go unchecked and, if the reply is in the affirmative, are Government aware that considerable customs revenue is lost by this defective procedure?

(e) Do Government propose to arrange for periodical transfer of the supervising officials posted to the Madras Customs House?

**Mr. A. H. Lloyd :** (a) The two Assistant Collectors have been serving at Madras in their present capacity since 1927 and 1929, respectively. The Chief Inspector has held his present appointment since 1921.

(d) Only the Collector and the Assistant Collectors, who are members of the Imperial Customs Service, are liable to transfer. One of the present Assistant Collectors was promoted from a class II appointment in the Madras Custom House and normally such are retained at the Port where they have served before such promotion.

(d) Government have no reason to believe that the procedure adopted at Madras is defective or results in loss of revenue.

(c) and (e). Both in the Customs Department and in the Salt Department transfers are effected only when they are in the public interest and not after any fixed periods.

#### GRIEVANCES OF THE STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

25. **Pandit Sri Krishna Datta Paliwal :** (a) Is it a fact that the relieving staff on the Bombay, Baroda and Central India Railway is sufficient only to cope with the cases of ordinary leave?

(b) If the answer to the above question be in the affirmative, will Government please state what steps they intend to take to remove the grievances of the Bombay, Baroda and Central India Railway employees with special reference to leave?

(c) Is it further a fact that the Railway staff between Bayana-Agra section, specially at Fatehpur Sikri station, had to be on duty more than 84 hours a week? If so, do Government propose to take steps to stop this over-work?

(d) Is it a fact that this Railway Staff gets no holiday either on Sundays or on any gazetted holiday?

**Mr. P. R. Rau :** (a) and (b). Government have no information. The staff of the Bombay, Baroda and Central India Railway are not Government servants and the Agent is competent to deal with the matter.

(c) and (d). Government have no information. The Hours of Employment Regulations are being introduced on the Bombay, Baroda and Central India Railway with effect from the 1st November, 1935, and any departure from these Regulations thereafter will be investigated by the Supervisor of Railway Labour and brought to the notice of Government.

#### REFUSAL OF LEAVE TO THE RAILWAY STAFF OF THE MORADABAD DIVISION.

26. **Pandit Sri Krishna Datta Paliwal :** (a) Is it a fact that the Railway Staff of the Moradabad Division is not granted leave when they apply for it?

(b) Is it also a fact that they are not granted even casual leave?

**Mr. P. R. Rau :** (a) and (b). Government have no reason to believe that the facts are as stated.

#### FREE QUARTERS FOR THE COMMERCIAL STAFF AT CERTAIN STATIONS IN THE MORADABAD DIVISION.

27. **Pandit Sri Krishna Datta Paliwal :** Will Government please state if it is a fact that the commercial staff at certain stations in the Moradabad Division are not supplied with free quarters in preference to the transportation staff? Is it a fact that they too have to perform night duties, etc.? If so, why are the former not supplied with free quarters?

**Mr. P. R. Rau :** Government have no information but have forwarded a copy of the question to the Agent, East Indian Railway, to consider whether any action is required.

#### DIFFERENCE IN THE SCALES OF PAY OF THE GOODS CLERK AND BOOKING CLERK.

28. **Pandit Sri Krishna Datta Paliwal :** (a) Is it a fact that a difference in the scales of pay of the goods clerk and booking clerk has been enforced since the 1st November, 1928, in favour of the former? If so, why?

(b) Is there a difference in the scale of pay of the office clerks and the time clerk, which favours the former? If so, why?

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**Mr. P. R. Rau :** Government have no information. These question have been left by them to the Agents of State-managed Railways to deal with.

#### WANT OF DIRECT TRAIN CONNECTION BETWEEN MUTTRA AND ALLAHABAD.

**29. Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that there is no direct train connection between Muttra and Allahabad, the two great cities of pilgrimage for Hindus ?

(b) Are Government aware that on account of the insufficient lighting arrangements and very little interval between the two (Bombay, Baroda and Central India and East Indian Railways) night trains at the Hathras Junction the passengers are put to very great inconvenience ?

(c) If the answer to the above two parts be in the affirmative, what steps do Government propose to take to remove the grievances ?

**Mr. P. R. Rau :** (a) Yes. Through trains between Bombay and Muttra were run prior to 1st March, 1931, but the service was discontinued as the number of long distance passengers entraining and detraining at Muttra did not justify its continuance. The total number of tickets issued from Allahabad to and via Muttra and to stations in the Agra area and via for a period of twelve months ending June, 1934, averaged 29 per day.

(b) and (c). The Agent states that the station is lit by four high power lamps and nineteen ordinary platform lamps and that he has not been able to trace any complaints regarding the lighting arrangements at the station. He is, however, having the matter looked into further to see if there are any grounds for complaint.

The interval between the arrival of the East Indian Railway's train and the departure of the Bombay, Baroda and Central India Railway's train is 21 minutes. This does not appear to be inadequate.

#### REBATE ALLOWED BY THE LEADING SHIPPING COMPANIES FOR PASSAGES TO EUROPE FOR RAILWAY SERVANTS.

**30. Mr. V. V. Giri :** (a) Will Government be pleased to state whether it is a fact that several shipping companies allow a rebate of about 5 per cent. on the passages for railway servants ? If not, will Government state the exact amount of rebate allowed by leading companies for passages to Europe ?

(b) Is it a fact that the Railway Board used to deduct rebate amounts from the passage money allowed to railway officers or officials entitled to the Lee Concessions up to August, 1934 ?

(c) Will Government please state the amounts credited to railway revenues on each State-owned Railway in regard to rebates allowed on passage money from the time the Lee concessions were sanctioned ?

(d) Will Government state whether it is a fact that the Railway Board have decided to allow railway officials to pocket rebates on passage money allowed under the Lee Concessions and, if so, will Government be pleased to state the actual loss suffered on each Class I Railway by allowing this concession over and above the actual cost of passages ?

**Mr. P. R. Rau :** (a) Government understand that some shipping companies grant a rebate on passages booked by railway servants whether at their own expense or as part of the Lee Concessions. Government are not aware of the exact amount in all cases.

(b), (c) and (d). These rebates were not, so far as Government is aware, credited to railway revenues. Originally they were credited to the passage accounts of the officers concerned ; later it was decided that the rebates, when allowed by the companies, may be received by the officers in cash. This decision did not ultimately make any difference so far as railway revenues were concerned ; but the whole question of whether such rebates should be brought into the Government accounts at all and, if so, how they are to be accounted for, is being reconsidered.

#### FREIGHT CHARGED ON CERTAIN CLASSES OF GOODS.

**31. M. V. V. Giri :** Will Government be pleased to state the freight charged on goods classified under several classes of general goods classification on each Class I Railway, within the minima and maxima prescribed by the Railway Board ?

**Mr. P. R. Rau :** For the purpose of freight rates, commodities are placed in ten different classes, I attach a statement giving the maximum and minimum rates per maund per mile for each class.

Within the maxima and minima, Railway Administrations are empowered to quote such rates as circumstances require. The rates actually charged are notified by the different Railway Administrations in their Goods Tariffs.

| Class. | Statement. |    |    |    |    |    | Minimum. | Maximum. |
|--------|------------|----|----|----|----|----|----------|----------|
|        |            |    |    |    |    |    | Pie.     | Pie.     |
| 1      | ..         | .. | .. | .. | .. | .. | -10      | -38      |
| 2      | ..         | .. | .. | .. | .. | .. | -10      | -42      |
| 3      | ..         | .. | .. | .. | .. | .. | -166     | -58      |
| 4      | ..         | .. | .. | .. | .. | .. | -166     | -62      |
| 5      | ..         | .. | .. | .. | .. | .. | -166     | -77      |
| 6      | ..         | .. | .. | .. | .. | .. | -166     | -83      |
| 7      | ..         | .. | .. | .. | .. | .. | -166     | -96      |
| 8      | ..         | .. | .. | .. | .. | .. | -166     | 1-04     |
| 9      | ..         | .. | .. | .. | .. | .. | -166     | 1-26     |
| 10     | ..         | .. | .. | .. | .. | .. | -166     | 1-87     |

#### COST OF REPAIR AND MAINTENANCE INCURRED ON ROLLING STOCK ON RAILWAYS.

**32. Mr. V. V. Giri :** Will Government be pleased to state the average cost of repair and maintenance incurred on each unit of rolling stock condemned in 1933-34 and 1934-35 on each Class I Railway ?

**Mr. P. R. Rau :** I am unable to understand the Honourable Member's question. Condemned rolling stock is usually broken up and

serviceable material obtained therefrom is again used. The remainder is sold as scrap. No cost is incurred on repair and maintenance on these.

**OUTPUT CAPACITY OF THE TATANAGAR RAILWAY WORKSHOPS AND OTHER WORKSHOPS FOR MANUFACTURE OF CARRIAGE AND WAGON UNDER-FRAMES.**

33. **Mr. V. V. Giri** : Will Government be pleased to state the maximum output capacity of the Tatanagar Railway Workshops and other workshops owned by Government for manufacture of carriage and wagon under-frames ?

**Mr. P. R. Rau** : The capacity of the Tatanagar Workshops per annum is 550 I. R. S. Broad Gauge 68'-0" Bogie under-frames or 2,200 I. R. S. Broad Gauge 4-wheeled wagon under-frames.

The only other Railway Workshop undertaking the manufacture of under-frames is the Ajmer Workshop of the Bombay, Baroda and Central India Railway. Its annual capacity is 75 Metre Gauge Bogie carriage under-frames plus 800 Metre Gauge 4-wheeled wagon under-frames.

**MANUFACTURE OF LOCOMOTIVE BOILERS IN RAILWAY WORKSHOPS.**

34. **Mr. V. V. Giri** : Is it a fact that locomotive boilers used to be manufactured in several railway workshops, and if so, will Government please state the difference in cost in manufacture in railway workshops and outside ?

**Mr. P. R. Rau** : I believe that many years ago locomotive boilers used to be manufactured in one or two of the railway workshops : at present the only workshop that undertakes the manufacture is the Bombay, Baroda and Central India Railway Workshop at Ajmer. I am endeavouring to obtain the cost of manufacture at Ajmer and the cost of purchase of a similar boiler from outside. I shall lay a statement on the table later.

**INTEREST ALLOWED ON PROVIDENT FUND DEPOSITS OF RAILWAY SERVANTS.**

35. **Mr. V. V. Giri** : Will Government be pleased to state the actual interest allowed on the Provident Fund assets of the railway servants in the last ten years ?

**Mr. P. R. Rau** : A statement showing the rate of interest allowed on all provident fund deposits (including deposits of servants of State-managed Railways) for the last ten years is attached. Servants of the Assam Bengal, Bombay, Baroda and Central India, Bengal Nagpur, Madras and Southern Mahratta and South Indian Railways have also, during the period in question, been allowed the same rates.

| Year.           |    |    |    |    |    |    |    | Rate of interest. |
|-----------------|----|----|----|----|----|----|----|-------------------|
| 1926-27 .. .. . | .. | .. | .. | .. | .. | .. | .. | 5½%               |
| 1927-28 .. .. . | .. | .. | .. | .. | .. | .. | .. | 4½%               |
| 1928-29 .. .. . | .. | .. | .. | .. | .. | .. | .. | 4½%               |
| 1929-30 .. .. . | .. | .. | .. | .. | .. | .. | .. | 4½%               |
| 1930-31 .. .. . | .. | .. | .. | .. | .. | .. | .. | 5%                |
| 1931-32 .. .. . | .. | .. | .. | .. | .. | .. | .. | 5%                |
| 1932-33 .. .. . | .. | .. | .. | .. | .. | .. | .. | 5.25%             |
| 1933-34 .. .. . | .. | .. | .. | .. | .. | .. | .. | 5.5%              |
| 1934-35 .. .. . | .. | .. | .. | .. | .. | .. | .. | 5.25%             |
| 1935-36 .. .. . | .. | .. | .. | .. | .. | .. | .. | 5%                |

**INTEREST ALLOWED IN CALCULATING COMMUTATION VALUE OF PENSIONS.**

36. **Mr. V. V. Giri** : Will Government be pleased to state the amount of interest allowed in calculating commutation value of pensions each year since 1921 in regard to Government pensions ?

**The Honourable Sir James Grigg** : A statement is laid on the table.

*Statement.*

| For applications made in India.                    |                         | For applications made in the United Kingdom.          |                         |
|----------------------------------------------------|-------------------------|-------------------------------------------------------|-------------------------|
| Period.                                            | Rate of interest.       | Period.                                               | Rate of interest.       |
| From the 1st January, 1921 to the 13th June, 1921. | 3½ per cent. per annum. | From the 1st January, 1921 to the 14th January, 1925. | 6 per cent. per annum.  |
| 14th June, 1921 to the 31st March, 1927.           | 5½ per cent. per annum. | 15th January, 1926 to the 16th March, 1927.           | 5½ per cent. per annum. |
| 1st April, 1927 to the 3rd December, 1928.         | 4½ per cent. per annum. | 17th March, 1927 to the 3rd December, 1928.           | 4½ per cent. per annum. |

| For officers of Asiatic domicile.                    |                         | For other officers.                                  |                         |
|------------------------------------------------------|-------------------------|------------------------------------------------------|-------------------------|
| Period.                                              | Rate of interest.       | Period.                                              | Rate of interest.       |
| From the 4th December, 1928 to the 31st March, 1930. | 4½ per cent. per annum. | From the 4th December, 1928 to the 31st March, 1930. | 4½ per cent. per annum. |
| 1st April, 1930 to the 31st July, 1933.              | 5 per cent. per annum.  | 1st April, 1930 to the 31st May, 1933.               | 5 per cent. per annum.  |
| 1st August, 1933 to the 15th September, 1934.        | 4½ per cent. per annum. | 1st June, 1933 to the 15th July, 1934.               | 4½ per cent. per annum. |
| 16th September, 1934 onwards..                       | 4½ per cent. per annum. | 16th July, 1934 onwards ..                           | 4½ per cent. per annum. |

**ADDITIONAL APPOINTMENTS AND RETRENCHED EMPLOYEES ON STATE RAILWAYS.**

37. **Mr. V. V. Giri** : (a) Will Government be pleased to state the number of additional appointments of officers on all State-owned Class I Railways after retrenchment campaign of 1931 ?

(b) Will Government be pleased to state the number of retrenched persons taken back into service on old scales and on lesser paid scales of pay, respectively, on each Class I Railway since 14th July, 1931 ?

(c) Will Government be pleased to state the number of retrenched employees now on the waiting list of each Class I Railway ?

**Mr. P. R. Rau :** (a) I would invite the Honourable Member's attention to the statement showing the number of appointments created and vacancies which occurred among officers of gazetted rank on State Railways and of corresponding rank on Companies Railways which appears as appendix 'G' to Volume I of the Annual Report by the Railway Board on Indian Railways, for 1931-32, 1932-33 and 1933-34.

(b) and (c). The available information is contained in the statement laid on the table of the House on the 2nd September, 1935, in connection with starred question No. 158 asked by Mr. V. V. Giri on the 12th February, 1935. All persons who were originally appointed before the 16th July, 1931, were, when re-employed after retrenchment in accordance with the existing orders, eligible for the old scales of pay.

#### MOTOR BUSES RUN BY THE RAILWAYS.

**38. Mr. V. V. Giri :** Will Government be pleased to state the number of motor buses run by the Railways under the provisions of the Indian Railways (Amendment) Act of 1934?

**Mr. P. R. Rau :** None.

#### CONSTITUTION OF A JOINT STANDING MACHINERY ON RAILWAYS.

**39. Mr. V. V. Giri :** Will Government be pleased to state when they propose to arrive at a decision regarding the constitution of a Joint Standing Machinery on Railways as recommended by the Whitley Commission and demanded by the All-India Railwaymen's Federation, and will Government be pleased to state whether they propose to inform the said Federation about the draft proposals before coming to a final decision?

**Mr. P. R. Rau :** The matter is still under consideration.

#### AMOUNT CREDITED TO RAILWAY REVENUES UNDER FINES, FORFEITURE OF PROVIDENT FUND, ETC., AND INCOME AND DISBURSEMENTS OF THE STAFF BENEFIT FUND OF EACH RAILWAY.

**40. Mr. V. V. Giri :** Will Government be pleased to lay on the table a statement showing the sums credited to Railway Revenues under fines, forfeiture of the Provident Fund Bonus, etc., during 1931, 1932, 1933 disbursements of the Staff Benefit Fund of each Class I Railway during the same years?

**Mr. P. R. Rau :** Four statements showing the transactions of the Fine Funds/Staff Benefit Funds on Class I Railways, during the years 1931 to 1934, are attached.

Statement showing transactions of the Fine Funds of Class I Railways for the financial year 1930-31.

| Railways.     | Assets.                      |                 |                  |                         |                      | Disbursements. |                               |                             |          |                   |                 |          | Balance in hand on the 31st March, 1931. |
|---------------|------------------------------|-----------------|------------------|-------------------------|----------------------|----------------|-------------------------------|-----------------------------|----------|-------------------|-----------------|----------|------------------------------------------|
|               | Balance on 31st March, 1930. | Fine inflicted. | Bonus forfeited. | Other amounts credited. | Interest on Balance. | Total.         | Hospital for sick employ-ees. | Compas-sionate allow-ances. | Schools. | Recreation Clubs. | Miscella-neous. | Total.   |                                          |
| 1             | 2                            | 3               | 4                | 5                       | 6                    | 7              | 8                             | 9                           | 10       | 11                | 12              | 13       | 14                                       |
|               | Rs.                          | Rs.             | Rs.              | Rs.                     | Rs.                  | Rs.            | Rs.                           | Rs.                         | Rs.      | Rs.               | Rs.             | Rs.      | Rs.                                      |
| A. B.         | 9,172                        | 3,058           | 7,271            | 5                       | —4†                  | 19,502         | Nil.                          | Nil.                        | 376      | 4,290             | 1,336           | 6,902    | 13,530                                   |
| B. & N. W.    | 26,045                       | 8,163           | 5,804            | 2,310                   | 1,022                | 43,344         | 370                           | Nil.                        | 9,016    | 5,702             | 1,279           | 16,367   | 26,977                                   |
| B. N. & C. I. | 27,224                       | 17,779          | 6,399            | 68                      | 1,616                | 43,086         | 500                           | 532                         | 7,040    | 11,410            | 14,010          | 33,492   | 19,534                                   |
| B. B. & C. I. | 54,936                       | 6,916           | 8,489            | Nil.                    | 2,278                | 71,619         | 1,535                         | 1,010                       | 2,437    | 27,441            | 1,296           | 33,719   | 37,900                                   |
| Burma         | 51,751                       | 9,080           | 11,065           | Nil.                    | Nil.                 | 71,896         | Nil.                          | 334                         | 1,134    | 30,763            | 1,860           | 34,081   | 37,815                                   |
| E. B.         | 16,214                       | 7,099           | 22,243           | 5,432                   | 670                  | 51,658         | 900                           | Nil.                        | Nil.     | 19,308            | 23,478          | 43,686   | 7,972                                    |
| E. I. P.      | 6,23,707                     | 61,771          | 14,327           | 13,292                  | 26,366               | 7,39,463       | 2,700                         | 570                         | 26,908   | 1,04,985          | 60,323          | 1,95,186 | 5,44,277                                 |
| G. I. P.      | 3,33,653                     | 38,135          | 29,474           | 1,169                   | 9,827                | 4,12,258       | Nil.                          | Nil.                        | 2,402    | 46,005            | 24,972          | 73,379   | 3,38,879                                 |
| Jodhpur       | 6,181                        | 3,065           | 127              | 48                      | 232                  | 9,653          | 660                           | 15                          | Nil.     | 5,832             | 357             | 6,804    | 2,789                                    |
| M. & S. M.    | 1,48,526                     | 3,847           | 6,221            | Nil.                    | 5,760                | 1,64,354       | 1,630                         | 1,732                       | 143      | 213,804           | 13,422          | 30,731   | 1,33,623                                 |
| N. S.         | 31,264                       | 4,613           | 3,589            | 5,220                   | 1,841                | 46,527         | Nil.                          | Nil.                        | 71       | 6,996             | 2,193           | 9,259    | 37,268                                   |
| N. W.         | 2,18,376                     | 47,133          | 4,480            | 19,260                  | 7,000                | 2,96,249       | Nil.                          | Nil.                        | 4,283    | 42,540            | 59,981          | 1,06,804 | 1,89,445                                 |
| R. & K.       | *3,607                       | 1,466           | 389              | Nil.                    | 1,735                | 7,197          | Nil.                          | Nil.                        | 2,248    | 3,581             | 65              | 5,894    | 1,303                                    |
| S. I.         | 1,20,768                     | 4,281           | 5,079            | Nil.                    | 5,193                | 1,35,321       | 74                            | 2,095                       | 25,050   | 23,483            | 7,855           | 58,557   | 76,764                                   |
| Total         | *16,71,424                   | 2,15,406        | 1,24,957         | 46,804                  | 63,536               | 21,22,127      | 8,369                         | 6,288                       | 80,808   | 3,46,129          | 2,12,427        | 6,54,021 | 14,68,106                                |

\* The difference between the balance shown in last year's statement and this is due to investment of Rs. 39,100.  
† Due to depreciation of investments written off.

Statement showing transactions of the Staff Benefit Fund/Fund of Class I Railways for the year ending 31st March, 1934.

| Railways.          | Assets.                      |                 |                  |                         |                                     |                      |                       | Disbursements.               |                         |                              |                   |                |                        |                                                 | Total columns 9 to 13. | Balance on the 31st March, 1934 (Columns 8-14). |
|--------------------|------------------------------|-----------------|------------------|-------------------------|-------------------------------------|----------------------|-----------------------|------------------------------|-------------------------|------------------------------|-------------------|----------------|------------------------|-------------------------------------------------|------------------------|-------------------------------------------------|
|                    | Balance on 31st March, 1933. | Fine inflicted. | Bonus forfeited. | Other amounts credited. | Contributions from Railway Revenue. | Interest on Balance. | Total columns 2 to 7. | Hospital for sick employees. | Compensation allowance. | Schools and education staff. | Recreation Clubs. | Miscellaneous. | Total columns 9 to 13. | Balance on the 31st March, 1934 (Columns 8-14). |                        |                                                 |
| 1                  | 2                            | 3               | 4                | 5                       | 6                                   | 7                    | 8                     | 9                            | 10                      | 11                           | 12                | 13             | 14                     | 15                                              |                        |                                                 |
| A. B. ..           | 21,654                       | 1,539           | 3,784            | 1,152                   | 11,256                              | 1,151                | 40,836                | 3,929                        | 387                     | 2,171                        | 12,332            | 4,941          | 23,760                 | 17,076                                          |                        |                                                 |
| B. and N. W. ..    | 22,083                       | 6,398           | 7,252            | 150                     | ..                                  | 1,369                | 37,252                | ..                           | ..                      | 7,555                        | 8,839             | 610            | 17,004                 | 20,248                                          |                        |                                                 |
| B. N. ..           | 75,949                       | 16,004          | 7,756            | 611                     | 32,336                              | 255                  | 1,32,911              | 500                          | 1,000                   | 16,913                       | 7,689             | 16,547         | 42,626                 | 90,262                                          |                        |                                                 |
| B. B. and C. I. .. | 30,223                       | 5,492           | 129              | 25                      | 59,102                              | 1,370                | 96,341                | 10,000                       | 237                     | 6,372                        | 24,935            | 725            | 42,69                  | 54,072                                          |                        |                                                 |
| Burma ..           | 33,474                       | 5,091           | 16,994           | 2,161                   | 14,053                              | —340                 | 71,433                | ..                           | 185                     | 7,578                        | 21,889            | 1,306          | 30,968                 | 40,475                                          |                        |                                                 |
| E. B. ..           | 41,974                       | 3,445           | 3,659            | 27,304                  | 38,959                              | 1,244                | 1,16,585              | 4,224                        | 2,405                   | 1,604                        | 28,251            | 53,625         | 90,109                 | 26,476                                          |                        |                                                 |
| E. I. ..           | 5,40,488                     | 46,865          | 4,220            | 36,144                  | 56,062                              | 16,490               | 7,00,259              | 2,953                        | 1,209                   | 22,237                       | 73,221            | 37,956         | 1,37,576               | 5,62,683                                        |                        |                                                 |
| G. I. P. ..        | 4,27,984                     | 31,536          | 16,173           | 3,441                   | 41,899                              | 13,016               | 5,34,049              | 5,477                        | 500                     | ..                           | 33,345            | 9,340          | 52,257                 | 4,81,792                                        |                        |                                                 |
| Jodhpur ..         | 1,247                        | 1,732           | —128             | 115                     | 7,000                               | 55                   | 10,021                | 500                          | ..                      | ..                           | 6,111             | 234            | 6,845                  | 3,176                                           |                        |                                                 |
| M. and S. M. ..    | 1,28,770                     | 2,757           | 5,272            | 1,339                   | 41,925                              | 3,895                | 1,83,958              | 1,230                        | 2,212                   | 3,087                        | 22,241            | 1,230          | 30,000                 | 1,53,958                                        |                        |                                                 |
| N. S. ..           | 34,364                       | 918             | 3,517            | 426                     | ..                                  | 1,102                | 40,327                | ..                           | ..                      | ..                           | 12,668            | 4,088          | 16,756                 | 23,571                                          |                        |                                                 |
| N. W. ..           | 1,11,988                     | 30,551          | 7,388            | 20,486                  | 61,990                              | 3,724                | 2,36,027              | 10,736                       | 2,089                   | 4,770                        | 75,849            | 57,091         | 1,50,635               | 85,492                                          |                        |                                                 |
| R. and K. ..       | 556                          | 1,014           | 1,372            | 5,108                   | ..                                  | 1,453                | 9,503                 | ..                           | ..                      | 3,000                        | 3,947             | 14             | 6,961                  | 2,542                                           |                        |                                                 |
| S. I. ..           | 73,769                       | 4,232           | 3,771            | ..                      | 20,000                              | 2,834                | 1,04,606              | 90                           | 1,941                   | ..                           | 27,981            | 15,581         | 45,608                 | 58,998                                          |                        |                                                 |
| Total ..           | 15,44,723                    | 1,57,574        | 81,159           | 98,462                  | 3,84,572                            | 47,618               | 23,14,108             | 39,639                       | 12,165                  | 78,897                       | 3,59,298          | 2,03,288       | 6,93,287               | 16,20,821                                       |                        |                                                 |

STAFF TO IMPLEMENT THE HOURS OF EMPLOYMENT REGULATIONS ON THE MADRAS AND SOUTHERN MAHRATTA AND THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAYS.

41. **Mr. V. V. Giri** : Will Government be pleased to state the number of additional staff required and proposed to be appointed to implement the Hours of Employment Regulations on the Madras and Southern Mahratta and the Bombay, Baroda and Central India Railways ?

**Mr. P. R. Rau** : The Agents, Madras and Southern Mahratta and Bombay, Baroda and Central India Railways, report that the number of additional staff required to implement the Hours of Employment Regulations on their railways is approximately 421 and 581, respectively.

TRANSFER OF THE MANAGEMENT OF THE COMPANY-MANAGED RAILWAYS.

42. **Mr. V. V. Giri** : Will Government be pleased to state whether any steps are being taken to transfer the management of all Company-managed Railways, to facilitate amalgamation of Railways as recommended by Pope Committee ? If not, why not ?

**Mr. P. R. Rau** : Such transfer can only be made at the termination of existing contracts ; otherwise, by private negotiation outside the contracts which may be very expensive. The question raised by Mr. Pope is, however, receiving attention.

REPORT ON THE QUESTION OF THE MANUFACTURE OF LOCOMOTIVES IN RAILWAY WORKSHOPS IN INDIA.

43. **Mr. V. V. Giri** : Will Government be pleased to lay on the table a copy of the Report of Enquiry into the question of locomotive manufacture in railway workshops in India ?

**Mr. P. R. Rau** : A memorandum on the subject is being prepared and will be placed before the Standing Finance Committee for Railways as early as possible.

PERSONS DISCHARGED ON DISCIPLINARY GROUNDS ON RAILWAYS.

44. **Mr. V. V. Giri** : Will Government be pleased to state the number of persons discharged on disciplinary grounds on each Class I Railway since the New Discharge and Dismissal Rules of 1930 were introduced ?

**Mr. P. R. Rau** : Government have no information and consider that the collection of the information required will involve an amount of time and trouble unlikely to be justified by results.

PROPOSED RAILWAY LINE FROM SYLHET TO CHHATAK.

45. **Mr. Basanta Kumar Das** : With reference to the answers given on behalf of Government to starred question No. 529, asked on the 25th February last, will Government be pleased to state if any report has been submitted after the investigation undertaken regarding the proposed railway line from Sylhet to Chhatak as a part of the Sylhet Chhatak-Therriaghat project ? If so, what is the purport of the report and what



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action, if any, do Government and the Railway Department propose to take to open the line as early as possible ?

**Mr. P. R. Rau :** A project estimate prepared by the Railway Administration has been received and is under examination by the Railway Board.

#### COVERED AND RAISED PLATFORMS FOR IMPORTANT STATIONS ON THE ASSAM BENGAL RAILWAY.

**46. Mr. Basanta Kumar Das :** (a) Will Government be pleased to state if a copy of starred question No. 531, answered on the 25th February, 1935, regarding covered and high level platforms for important stations on the Assam Bengal Railway was sent to the Railway Company ? If so, what reply have Government received from them ?

(b) Are Government aware that the Assam Bengal Railway is now building a new station at Sylhet and that no arrangement for a high level platform and a covering for the station has been made ? If so, are Government prepared to consider the desirability of asking the Assam Bengal Railway to provide a high level platform and a covering for the new station at Sylhet ?

**Mr. P. R. Rau :** (a) Yes. Government consider that Agents of Railways are in the best position to decide on the distribution of funds allotted to their railways for this purpose. Hence no reply was asked for.

(b) Government are aware of the proposal to build a new station at Sylhet, but are not aware of the details. The matter has been brought to the notice of the Agent.

#### PROVISION OF ADDITIONAL OPENINGS IN THE EMBANKMENT FROM FENCHUGANJ TO SYLHET BAZAR.

**47. Mr. Basanta Kumar Das :** With reference to starred question No. 797, asked on the 11th March last, on the Report of the Assam Flood Enquiry Committee, will Government be pleased to state if they have now received any information from the Assam Bengal Railway authorities as to what steps they have taken or propose to take to give effect to the recommendations of the Committee for providing additional openings in the embankment from Fenchuganj to Sylhet Bazar ?

**Mr. P. R. Rau :** The information required was placed on the table of the House on the 3rd April, 1935, and will be found on page 3518, Volume IV, No. 5, of the Debates of the Assembly.

#### EFFECTS OF THE IMPORT OF BURMA RICE IN INDIA.

**48. Mr. Basanta Kumar Das :** (a) Are Government aware that the import of Burma rice in India tends to keep down the price of paddy in India, specially in Assam and Bengal, and offers serious competition to the husking industry in those parts of India ?

(b) Are Government aware that in Assam and Bengal and other parts of India, where paddy is the staple product, husking by hand is one of the chief cottage industries carried on by the poorest section of the

community and that the import of Burma mill rice reduces the price of rice so low that it becomes no longer profitable for them to husk rice for sale with the consequence that they are thrown out of employment ?

(c) Is there any proposal to admit Burma rice into India duty-free, after the separation of Burma, in exchange for free admission into Burma of Indian products such as tea, etc. ?

(d) Have Government taken into consideration the desirability of preserving the independence of the Indian Legislature as to the fiscal policy to be adopted after Burma is separated from India, specially its freedom to afford protection to the Indian products and Indian husking industry ? If not, are Government prepared to press this matter upon the attention of His Majesty's Government in England ?

(e) Do Government propose to take into consideration the desirability of leaving the question of such reciprocal engagement to be negotiated with the future Federal Government ?

(f) In case it is found desirable to conclude such agreements immediately on the separation of Burma, will Government consult the opinion of the Assembly first before coming to any final decision ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Government have no reason to believe that the position is as stated by the Honourable Member. They understand that different varieties of Bengal rice invariably fetch a higher price in Calcutta than the imported Burma rice.

(c) The Honourable Member's attention is invited to Article 3 of the Provisional Draft of India and Burma Trade Regulation Order recently published in the White Paper on the Trade and Immigration Relations between India and Burma after separation of Burma.

(d) The answer to the first part of the question is in the affirmative. The second part does not arise.

(e) This matter is already provided for in the new Government of India Act.

(f) The Honourable Member's attention is invited to the reply given to parts (c) and (d) of Mr. Satyamurti's starred question No. 143.

#### ESTABLISHMENT OF A HIGH COURT FOR ASSAM.

**49. Srijut N. C. Bardaloi :** (a) In view of the fact that Assam has been made an autonomous Province, will Government state whether a High Court will be established in that Province ?

(b) Do Government propose to place the proposal for a High Court in Assam before the Subvention Committee ? If not, why not ?

**The Honourable Sir Henry Craik :** (a) There is no such intention at present.

(b) Does not arise.

#### ESTABLISHMENT OF A UNIVERSITY AT GAUHATI.

**50. Srijut N. C. Bardaloi :** (a) Are Government aware that the establishment of a University at Gauhati was strongly recommended by

the Royal Commission presided over by Sir Michael Sadler, on the ground that Assamese culture and civilisation required the establishment of such a University?

(b) Is it a fact that the late Sir Ashutosh Mukerjee, and eminent educationist and a member of that Commission, heartily supported the proposal and stated that the Gauhati College with the blocks of compact boarding houses, an excellent laboratory and a library attached, makes it possible to convert the same into a residential University?

(c) Do Government propose to place the proposal before the Subvention Committee?

**Sir Girja Shankar Bajpai :** (a) and (b). The Calcutta University Commission (of which the late Sir Ashutosh Mukerjee was a member) did not recommend the creation of a separate University for Assam at any specified period but expressed the opinion that Gauhati might rightly aim at becoming a seat of a University at some future date.

(c) It will be for the Assam Government to plead its own case at the Financial Enquiry.

#### GRIEVANCES OF THE PASSENGERS AT GHUTKU STATION ON THE BENGAL NAGPUR RAILWAY.

51. **Seth Sheodass Daga :** (a) Is it a fact that Ghutku Station on Bengal Nagpur Railway, a B Class Station, is open for passengers' traffic since its opening, i.e., about 1892?

(b) Is it a fact that at night, two Up and Down trains are halting there?

(c) Is it a fact that the said station is about three quarters of a mile away from the town and is surrounded by fields?

(d) Is it a fact that, since the demolition of the old station, i.e., 25 years past, only a temporary shed with tin roofing is erected, and the waiting room is open from three sides?

(e) If the reply to part (d) be in affirmative, are Government aware that it is very much troublesome and inconvenient all round the year for the passengers, i.e., in summer noon on account of the hot wind and roofing, in the rainy season on account of the showers coming in, and in winter nights on account of the chilly cold weather?

(f) Are Government aware that the platform of the said station is so low that it is very troublesome and risky for passengers to get in and out of the train?

(g) Are Government prepared to get the said grievances of the passengers with regard to the station waiting room and platform redressed by the railway authorities concerned?

**Mr P. R. Rau :** Government consider that these matters are best left to the Advisory Committee. The Agent's attention has, however, been drawn to the question.

#### VACANCIES IN THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

52. **Khan Sahib Nawab Siddique Ali Khan :** (a) Is it a fact that there were several permanent vacancies in the permanent subordinate cadre

of the Engineering Department of the Great Indian Peninsula Railway and that these have been recently surrendered? If so, how many, and for how many years were these kept unfilled?

(b) Is it a fact that while permanent vacancies were kept unfilled, several subordinates have been retained on the temporary cadre chargeable to Lump Sum Revenue Grant for a number of years, and that these men are not engaged for a particular capital work and have been retained during the period when the railways have passed through a financial crisis? Why have they not been confirmed in suitable unfilled permanent vacancies and their temporary posts abolished instead of surrendering permanent posts?

(c) Is it a fact that the recent policy of the Chief Engineer, Great Indian Peninsula Railway, is not to fill up vacancies above Rs. 300 per month for technical men drawing old scales of pay, with the exception of Permanent Way, Bridge and Signal and Interlocking Inspectors, thus depriving the Inspector of Works, Supervisors, Head Draftsmen, Surveyors and Draftsmen, of all chances of promotion?

(d) Is it true that in the Mechanical Department, Transportation Department and Traffic Department, there are graded posts of Rs. 240—300, Rs. 300—375, Rs. 375—450, Rs. 450—550, Rs. 550—650 on the permanent subordinate cadre while in the Engineering Department technical staff except for P. W. Is. and Bridge, Signal and Interlocking Inspectors have no chance of promotion beyond Rs. 300, although they are entitled to the old scales of pay?

(e) Is it true that when superior service officers go on Home leave, their immediate subordinates on the subordinate cadre are not given a chance to act in their places, although these subordinates may be fully qualified to take up their posts?

**Mr P. R. Rau :** I am obtaining the information and will lay a reply on the table of the House in due course.

#### MAIL SORTERS IN EAST BENGAL AND ASSAM.

53. **Srijut N. C. Bardaloi :** (a) Will Government state how many candidates passed the departmental competitive test held in 1929-30 for mail sorters' appointments from East Bengal and Assam?

(b) Was any warning given to these persons that revised rates for pay of the posts for which they were candidates was under consideration?

(c) Were the above persons approved candidates for appointment as sorters in the "S" division?

(d) Is it a fact that the passed candidates were appointed as reserve sorters in the grade Rs. 40—5—140 in 1930?

(e) Is it a fact that in spite of there being many vacancies in the list of reserve sorters' posts many of the appointed candidates were relieved of their posts on the 31st December, 1930?

(f) Were there fourteen posts vacant before the 16th July, 1931, when the above were still unemployed?

(g) Is it a fact that those persons were employed in 1933 and 1934 but in a lower grade?

(h) Will Government refer to the Director General's special general Circular No. 37, dated 11th March, 1935 ?

(i) Are Government prepared to place the persons referred to above in the old time scale of pay of Rs. 40—5—140 ?

**The Honourable Mr. D. G. Mitchell :** (a) to (i). Information has been called for and a reply will be placed on the table of the House in due course.

#### PRODUCTION OF QUININE AND CINCHONA.

**54. Srijut N. C. Bardaloi :** (a) Will Government please state what quantities of quinine and cinchona are produced in India through Government agency and what quantities through private agencies ?

(b) Will Government please state what amount of profit Government usually make by the sale of quinine ?

(c) At what price are quinine and cinchona sold to Local Board and District Board Dispensaries ?

(d) At what price can Government supply quinine if they forego the profit made from the sale of quinine ?

**Sir Girja Shankar Bajpai :** (a) A statement showing the quantity of quinine and cinchona febrifuge produced at Government factories on behalf of the Government of India and the Governments of Madras and Bengal in the years 1931-32 to 1933-34 is laid on the table. Government have no information regarding production through private agencies.

(b) and (d). Including overhead charges and interest on the reserve of 150,000 lbs. maintained by them, it is doubtful whether the Government of India make any profit at the price at which they supply quinine to Local Governments.

(c) Rs. 18 per lb. for quinine sulphate and Rs. 9 per lb. for cinchona febrifuge (powder).

*Production at Government factories of quinine sulphate and cinchona febrifuge during the years 1931-32 to 1933-34.*

|                         |    |          |    | Quinine Sulphate.<br>lbs. | Cinchona febrifuge.<br>lbs. |
|-------------------------|----|----------|----|---------------------------|-----------------------------|
| Government of India ..  | .. | ..       | .. | 1,536.4                   | 459.3                       |
| Government of Madras .. | .. | ..       | .. | 22,307                    | 9,084                       |
| Government of Bengal .. | .. | ..       | .. | 43,534                    | 13,079                      |
|                         |    |          |    | 67,377.4                  | 22,622.3                    |
|                         |    | 1932-33. |    |                           |                             |
| Government of India ..  | .. | ..       | .. | 3,981                     | 2,004                       |
| Government of Madras .. | .. | ..       | .. | 23,153                    | 10,993                      |
| Government of Bengal .. | .. | ..       | .. | 42,239                    | 22,749                      |
|                         |    |          |    | 69,373                    | 35,746                      |
|                         |    | 1933-34. |    |                           |                             |
| Government of India ..  | .. | ..       | .. | 5,739.6                   | 3,394                       |
| Government of Madras .. | .. | ..       | .. | 22,716                    | 13,141                      |
| Government of Bengal .. | .. | ..       | .. | 45,728                    | 25,129                      |
|                         |    |          |    | 74,183.6                  | 41,664                      |

#### PREPONDERANCE OF MUSLIM EXTRA-DEPARTMENTAL SUB-POSTMASTERS IN AGRA.

**55. Bhai Parma Nand :** Is it a fact that out of eight permanent Extra-Departmental Sub-Postmasters seven are Muhammadans in the Agra Town ? If so, what is the reason for such an abnormal heavy proportion of the minority community and who is responsible for this ?

**The Honourable Mr. D. G. Mitchell :** As regards the first part, Government have no information.

As regards the second part, the Honourable Member is referred to the reply given to his own unstarred question No. 81 in this House on the 22nd February, 1935.

#### INCREASE IN THE PROPORTION OF MUSLIM CANDIDATES ON THE WAITING LIST OF INFERIOR CADRE IN THE AGRA POST OFFICE.

**56. Bhai Parma Nand :** Is it a fact that during the tenure of the present Postmaster at Agra the proportion of Muhammadan candidates on the waiting list of inferior cadre has considerably increased specially since the officiating appointment of the Muhammadan Town Inspector ?

**The Honourable Mr. D. G. Mitchell :** Government have no information and do not propose to call for it as the waiting list has nothing to do with the actual recruitment. A copy of the question and this reply is, however, being sent to the Director General of Posts and Telegraphs, who is competent to deal with the matter.

#### APPOINTMENTS OF EMPLOYMENT OFFICERS ON STATE RAILWAYS.

**57. Mr. V. V. Giri :** (a) Will Government be pleased to state if appointments of Employment Officers have been made in certain departments of the State Railways in accordance with the recommendations of the Whitley Commission ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the qualifications of the persons recruited for the posts and the duties allotted to them ?

(c) Will Government be pleased to state if the employees in the Electrical Department of the East Indian Railway get the advantage of the services of such Employment Officers ?

(d) If the reply to part (c) be in the negative, will Government be pleased to state how the grievances of the staff in the said department are enquired into and the establishment matters dealt with ?

(e) If the reply to part (c) be in the affirmative, will Government be pleased to state if there is any Employment Officer particularly for this department and if so, where he is posted ?

**Mr. P. R. Rau :** (a) Yes.

(b) Full details of the reasons for sanctioning these posts are contained in a memorandum placed before the Standing Finance Committee for Railways on the 2nd February, 1934, which will be found on pages 17—19 of Volume X, No. 6, of their proceedings, to which I would refer the Honourable Member.

Statement showing transactions of the Staff Benefit Fund/ Fine Fund of Class I Railways for the year ending 31st March, 1935.

| Assets.       |                                  |                 |                  |                         |                                 |                      |                       | Disbursements.               |                          |                                   |                   |                |                        |                                                  |
|---------------|----------------------------------|-----------------|------------------|-------------------------|---------------------------------|----------------------|-----------------------|------------------------------|--------------------------|-----------------------------------|-------------------|----------------|------------------------|--------------------------------------------------|
| Railways.     | Balance on the 31st March, 1931. | Fine-inflicted. | Bonus-forfeited. | Other amounts credited. | Contributions from Ry. Revenue. | Interest on balance. | Total columns 2 to 7. | Hospital for sick employees. | Compensation-allowances. | Schools & education of the staff. | Recreation Clubs. | Miscellaneous. | Total columns 9 to 13. | Balance on the 31st March, 1932. (Columns 8-14). |
|               | Rs.                              | Rs.             | Rs.              | Rs.                     | Rs.                             | Rs.                  | Rs.                   | Rs.                          | Rs.                      | Rs.                               | Rs.               | Rs.            | Rs.                    | Rs.                                              |
| I             | 13,500                           | 2,242           | 4,370            | 25                      | 6,637                           | *1,084               | 25,690                | 231                          | ..                       | 60                                | 4,819             | 851            | 5,961                  | 19,729                                           |
| A. B.         | 26,977                           | 7,427           | 10,475           | 2,493                   | ..                              | 1,062                | 48,422                | 250                          | ..                       | 9,974                             | 5,219             | 5,362          | 20,805                 | 27,617                                           |
| B. & N. W.    | 19,594                           | 16,996          | 13,601           | 350                     | 30,000                          | 430                  | 80,971                | 500                          | 345                      | 5,357                             | 13,178            | 9,582          | 28,960                 | 52,011                                           |
| B. B. & C. I. | 37,900                           | 5,193           | 1,478            | 10                      | 29,032                          | 968                  | 74,579                | 10,212                       | 479                      | 3,125                             | 26,353            | 568            | 40,737                 | 33,842                                           |
| Burma         | 37,815                           | 6,546           | 8,259            | ..                      | 4,792                           | 1,891                | 59,303                | ..                           | ..                       | 2,790                             | 18,331            | 300            | 21,421                 | 37,882                                           |
| E. B.         | 7,372                            | 4,221           | 363              | ..                      | 25,062                          | 638                  | 47,338                | 360                          | 50                       | 448                               | 19,812            | 10,529         | 31,199                 | 16,139                                           |
| E. I. P.      | 54,339                           | 7,666           | 20,385           | ..                      | 38,610                          | 21,151               | 68,628                | 2,100                        | 780                      | 28,479                            | 70,070            | 97,477         | 1,98,906               | 4,87,522                                         |
| Jodhpur       | 3,38,879                         | 38,793          | 10,606           | ..                      | 36,470                          | 11,086               | 4,38,009              | ..                           | 10                       | 1,370                             | 33,297            | 15,790         | 50,467                 | 3,87,542                                         |
| M. & S. M.    | 2,789                            | 2,236           | 1,332            | 34                      | ..                              | 523                  | 6,914                 | 660                          | 289                      | ..                                | 5,345             | 595            | 6,600                  | 314                                              |
| N. S.         | 1,33,623                         | 2,815           | 6,330            | ..                      | ..                              | 4,398                | 1,47,166              | 1,605                        | 289                      | 53                                | 10,907            | 12,301         | 25,055                 | 1,22,111                                         |
| N. W.         | 37,268                           | 1,475           | 8,429            | 223                     | ..                              | 1,628                | 43,923                | ..                           | ..                       | 6,980                             | 3,824             | 3,824          | 10,804                 | 33,119                                           |
| R. & K.       | 1,89,445                         | 39,398          | 8,241            | 18,591                  | 56,885                          | 6,434                | 3,18,994              | 13,736                       | 1,234                    | 4,634                             | 60,722            | 38,742         | 1,07,088               | 2,11,926                                         |
| S. I.         | 1,303                            | 1,313           | 2,645            | 12,100                  | ..                              | 1,590                | 8,951                 | ..                           | ..                       | 2,179                             | 3,699             | 590            | 6,468                  | 2,453                                            |
|               | 76,764                           | 4,937           | 3,210            | ..                      | 10,000                          | 3,433                | 98,344                | 5                            | 563                      | ..                                | 16,648            | 10,767         | 27,983                 | 70,361                                           |
| Total         | 14,68,106                        | 1,87,931        | 82,003           | 55,468                  | 2,37,488                        | 54,036               | 20,85,032             | 29,659                       | 3,750                    | 58,499                            | 2,85,278          | 2,06,278       | 5,32,434               | 15,02,598                                        |

\*This represents depreciation on investment less interest.

†Government securities sold during the year.

Statement showing transactions of the Staff Benefit Fund/ Fine Fund of Class I Railways for the year ending 31st March, 1935.

| Disbursements. |                                  |                 |                  |                         |                                     |                      |                       |                             |                           |                                     |                   |                |                        |                                                 |
|----------------|----------------------------------|-----------------|------------------|-------------------------|-------------------------------------|----------------------|-----------------------|-----------------------------|---------------------------|-------------------------------------|-------------------|----------------|------------------------|-------------------------------------------------|
| Railways.      | Balance on the 31st March, 1932. | Fine inflicted. | Bonus forfeited. | Other amounts credited. | Contributions from Railway Revenue. | Interest on balance. | Total columns 2 to 7. | Hospital for sick employes. | Compassionate allowances. | Schools and education of the staff. | Recreation Clubs. | Miscellaneous. | Total columns 9 to 13. | Balance on the 31st March 1933. (Columns 8-14). |
|                |                                  |                 |                  |                         |                                     |                      |                       |                             |                           |                                     |                   |                |                        |                                                 |
| 1              | 2                                | 3               | 4                | 5                       | 6                                   | 7                    | 8                     | 9                           | 10                        | 11                                  | 12                | 13             | 14                     | 15                                              |
| A. B.          | 19,729                           | 1,810           | 7,418            | 140                     | 9,768                               | 510                  | 39,375                | 951                         | 363                       | 1,374                               | 12,190            | 2,543          | 17,421                 | 21,954                                          |
| B. & N. W.     | 27,617                           | 6,968           | 1,996            | 3,087                   | ..                                  | 3,829                | 43,497                | ..                          | ..                        | 10,941                              | 9,303             | 1,170          | 21,414                 | 22,083                                          |
| B. N.          | 62,011                           | 13,705          | 7,993            | 54                      | 29,960                              | 199                  | 1,03,912              | 500                         | 758                       | 8,441                               | 8,764             | 9,500          | 27,963                 | 75,949                                          |
| B. B. & C. I.  | 33,842                           | 5,302           | 1,580            | 10                      | 32,855                              | 688                  | 74,277                | 15,000                      | 63                        | 6,177                               | 21,639            | 1,175          | 44,054                 | 30,223                                          |
| Burma          | 37,882                           | 6,674           | 6,163            | 62                      | 10,302                              | 1,949                | 63,052                | ..                          | 39                        | 8,012                               | 20,027            | 1,500          | 29,578                 | 33,474                                          |
| E. B.          | 16,139                           | 3,559           | 3,889            | 18,884                  | 42,533                              | 1,476                | 86,480                | 665                         | 385                       | 170                                 | 22,448            | 20,838         | 44,506                 | 41,974                                          |
| E. I.          | 4,87,522                         | 51,307          | 4,728            | 1,32,728                | 48,501                              | 23,142               | 7,47,928              | 22,686                      | 80,038                    | 3,294                               | 23                | 1,01,399       | 2,07,440               | 5,40,488                                        |
| G. I. P.       | 3,87,542                         | 31,755          | 5,778            | 266                     | 28,110                              | 12,428               | 4,65,879              | ..                          | 510                       | 2,977                               | 24,199            | 10,209         | 37,895                 | 4,27,984                                        |
| Jodhpur        | 314                              | 2,066           | ..               | 59                      | 4,792                               | 18                   | 7,239                 | 660                         | ..                        | ..                                  | 4,992             | 340            | 5,992                  | 1,247                                           |
| M. & S. M.     | 1,22,111                         | 1,691           | 2,084            | 1,478                   | 9,000                               | 5,700                | 1,42,064              | 1,282                       | ..                        | 150                                 | 1,143             | 10,719         | 13,294                 | 1,28,770                                        |
| N. S.          | 33,119                           | 1,405           | 3,375            | 4,973                   | ..                                  | 1,497                | 44,369                | ..                          | ..                        | 82                                  | 8,545             | 1,378          | 10,005                 | 34,364                                          |
| N. W.          | 2,11,926                         | 33,077          | 2,729            | 18,904                  | 55,339                              | 4,700                | 3,26,975              | 9,835                       | 652                       | 5,410                               | 68,378            | 1,30,714       | 2,14,787               | 1,11,886                                        |
| R. & K.        | 2,483                            | 1,402           | 1,555            | 844                     | ..                                  | 1,498                | 6,382                 | ..                          | ..                        | 2,430                               | 3,335             | 61             | 5,826                  | 556                                             |
| S. I.          | 70,361                           | 4,895           | 1,891            | 5,883                   | 19,000                              | 3,202                | 1,05,232              | 120                         | 3,981                     | 62                                  | 12,666            | 14,634         | 31,463                 | 73,769                                          |
| Total          | 15,02,598                        | 1,65,806        | 49,799           | 1,87,372                | 2,90,160                            | 60,836               | 22,56,361             | 51,499                      | 86,789                    | 49,620                              | 2,17,860          | 3,06,180       | 7,11,638               | 15,44,723                                       |

(c), (d) and (e). I have called for information and will lay a reply on the table of the House in due course.

PROCEDURE FOLLOWED IN FILLING UP OF VACANCIES IN THE ELECTRICAL DEPARTMENT ON THE EAST INDIAN RAILWAY.

58. **Mr. V. V. Giri** : Will Government be pleased to state the procedure followed in the Electrical Department on the East Indian Railway to fill up vacancies in the higher grades of the supervising subordinate staff ?

**Mr. P. R. Rau** : I have called for the information and will place it on the table of the House when received.

REPRESENTATION OF THE STAFF IN THE ELECTRICAL DEPARTMENT OF THE EAST INDIAN RAILWAY IN THE WELFARE COMMITTEE.

59. **Mr. V. V. Giri** : Will Government be pleased to state whether the staff in the Electrical Department of the East Indian Railway have got any representation in the Welfare Committee ? If so, whether the delegate is elected by the staff or nominated by the Administration ?

**Mr. P. R. Rau** : The available information is given in the documents placed in the Library of the House in connection with unstarred question No. 7 asked on the 5th February, 1935.

REDUCTION OF PAY OF GRADUATES IN COMMERCE IN THE POSTS AND TELEGRAPHS DEPARTMENT.

60. **Mr. V. V. Giri** : (a) Is it not a fact that the Government of India, Industries and Labour, Posts and Telegraphs Branch, in their Memorandum No. 74-Est.-A/28, dated 19th September, 1930, recognised graduates and under-graduates in Commerce as equivalent to graduates and under-graduates in Arts and Science ?

(b) Is it not a fact that before the issue of the above orders certain graduates and under-graduates in Commerce were actually recruited in the Postal Department on a higher starting pay allowed to graduates and under-graduates in Arts and Science at that time, and that they were allowed to draw that higher rate of pay for several years ?

(c) Is it not the strict principle of the Government of India not to reduce the pay of an official which he was allowed to draw on the reasonable belief that he was entitled to it ?

(d) If the replies to parts (a) to (c) above be in the affirmative, how is it that the pay of graduates and under-graduates in Commerce years with retrospective effect to the minimum starting pay allowed to Matriculates, thereby also depriving them of their higher position in the Circle Graduation List ?

(e) Are Government prepared to consider this grievance and restore the pay and position of those who were started on a higher starting pay which was afterwards reduced ?

**The Honourable Mr. D. G. Mitchell** : (a) Yes, but only with respect to men recruited on and from the date of the order.

(b) Yes, but the concession had been wrongly allowed by local authorities in a few cases.

(c) No.

(d) and (e). Do not arise in view of the replies to parts (b) and (c) above. I may add, however, that the recovery of the amounts overdrawn by the officials concerned prior to the date of orders in question was waived by Government.

MOTION FOR ADJOURNMENT.

INTEREST OF INDIANS CONCERNED IN ZANZIBAR.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have received notice of a motion for adjournment on the Zanzibar question from Pandit Govind Ballabh Pant. I understand the Honourable the Leader of the House and the Honourable Member have talked over the matter and perhaps they will inform the House what has been the result.

12 Noon.

**The Honourable Sir Nripendra Sircar** (Leader of the House) : Sir, the position is this : we had some talk with Pandit Govind Ballabh Pant. I am not prepared to give an undertaking or guarantee that we shall be able to do this, but I am prepared to say that I shall try my best to give him two hours towards the end of the Session. If that satisfies my friend, he can act accordingly. If, on the other hand, he wants an undertaking or guarantee on a particular day, I am not in a position to do that and my Honourable friend can move his motion.

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I feel a little handicapped in proceeding with my motion after the conversations I had with Sir Girja Shankar Bajpai and with the Honourable the Leader of the House. I understand his statement is as reasonable a guarantee as a person in his responsible position can give, that he will try his utmost to accommodate us. I cannot expect from him more than that. Perhaps he could have said as much in a more graceful manner, but that is after all a matter of taste.....

**The Honourable Sir Nripendra Sircar** : That is your monopoly.

**Pandit Govind Ballabh Pant** : But, all the same, I am thankful to him and consider it unnecessary to proceed with my motion now in the circumstances.

ELECTION OF A MEMBER TO THE STANDING FINANCE COMMITTEE.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that up to 12 Noon on Friday, the 6th September, 1935, the time fixed for receiving nominations for the Standing Finance Committee, only one nomination was received. As there is only one vacancy, I declare Mr. F. E. James to be duly elected to the Standing Finance Committee.

## STATEMENT LAID

CASES IN WHICH THE LOWEST TENDERS HAVE NOT BEEN ACCEPTED BY THE GOVERNMENT

The Honourable Mr. D. G. Mitchell (Member for Industries and missioner for India, showing all cases in which the lowest tenders have not during the half-year ending the 30th June, 1935.

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. |
|-----------------|------------------|---------------------|---------------------|
|-----------------|------------------|---------------------|---------------------|

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

PART B.—Cases in which the discrimination

|                                |                         |                           | £ s. d.                                                |
|--------------------------------|-------------------------|---------------------------|--------------------------------------------------------|
| Tapes, measuring Steel No. 80. | R. 2759/4994/16-3-35 .. | J. Chesterman & Co., Ltd. | 75 5 0<br>(British).                                   |
| Timber, lignum vitae, 10 cwts. | T. 78/27/13-4-35 ..     | Waterman & Ross, Ltd.     | 16 0 0<br>approx.<br>f. o. b.<br>London<br>(British).  |
| Timber, lignum vitae, 25 cwts. | T. 321/454/17-5-35 ..   | Waterman & Ross, Ltd.     | 30 10 0<br>approx.<br>f. o. b.<br>London<br>(British). |

PART C.—Cases in which the discrimination  
Nil.

PART D.—Cases in which lower British tenders have  
Nil.

## ON THE TABLE.

HIGH COMMISSIONER FOR INDIA IN PURCHASING STORES FOR THE OF INDIA.

Labour) : Sir, I lay on the table a statement, furnished by the High Com- been accepted by him in purchasing stores for the Government of India,

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, 1935.

| Lowest Tender not accepted. | Reason for Acceptance. |
|-----------------------------|------------------------|
|-----------------------------|------------------------|

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

Nil.

is between British firms only.

| £ s. d.                                             |                                                                                                                                                                                                                          |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 71 13 9<br>(British).                               | The lowest tenderer required twelve weeks for delivery. As this delivery would not meet the requirements of the Indenting Officer the order was placed with the next lowest tenderer who offered delivery in four weeks. |
| 14 0 0<br>f. o. b. Liverpool<br>(British).          | The accepted tender was the more advantageous having regard to the extra cost of inspection at Liverpool.                                                                                                                |
| 29 15 0<br>approx. f. o. b.<br>Liverpool (British). | Ditto ditto.                                                                                                                                                                                                             |

is between foreign firms only.

Nil.

been set aside in favour of foreign tenders.

Nil.

# ELECTION OF A MEMBER FOR STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

**The Honourable Mr. D. G. Mitchell** (Member for Industries and Labour) : Sir, I move :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one Member for the Standing Advisory Committee for the Indian Posts and Telegraphs Department to fill the vacancy caused by the resignation of his seat in the Assembly by Sir Darcy Lindsay.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one Member for the Standing Advisory Committee for the Indian Posts and Telegraphs Department to fill the vacancy caused by the resignation of his seat in the Assembly by Sir Darcy Lindsay.”

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform Honourable Members that for the purpose of election of a Member to the Standing Advisory Committee for the Indian Posts and Telegraphs Department, the Notice Office will be open to receive nominations upto 12 Noon on Wednesday, the 11th September, and the election, if necessary, will, as usual, be held in the Secretary's Room in the Assembly Building on Friday, the 13th September, 1935, between the hours of 10-30 A.M. and 1 P.M. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

## THE CENTRAL PROVINCES COURTS (SUPPLEMENTARY) BILL.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I move for leave to introduce a Bill to supplement the Central Provinces Courts Act, 1917. I need say nothing beyond the fact that this Bill is intended to make certain amendments of a formal nature in some enactments consequent on the establishment of a High Court of Judicature at Nagpur in the Central Provinces. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be given to introduce a Bill to supplement the Central Provinces Courts Act, 1917.”

The motion was adopted.

**The Honourable Sir Nripendra Sircar** : Sir, I introduce the Bill.

## THE CRIMINAL LAW AMENDMENT BILL—contd.

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved by the Honourable Sir Henry Craik on the 5th September, 1935 :

“ That the Bill to amend the Criminal Law be taken into consideration.”

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadian Urban) : Mr. President, the other day I tried to bring to the notice of this House that the alleged grounds of suspended Civil Disobedience and revival of terrorism and extension of Communism, which were brought forward

before the House by the Home Member for the sanction of a permanent measure like this, were not sufficient. There was another ground that he brought forward, and that was communalism ; and if one were to look at his speech, it almost seems as if he tried to put stress on this ground of communalism. What I should like to realise is what is this communalism ? I am all the while trying, so that we may not get into a panicky state and be stampeded into voting for something that we have not given sufficient thought about.

Communalism can be of two kinds. One is what I might say the intellectual communalism, and the other one may be the lower type—what may be called the rowdy type. All the blame of communalism is going to be put on the scapegoat of the press, as if it is the press which is responsible for this communalism. Let me dispose of this intellectual communalism or the higher type of communalism that unfortunately has been created in this country. If it exists today, who is the worst offender in this respect ? I am afraid Mr. Morgan's group and his community in this country is perhaps more responsible for it than any other of the indigenous communities in this country. (*Cries of “ Oh ” from the European Group Benches.*) I will prove it if you say “ Oh ”. It is not merely Mr. Morgan's community that is responsible for this, but there is the other party also, that is, the Government of India. (*Opposition cries of “ Hear, hear.”*) What is the meaning of fancy franchise ? What is the meaning of all kinds of different compartments into which the Constitution has been divided ? What is the meaning of the overwhelming number of seats in the Bengal Legislative Council which has been given to the European community, out of all proportion ? What is the meaning of your reserving all the highly paid services in the Army, Navy and other branches exclusively for Europeans ? You start from the Magna Charta right up to the latest pronouncement made by the Viceroy, and what is the promise given to this country ? That promise is that no distinction of race, creed or colour will be observed in giving appointments, and yet, what is the position today ? In the last Session of the Assembly, we were told what was the percentage of Indians in the higher services in this country. Look at the Indian Civil Service, look at the Indian Medical Service with which I am well conversant, and, I say, if that is not communalism, what else is it ? Communalism does not mean merely going for each other in a rowdy manner, communalism also means giving everything to one community, and I make bold to say that perhaps in this respect no other community can be charged to the same extent with communalism as the European community. (*“ Hear, hear ” from Congress Party Benches.*) I was surprised, Sir, to hear my intellectual friends like Sir Ghulam Hussain Hidayatallah saying that it is a blot on us that communalism does exist without trying to understand the causes of such communalism. Why, let me now come to the lower type of communalism. If there is rioting in some place, are we going to take part in it. Or can the papers be held responsible for either one type or other ? No. It is not on account of presses that this kind of communalism exists. I do not want to go into the sinister origin of these communal troubles. I am not here to prove that. My only point is this, that this Bill is intended to muzzle the press in this country, and, therefore, I want to prove to the House conclusively that the press has nothing to do with either the starting or the stopping of riots. Here I may be permitted to give my own personal experience. I have seen these riots. I have had



[Dr. G. V. Deshmukh.]

a great deal to do with these inter-communal riots, the so-called Hindu-Muslim riots in Bombay twice. One riot took place in 1928 and the other in 1932. Now, Sir, I want you to take note of the dates particularly. In 1928, there was no Criminal Law Amendment Act in existence. By the time the riots broke out for the second time in Bombay, and that was in 1932, the Criminal Law Amendment Act came into being, and what do we find? Sir, in 1928, the riots came to an end within eight days, with much less casualties, with much less trouble and loss to the commercial community in Bombay....

**Mr. F. E. James** (Madras : European) : That was because you were the Mayor of Bombay?

**Dr. G. V. Deshmukh** : That was partly due to that. Sir, I had a great deal to do with it. As a matter of fact, it was not the papers which were responsible for bringing the riots to an end, but it was the Peace Committee which was started in that City by the Mayor of that year which brought the riots to an early end. ("Hear, hear" from Congress Party Benches.) Now, Sir, look at the riots of 1932. The rioting went on for ten weeks with untold misery to the poor people, and it inflicted a great deal of loss to the commerce of Bombay. Therefore, what is the good of your saying that, if you don't have these laws, communalism will be rampant, that you see great danger ahead, there were never such times as the present when communalism was rampant? There is absolutely no meaning in these arguments at all. Somehow or other, I feel that this is a flimsy argument brought forward to enact this measure, and all these arguments are urged in favour of the measure so that some of our friends, who do not want to think over the matter themselves and want to take the opinions that come from the other side, may swallow them. Well, Sir, all the arguments that have been urged in favour of the four points by the Honourable the Home Member for receiving the sanction of the House have not got much substance in them. But, then, I want to put it to you the other way. At any rate, even the Opposition conceded that these are all different troubles having different causes, having different geographical origin, and, therefore, what is the duty of an administrator? The duty of an administrator is not to suggest, like a quack, one remedy for all diseases. That indeed is not the duty of a good physician; he should see that each disease is treated on its own merits, but the quack prescribes a common remedy for all diseases. He prescribes one remedy for all diseases from constipation to cholera. This is what the administrator should not do. The Government say they will have one Bill and that will cure all the political ills of this country. Sir, the whole objective of this Bill has been, whatever appearance it may have, to muzzle the press, and our European administrators are not doing this for nothing. I do not want to go into the reasons as to why they are doing it, but I know this much that they are not doing this for nothing, and the reason is obvious. Anybody conversant with general literature will know that it is the printed word that is of great importance, that it was on account of presses and the printing machines which came into existence in Europe that Europe was pulled out of its dark ages. It was on account of the printed word that the superstition which existed before was made to disappear, it was the printed copy of the Bible that made all the superstition disappear, and, Sir, I have not the slightest hesitation in saying

that the object of this Bill is to muzzle the printing press and the printed word. If they had the choice, they would muzzle even the spoken word....

**Mr. M. Asaf Ali** (Delhi : General) : They are muzzling it.

**Dr. G. V. Deshmukh** : My friend says, they are muzzling it. I have not the least doubt that they have done it, or, at any rate, if they could, they would certainly muzzle the word of mouth too. You can see that the whole object of this measure is to attack the press, because they do not want that our people should be sufficiently educated to criticise the actions of the Government officials, the actions of the bureaucracy, so that these bureaucrats and other Government officials may be left uncriticised, so that they may continue in the enjoyment of limitless powers in this village land of India. The fact is, they do not want that the people should improve, and that is why the whole measure has been brought forward. After all, this measure, Sir, as you yourself suggested years ago, is a two-faced measure. It shows one face to us, Assembly Members, and the other face to the outside world, but the object behind it is quite different, and that object is, as I have been trying to impress upon Honourable Members, to muzzle the press. Sir, there is a saying in India, and that saying applies most appropriately to this measure, and the saying is : "Mukhse Ram bagal men Chhoori". For the information of my friends opposite, I may say, it means this : "With a Sermon on the Mount in the Mouth, but a stiletto in the side." And it is said that this measure is being enacted to save us from communalism, terrorism, and all the other *isms*, but the whole object of the Bill is, whichever way you may look at it, to safeguard and protect the officials in the future Constitution; the real underlying object is, whichever way the officials may behave in the future Constitution, to see that they should go on untrammelled in the exercise of their tyrannical power. It is only on account of that that this measure is being enacted in the teeth of popular opposition. Therefore, Sir, I am entreating all my Indian friends to look at the whole question from a proper perspective, and not to be led away by specious arguments when recording their votes, I entreat all my Indian friends to record their votes with reason. Sir, we on this side have nothing to offer to our friends; all that we can do is to convince them on grounds of reason that this measure is superfluous and dangerous and how they should vote; we have nothing else to offer, but to entreat them to think seriously before they cast their votes. Most of us are at the other end of our life, but if this measure is passed, what is going to happen to our children and grandchildren? It is mainly by means of newspapers that public opinion is created.

The Honourable Member from Midnapore, the other day, said, what is wrong with the curtailment of liberty? I think he was right. He is one of those Englishmen who has been surfeited and satiated with liberty. He is naturally, Sir, suffering from indigestion of liberty and thinks that liberty is a poison to others; but will he refer to the history of his own country for a moment and will he deny that it was for the retention of liberty that the British nation lost one continent? Otherwise, today the American continent also would have been painted the same red colour as the other half of the world. And what is the good of comparing liberty with professions, dangerous professions? Liberty cannot be compared with professions. The analogy is entirely wrong. It is no good saying that you demand security from the dealers in poison. Is liberty poison?

[Dr. G. V. Deshmukh.]

I ask my Honourable friend to refer to the literature of his own country. Liberty is life, is the very breath of life, and if you are going to say, that a person must deposit Rs. 500 before his child starts to breathe, or that he must deposit Rs. 5,000 or Rs. 10,000 as he grows old at the age of five or ten, would that be reasonable? Even this question of liberty is not being looked at from the proper point of view. It is liberty that we want, liberty under the law, and we are, therefore, keen that these laws which actually come in the way of liberty shall not be passed.

Sir, a great deal of point has been made about dummy editors. I should like to ask the Honourable the Home Member whether Babu Motilal Ghose was a dummy editor, whether Lokamanya Bal Gangadhar Tilak, the father of the Home Rule Movement in India, was a dummy editor, whether Agarkar, the social reformer in Maharashtra, was a dummy editor, whether Mr. (afterwards Sir) Surendra Nath Banerjee was a dummy editor. You come here and give us as reason for your action something that has been produced by your own action. It is the same old trick. The common law of the land, section 124A, was misused, and, therefore, can you blame people when no honest man is allowed to continue as editor? It is the same old trick of the administration. It was alluded to by Abraham Lincoln. You do something to provoke people and then you take that as an excuse to bring forward some other repressive measures. What are you doing under this measure? You are putting discretion, it may be nominal, in the hands of the District Magistrate—bad enough. But on whose evidence will he demand security? On the evidence of the police—that police of ours who mistake sweetmeats for bombs—I suppose everybody knows the incident—that police like this, that C. I. D. like this—or the information of these men, the District Magistrate is going to ask the man to put down the security immediately. We consider that the liberty of the press which this Bill is going to take away is absolutely vital for the advancement of our country. It cannot be admitted for a minute that the powers which were given during the time that the present Act was in force were exercised in the proper fashion. By the fruits shall you judge them? I will give you a very little incident and that is this. In Bombay we have what is called the Rationalist Association. It may be information for Mr. James to hear that I am the President of that Rationalist Association. We conduct a magazine which is called *Reason*.

**Sir Ghulam Hussain Hidayatallah** (Sind Jagirdars and Zamindars : Landholders) : May I put one question to my Honourable friend? He referred to the riots of 1932. May I ask him in what month those riots took place?

**Dr. G. V. Deshmukh** : I do not know if the Honourable Member was in charge of that department of riots.

**Sir Ghulam Hussain Hidayatallah** : When did the Criminal Law Amendment Act come into force? At the end of 1932 or before?

**An Honourable Member** : The Ordinance was there.

**Dr. G. V. Deshmukh** : Sir Ghulam Hussain Hidayatallah was in office, he had a great deal to do in office.

**Sir Ghulam Hussain Hidayatallah** : I had nothing to do with the riots.

**Dr. G. V. Deshmukh** : I know that you had nothing to do with the riots. I never saw you round about there. (Laughter.) But I can prove to you....

**Sir Ghulam Hussain Hidayatallah** : You made an assertion and the burden lies on you to prove the dates when the riots occurred.

**Dr. G. V. Deshmukh** : You were the Executive Councillor of the Government of Bombay, and you were in Bombay itself and you do not know that the riots were taking place in June?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should address the Chair. He cannot carry on a conversation across the floor of the House with another Member of the House.

**Dr. G. V. Deshmukh** : Very well, Sir. Through you I want to tell my Honourable friend that the riots continued from April to June. And the Ordinance was there. (Laughter.) The Press Act was there. If he had seen the trend of my argument, he would have realised that my argument was that these riots to which so much attention has been drawn did occur in spite of the Press Act being there. That I suppose the Honourable Member cannot deny if he is keen on these dates.

**Sir Ghulam Hussain Hidayatallah** : I wanted to correct you when you made a statement that the Criminal Law Amendment Act was in force at the time.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member must address the Chair.

**Dr. G. V. Deshmukh** : I am very sorry to waste the time of the House over this thing. The Emergency Press Act was passed in 1931 if you please. Is that right? That is one year before the riots.

**An Honourable Member** : Ignore those interruptions.

**Dr. G. V. Deshmukh** : I will take no notice because he had nothing to do with the riots; during the three months, I never saw him even once in Bombay. (Laughter.) Where was I when you interrupted me?

**An Honourable Member** : You were the President of the Rationalist Association.

**Dr. G. V. Deshmukh** : I thought those who interrupted me might oblige me by telling where I was when I was interrupted. I was telling you that we have a magazine that is being edited for all intellectuals, having nothing to do with politics, and that is called *Reason*. What do we find? One day a sub-inspector of police comes into the office and says, "Hand over all the copies of the *Reason* you have got". The Secretary, naturally, being a young man, not having much experience of this world, resented and telephoned to me as to what was to be done. We are not lawyers, we do not know much law. I said : "The best thing we can do is to hand him over the copies." He took those copies away. We quietly submitted to the sub-inspector. But, after a month, those copies were returned to us, I do not know for what reasons. Now, you can imagine if this kind of thing exists in Bombay where public opinion is, to a certain extent, of some importance, what must it be in the country, what must it be outside? What will it be in distant places and villages? And it is absolutely useless for you people to come here and say, these powers will be exercised mildly and let us have them on the Statute-book,

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and, after all, we have a right of repealing the measure. I will tell the Honourable gentleman who put forward that argument, that judges after judges have pointed out the deficiencies about section 124A, but what provision have you been able to make to repeal it? Look at the notice given by my Honourable friend, Mr. Satyamurti, for the repeal of all the repressive laws dating back to 1818. What have you been able to repeal? It does not seem to me to be a common sense argument. We will soil ourselves first and then we will have a cleaning afterwards. Why soil yourself first by this Bill and try to have a cleaning afterwards? Have nothing to do with the Bill from the very beginning, from now. We think that the press is absolutely necessary for the requirements of our people, and that is why we are opposing these provisions so strongly. If the Honourable the Home Member does not take away all the individual restrictions, I would consider it as of little importance; if he likes to keep those restrictions, I would not care. But what I do care is that the press being the means of educating and elevating our people, let there be no restrictions on that press. We have been exhorted, times without number, by speakers on that side that we must take the full sense of our responsibility, but that responsibility we feel is the education and elevation of our people, the uplift of our people, so that they may not be serfs and slaves, but proper subjects, so that they will claim their just rights, and, what is more, maintain them against a bureaucracy limitless in power. Sir, that is our object and that is the responsibility which we have undertaken and will undertake, and, in the name of that responsibility, we will not accept this Bill.

**Mr. R. S. Sarma** (Nominated Non-Official) : Sir, it is always very difficult and a great handicap to rise to speak immediately after so effective and accomplished a speaker as Dr. Deshmukh who has just finished, but all the same I am grateful to you, Mr. President, for the opportunity you have given me this morning of making one or two brief observations on the motion now before the House. I shall indeed be very brief, as I propose to confine my remarks solely to those provisions of the Bill which relate to the press. Sir, the heavy artillery of the Opposition has been directed against those clauses of the Bill which seek to control the press; I think I can claim, of all Members of this House, to be in a better position to speak about this particular aspect of the Bill, as I have been a working journalist for over a decade or so,

**An Honourable Member** : Friendly journal?

**Mr. R. S. Sarma** : Yes, although I have not had the advantages enjoyed even by unfriendly journals today. As one who owned, at one time, three daily papers in Calcutta and at the present time the owner of a weekly paper, I rise today to state to the House what I, as a working journalist and as a newspaperman, feel about this Bill. Before doing so, let me, Sir, make a passing reference, and a passing reference only, to the speech of my friend, Mr. Krishna Kant Malaviya. Dr. Deshmukh in the beginning of his speech said that he liked the speech of the Honourable the Home Member. I may also say that of all the speeches delivered from those Benches, I liked the speech of Mr. Malaviya most. I was rather surprised at the slight annoyance experienced by the Finance Member or the Home Member when Mr. Malaviya spoke. If I were the Home Member, I would have immediately run to the seat of Mr. Malaviya and

embraced him, because there was no speech more helpful and more useful to the Home Member than the speech of Mr. Malaviya himself. Some Honourable Members might have had doubts about the wisdom of a measure of this character at this juncture. There might have been others who might have had doubts, whether apart from the merits of the Bill, the time was opportune just on the eve of the introduction of great constitutional changes in this country, to put on the Statute-book a measure which might be called a reactionary measure, but after the clear and unmistakable speech of my friend, Mr. Malaviya, all those misgivings must have vanished from the mind of every Member.

**An Honourable Member** : You have not understood him.

**Mr. R. S. Sarma** : Because, Sir, however, much Mr. Malaviya might have condemned the acts of violence and terrorism, his speech was a clear glorification of the motives and the patriotism of those people who had committed those offences. It is speeches of that character and writings of that character in the press that this Bill is intended to prevent.

Now, Sir, I want to tell the House as a common sense journalist how I view this measure and I do it from a simple standpoint. (Interruption.) I do not mind interruptions so long as they are intelligible—and I am accustomed to interruptions in this House. Just as every other measure in the Statute-book, this is essentially a preventive measure. There are provisions in the existing Penal Code and the Criminal Procedure Code which give powers to the executive and judiciary, powers which are terrifying when one reads them, but I come to the logical conclusion that these are only danger signals serving as a warning to those people who want to overstep the limits of the law. Judged from that point of view, I do not think any one need fear any of the provisions of the present Bill. I do not think there is anything to fear, if one does not want to break the law. Dr. Deshmukh said that the newspaper is a great force and plays a great part in educating public opinion, and that this measure is intended to stifle the freedom of the press. I know that newspapers are very powerful, that newspapers are necessary, they are often talked of as the fourth estate of the realm. The influence of the press is very great indeed all over the world and it is all the more so in our country, though I do not know whether this tremendous influence in India is for good or for evil. If one has followed the writings in the Indian press during the last few years, one would realise the mischief that the Indian newspapers have been able to create in the cause of terrorism and other subversive movements in this country.

**An Honourable Member** : Question.

**Mr. R. S. Sarma** : In England or any other country in Europe, people read only the news and not the views in the papers and come to their own conclusions, but things are very different in India. With our masses, whatever is printed is gospel truth.

**An Honourable Member** : It is just the other way.

**Mr. R. S. Sarma** : Not at all, Sir. I have known Members of the Legislature in some provinces who have not read the Government of India Act but have gone and discussed the Act with high officials and when they were questioned in detail, they had to admit that they had not read the Government of India Act but only the comments in papers like the

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*Amrita Bazar Patrika* and the *Hindustan Times* about the Government of India Act. Even the head lines of some of these papers are dangerous and revolting. Everybody is familiar with the famous head line which appeared in a Calcutta paper, when that dangerous terrorist, Dinesh, was executed. The paper brought out the head line 'Dauntless Dinesh dies at dawn'. Look at the alliteration and the emotion. If these things do not manufacture terrorists, I wonder what does. Any one who has followed the leading articles in many of the Indian newspapers will have no hesitation in coming to the conclusion that these terrorists are not born but are made in the columns of some of the newspapers; our Indian masses are very credulous and the ignorant and the sentimental section of the public are being most mercilessly exploited by journalist politicians. That is a factor which the Government are bound to take note of. I shall give from my own experience an illustration of how the ordinary man is misled. It is to protect that kind of man from being exploited that I want an Act of this kind put on the Statute-book.

Mr. Birla, who was once a distinguished Member of this House, owned the Calcutta evening newspaper, *The New Empire*, of which I was the editor. There was a breakdown in our press and we could not print our paper in our own press. As there was no other well equipped Indian printing press in Calcutta, where a daily newspaper could be printed, we arranged to print it in the *Statesman* press. At that time, the *Statesman* was subjected to a very severe boycott because of certain articles that appeared in that paper against the late Lokamanya Bal Gangadhar Tilak. There was a great propaganda in the newspapers as to why Mr. Birla's paper was printed in the *Statesman* press. There was a vigorous campaign against us going on in the press and there was a great public meeting called one day to condemn Mr. Birla and myself for our printing our paper in the *Statesman* press. Well, the fact is, we tried the Indian press and we did not succeed, because no Indian press could, day after day, print 6,000 or 7,000 copies and we were indeed very thankful to the *Statesman* that they allowed us to do it. There was held this public meeting, attended by twenty thousand men, and Mr. Birla asked me: "Why don't you go to this meeting and explain matters, and why we were obliged to print our paper in the *Statesman* press." Though I knew the hostile character of the audience, I took courage in both hands, went to the meeting, got upon the platform and explained matters to the audience. Well, the audience looked as if they were convinced. I said, if anybody could suggest any Indian press where we could print, I was willing to pay a thousand rupees a month more than what we were paying to the *Statesman*. One fellow got up and said: "Why, there is the Marwari press, (Mr. Birla is a Marwari), in which you can print the paper." I asked, what is this Marwari press which can print a daily newspaper? Then one man got up and said: "There is of course the Halwasiya press." I said the Halwasiya press was a jute press and not a printing press; but a man suddenly got up on the table and shouted: "Never mind, all the same it is a press." (Laughter.) He won the day. Now, Sir, that is the mentality of the masses who read our newspapers. It is said that the effect of this Act would be to prevent honest expression of views. I deny this. Can anybody point out whether any extremist newspaper which has not been malicious or scurrilous has been subjected to any embarrassment? I will give you a very good illustra-

tion. Take the *Hindu* of Madras. Now, it always enjoys the blessings of Mahatma Gandhi, who has said that the *Hindu* is doing a great national service. It is a Congress organ. (Voices: "No, no.") Yes, Sir, for all practical purposes, though it has not the Congress label. Well, at the last elections, what did it do? My Honourable friend, Mr. Satyamurti, depends upon the *Hindu* of Madras to publish all his speeches....

**Mr. S. Satyamurti** (Madras City: Non-Muhammadan Urban): No, Sir, I depend on the justice of my cause—I depend on the Indian National Congress and on nobody else.

**Mr. R. S. Sarma**: Why, as to publicity and propaganda, I say Mr. Satyamurti preaches through these newspapers, through the *Hindu*. Therefore that paper is for all practical purposes a Congress paper. Now, has it suffered in any way? It wrote openly saying that Sir Shanmukham Chetty should be defeated, that Diwan Bahadur Ramaswamy Mudaliar should be defeated, that Mr. Sami Vencatachalam Chetty and Mr. Satyamurti should be returned with large majorities. Has it suffered in any way for its expression of views? On the other hand the *Hindu* is favoured with all Government advertisements. The paper is in the good books of the Government. An illustrious Member of the Government of India, Sir Frank Noyce, went last year to Calcutta and performed the opening ceremony of the Calcutta office of that paper. Now, the editor of that paper is supposed to be the editor of an extremist paper. Has he suffered in any way? He even got a Silver Jubilee medal! I am only trying to show that the Government do not mind, however, violently it writes so long as it does not support terrorism, so long as, by seeming to condemn acts of violence, it is not glorifying such acts as being inspired by patriotism and noble ideas....

**An Honourable Member**: Does the *Hindu* support this measure?

**Mr. R. S. Sarma**: It does not. That is my argument. Even when Government does not get the support of that paper in the matter, I say, look at the consideration that the Government is giving to that paper. Only the other day, Honourable Members might remember, that the Honourable the Home Member on the floor of the House, raised the *Hindu* to the dignity of a friendly press. My point is while papers can write as violently as they do such as the *Hindu* of Madras or the *Amrita Bazar Patrika* of Calcutta, so long as they do not overstep the limits of decency, so long as they do not secretly sympathize with the terrorist movement, so long as they do not supply inspiration and encouragement to terrorists and breakers of law—I say no man need fear this legislation. I admit, Sir, that the tone of the press has lately improved. And why? Because of the existence of these provisions—not because of any change of heart. I know sometimes even some of these extremist papers privately like such Acts like this. (Voices of: "Oh, oh")

**An Honourable Member**: Where did you get that from?

**Mr. R. S. Sarma**: Now, suppose the Press officer instead of exercising his powers goes in a friendly manner to some of these papers and gently says: "Why don't you please co-operate with me? Don't publish this kind of inciting stuff." How often the editor of such a paper will not actually say, as so many have done, "I agree, but you see if I do not publish this, my rival newspaper will, and, therefore, it is

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better that you issue some sort of communique that nothing should be published." (Laughter.) That is the attitude of many of the papers.

Sir, there is one important point which my Honourable friend, Dr. Deshmukh, mentioned and which, other speakers on the Opposition side have mentioned, namely, that the most essential thing to do in order to combat terrorism is to find avenues of employment for our educated youth. That is a very important subject no doubt; but I want to make one observation. This terrorism is confined to India or rather to Bengal; but unemployment is all the world over. Why should this terrorism be here alone? Of course that does not prevent my agreeing fully with what my Honourable friend, Dr. Deshmukh, said on this point, namely, that the one thing you should do is to find avenues of employment and occupation for our educated young men. Now, coming from Bengal as I do, I am proud to make the statement, on the floor of this House, that no one in India has a clearer and fuller realization of the need of efforts in this direction than my Governor, His Excellency Sir John Anderson. (Loud and Prolonged Cheers.) Only last week, Sir, he made a most notable pronouncement in the Bengal Legislative Council. In words of clear and incisive eloquence, words all the more weighty because of their restraint and reticence and careful avoidance of over-emphasis, His Excellency examined the present position of the terrorist movement in Bengal and made a notable announcement which I shall read in his own words:

"Government have decided upon giving to selected detenus at the expense of the State a training which would enable them to assist in developing the natural resources of the country, both to their own profit and to the profit and advantage of the country at large."

The details of the scheme which has been propounded by His Excellency are now public property and have been published in the papers....

**An Honourable Member:** After how many years?

**Another Honourable Member:** Under what conditions?

**Mr. R. S. Sarma:** Under conditions necessary for this experiment to succeed. Honourable Members will find that in this great and statesman-like announcement there lie the beginnings of a still greater and more far-reaching campaign of solving the unemployment problem and I think it is my duty, on the floor of this House, on behalf of Bengal, to pay my unstinted meed of tribute and admiration to His Excellency Sir John Anderson. (Loud and Prolonged Cheers.) Sir, one Honourable friend asks me—why then the need for this Act and what is the particular need for this legislation? I say it is to prepare the field for the successful working of the new experiment, so that these unfortunate young men will not be induced again to fall into the trap of pursuing these violent and destructive methods. That is the reason. (Hear, hear.) I say nobody need be in fear except those people who lurking in the background exploit eager and thoughtless youth in the interests of universal disorder. (Hear, hear.)

Sir, one word more and I have done. The *Hindustan Times* characterised rather sarcastically this Bill day before yesterday as Lord Willingdon's parting gift.

**Some Honourable Members:** Parting kick.

**Mr. R. S. Sarma:** In my opinion, it is a real gift, and my countrymen may not realise the value and significance of this measure today. They may think that it is a reactionary piece of legislation; but let me assure this House and my friends that long after the present political turmoil is over and long after the dust of the present political controversy has subsided, when my Honourable friends, Mr. Bhulabhai Desai, Pandit Govind Ballabh Pant and Mr. Satyamurti, become Ministers in their own provinces and sit in their official chairs, engaged in useful constructive national work, free from the fear of the bomb and the revolver, when they will find that the youngmen who are now an embarrassment to the State become useful members of society, when the future Indian Prime Minister of this country, who may be a Congress dictator, finds that he can carry on his work of national reconstruction without the necessity of a Hitler purge of the 30th June of last year, when this consummation, God willing, materialises, not only will the name of Lord Willingdon be cherished with affection by my grateful countrymen and remembered with gratitude but his whole policy will stand out as a shining testimony of what he and his Colleagues had been able to do to make India not only fit for self-government but safe for the enjoyment of those precious privileges. (Applause.)

**Pandit Krishna Kant Malaviya** (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, I wish to speak on a point of personal explanation. I did not want to interrupt the Honourable Mr. Sarma when he was in the midst of his speech. I am afraid he would have charged me with discourtesy as he has charged me with other things. His charge is entirely baseless and I treat his insinuations with the contempt which they deserve....

**Mr. President** (The Honourable Sir Abdur Rahim): That is not a point of personal explanation. The Honourable Member must confine himself to his point of personal explanation.

**Pandit Krishna Kant Malaviya:** I am coming to that. He said that I was glorifying murders. That was the charge that he laid at my door. I do not object to my Honourable friend for he is speaking on behalf of the constituency which he so ably represents....

**Mr. President** (The Honourable Sir Abdur Rahim): If the Honourable Member is making a speech, the Chair cannot allow that. He can only say something by way of personal explanation.

**Pandit Krishna Kant Malaviya:** What I want to say is this. I come as a representative of the people of this country and as their representative I have to speak....

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. If the Honourable Member has no personal explanation to offer, the Chair would ask him to sit down.

**Pandit Krishna Kant Malaviya:** What I wanted to say was this that I was speaking for men who could not speak for themselves here. The Honourable Member has entirely misunderstood me. I did not defend murders....

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member to resume his seat. Apparently, he has no personal explanation to make.



**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Mr. President, the Bill before the House is not a new measure. It has passed through the searching scrutiny of a strong Select Committee and was also hammered on the floor of this House, in a full-dress debate, in 1932, when it was placed on the Statute-book of the country, for a period of three years. That period is now going to expire, and the present Bill is intended to remove some of the provisions of that Act and to continue others for an indefinite period. It is, therefore, our duty to examine under what conditions the Criminal Law Amendment Act of 1932 was passed and whether the time has come and the conditions in the country are such that the whole of this Act should be repealed.

Sir, we all know it very well that when the Criminal Law Amendment Act of 1932 was passed, the country was passing through a state of chaos and anarchy. Civil Disobedience and boycott were rampant, the peace of the country was threatened everyday and persistent boycotts and hartals made the peaceful avocations of the day impossible. It was under these circumstances that the Government of India were forced to enact a measure which was no doubt of a repressive nature but which was justified to meet the conditions prevailing in the country. When this Bill was passed, what was the effect ? The effect of it was that all those pernicious movements and all those nefarious activities were stopped and the peaceful progress of the country continued unmolested. The Government have, therefore, decided that the provisions of the Act which are no longer required should now be repealed. It shows that the Government of India do not want to keep harsh measures on the Statute-book a minute longer after the necessity for their enactment becomes non-existent. During the time when this Act was in force, no difficulty was experienced in lawful activities and peaceful political movements of the country. The Indian National Congress was able to hold a full-fledged Session in 1933, at Bombay, without in any way experiencing any difficulty on account of this Act. Similarly, many other Provincial Conferences were held unmolested. This shows that the power which was vested, by this Act, upon the local authorities and the Provincial Governments was not misused or abused.

Now, Sir, of the sections of the Act of 1932 which will be retained under the new Bill, the most important ones to which objection has been taken are sections 5, 7, 11 and 13. Section 5 relates to the dissemination of the contents of proscribed documents and it is considered as an attack on the liberty of the press and the liberty of the speech. I quite agree with my Honourable friend, Dr. Deshmukh, when he says that the press is a very powerful machine for moulding the public opinion and, therefore, it becomes extremely necessary for us to see whether the great power which the press exercises in the country is being exercised for the benefit of the young generation of India or to their detriment. Is it not a fact, Sir, that the mischievous speeches of some irresponsible persons are the root cause of many of our miseries and troubles ? Is it not a fact that the communal tension and communal riots in India are caused by fiery speeches.....

**Mr. M. Asaf Ali** : Of communalists.

**Sir Muhammad Yakub** : Yes, quite right. The present Bill is intended to stop the activities of those communalists. What I was going to say is that the communal riots are caused by the fiery speeches of mischievous persons and by the mischievous articles

that appear in the communalist papers of India. (Hear, hear.) Look at the small State of Loharu, which is not even equal to the four walls of our Legislative Assembly, and yet a lot of agitation is being carried on.....

**Mr. M. Asaf Ali** : I rise to a point of order, Sir. Is the Honourable Member in order in referring to an Indian State ? Can we make any reference to any Indian State in this House and to the incidents going on there ? Some of my questions were disallowed on that very ground.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member, the Chair is sure, will not refer to incidents in Indian States.

**Sir Muhammad Yakub** : I am not referring to the incidents that take place in Loharu. What I am going to say is that the mischievous speakers in British India go from Simla and Delhi and publish their poisonous statements in communal papers in Delhi and Lahore and I, therefore, say, that these mischievous persons are responsible for the communal tension from Rajputana to Lahore. If there is a small spark of communal tension in one part of the country, the communal papers fan it into a huge blaze which would set fire to the whole country from one end to the other. This is what we have experienced for a very long time and which we are seeing here every day.

**Pandit Krishna Kant Malaviya** : Yes, the communalists sit in conference in the cool heights of Simla.

**Sir Muhammad Yakub** : Of course they do meet and at the expense of the Government of India, because they also draw their daily allowance of Rs. 20 a day !

Now, Sir, is it not the duty of the Government to impose restrictions and curtail the liberty of such mischief-making press ? Of course all honour is due to the nation-building section of the Indian Press. They have done their work nobly in a way which commands our respect, and they have nothing to fear from any measure which may be placed on the Statute-book. (Hear, hear.) Sir, probably there is no other country in the world, except France and England, where the Press and the platform enjoys more liberty than is enjoyed by the Press and the platform in India even in the face of the present laws on the Statute-book. Liberty unrestricted is a very luring term to pronounce, but does it—nay, can it exist in any phase of our social or political life. On the contrary we find that those who are the loudest in their demand for unrestricted liberty are the greatest sinners in curtailing the liberty of the people. (Hear, hear.) The case of Soviet Russia is a case to the point. It will take our Honourable friends on the Opposition Benches a good deal further up if they gather courage to go to Russia and make a speech criticising the administration of that country. The Press and the platform in Russia are being used there only as the mouthpiece of the Government and the mouthpiece of the administration and it would be too bold indeed to associate the liberty of the Press and the platform with the present state of conditions prevailing in Soviet Russia. Mr. President, two years ago when I was in Constantinople, a number of the representatives of newspapers of that historic city called on me and approached me with the request that I should give them a statement about my impression of the tour. Being an Indian Mussalman, I started by saying that “ for a long time I cherished a great desire to pay a visit to the capital of the old Islamic Khilafat and

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that I was glad that that desire was fulfilled then". At this the poor representatives trembled in their shoes and said that it was impossible for them to publish anything containing the word "Khilafat" or "Khalifa" or things like that. (Hear, hear.) These are the conditions prevailing in countries where monarchs were butchered and thrones were over-turned in the name of liberty and freedom. Coming nearer home, may I be excused if I say that even the Congress movement in India cannot subsist without putting drastic restrictions in their own field. (Hear, hear.) The Khaddar franchise, the taking of pledges from members or ban against attending social functions given in honour of Government servants are some of the examples of this curtailment of the liberty on the part of the Congress movement. (Applause.) We are not ignorant of the feeling which is in the minds of certain Congress members in opposition to these restrictions.

**Some Honourable Members :** No, no. There is none.

**Sir Muhammad Yakub :** There it is all the same, and I leave it at that. For a Government the imposition of restrictions becomes more a duty than a mere convention and a Government would not be worth the name if it does not restrict the liberties of some in the interests of all. The unfinished speech of the Honourable the Law Member on the Bill which was sponsored by my Honourable friend, Mr. B. Das, has clearly proved that Communism and terrorism not only do exist but they are still germinating in this country and he has also proved beyond doubt how the Congress movement is linked with that, a fact which was proved by the speech delivered by my Honourable friend, Pandit Krishna Kant Malaviya, the other day. Is it, therefore, wise on our part to refuse to arm the Government with the necessary powers to deal with a situation arising out of the circumstances? Now, Sir, the question is, whether we only want applause from the Press.

**An Honourable Member :** And also from Government.

**Sir Muhammad Yakub :** And the public and from the Government as well. I am quite sure that Congress will receive applause from the Government because I imagine that there has been for a long time some subterranean connection between the Government and the Congress. (Laughter.) Whenever Government want to give some liberty to the country, some more reforms to the country, the Congress comes in between and puts some spoke in the wheel of the advancement of the country; and that shows that there is some subterranean connection between the Congress and Government. (Laughter.) Therefore, my friend is right when he says that they would also expect an applause from Government. If this Bill is thrown out at this stage, the Opposition no doubt will have the satisfaction, the empty satisfaction, of inflicting another defeat upon Government, which they cannot remove by their vote. But what would be the result? Will they be able, by doing so, to stop the placing of this Bill on the Statute-book? On the other hand, if we allow the consideration motion, we will be able to improve the provisions of some of the clauses, when the Bill is discussed, clause by clause, we can move amendments and the united House can pass amendments. I am not in a position to advise the Honourable Members on the Opposition Benches, but I am more concerned with my friends on the Opposition Benches because they are our

countrymen and their goal and our goal is the same, while the goal of Government is not the same; and I want you to join hands with me and take the ball to the common goal. Nor do I pose to play the part of a peacemaker, but as an humble worker and as a sincere friend of my country, I appeal to the Honourable Members on the Opposition Benches that they should allow the clauses of this Bill to be discussed on the floor of the House so that we may be able to modify some of its provisions and we may also be able to fix a time limit on its life as we did on the previous occasion. Here are two alternatives: either you have the Bill on the Statute-book, in the form in which it is presented before the House, or you have a modified, polished and a more improved Bill if you vote for the motion before the House. From this point of view I feel myself constrained to vote for the motion before the House.

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. Akhil Chandra Datta) in the Chair.

#### MEMBER SWORN.

Mr. John Desmond Boyle, M.L.A. (Bombay : European).

#### THE CRIMINAL LAW AMENDMENT BILL—contd.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, after the surgical operations of the Bill performed by the distinguished surgeon of Bombay—I refer to the Honourable Dr. Deshmukh—I thought that the local sore would show some signs of cure; but from the speech of my Honourable friend, Sir Muhammad Yakub, who is not now in his seat, and my Honourable friend, Mr. Sarma, who too does not seem to have come back, it seems that the other distinguished surgeon from Southern India, Dr. Rajan, will have to repeat the operation in order to bring about a recovery.

The history of the various nations has left certain lessons for the administrators of states, but I find that in this land the lessons of history are ignored. History tells us that the multiplication of grievances of the subject races leads to discontent, which in its turn leads to resentment, which in its turn leads to open armed rebellion. The lessons of history are very clear on the point, and, if ignored, they extract the full price from those who happen to be in power for the time being. That this lesson is known to the Honourable the Home Member is clear from the very fact that in his speech he said that this legislation is directed for the benefit of the dumb millions, the masses of this country. Whether it is for the benefit of the millions or not is to be judged from the actual facts that are taking place in the country and not from the idle professions which can be made on the basis of certain police information supplied to the Honourable the Home Member. May I ask him one simple ques-



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tion in this connection? What is the principle underlying this Bill? As a lawyer and as a Member of this august House, I am entitled to a reply. The Honourable the Home Member, like his predecessor when this Act was before the last House, has tried to evade a reply to this question. The question is not only an important one, but a vital one for the country as a whole. If we have a reply to this simple question as candidly as we got once when a similar measure was being discussed in the House, then the reply would be: "The Bill seeks to invest the executive with powers to decide certain judicial issues". That is to say, the executive judgment is to be substituted for the judicial judgment. It was a candid reply made by an Honourable Law Member, who discussed a similar measure before, in this House. If that is so, and if this is the principle underlying this Bill, there should be no doubt as to the attitude of all lovers of liberty towards this legislation and that attitude is summary rejection of the Bill. My reasons for this are not very difficult to fathom; but I am doubtful whether my views, even if strengthened by the highest authority from the land wherefrom the Honourable the Home Member comes, will find some response in that quarter, if response is possible.

Lord Sankey, when Lord Chancellor of England, made a speech in 1929 where he said that rule of law was a condition precedent to liberty. The Government of India Act was passed in the teeth of opposition of the people of India, and we know that the Government of India Act received a cold reception from the people of this country who are to be vitally affected by that legislation. If we were to ignore the opinion of nationalist India, if we were to call those who have declined support to the Government of India Act as irreconcilable agitators and, if we only consider and take into account that school of thought which says that we should give a trial to this legislation in India, then this would be a pertinent question to ask, "is this legislation to be a precursor of that Government of India Act which pretends to confer liberty or responsibility upon those who would like to work it later on? Is it that every piece of reform given to India should be preceded by a storm?" You remember the consequences of the passing of the Rowlatt Act in the old Imperial Council when the reforms of 1919 were introduced. Have you forgotten the history of those times when the passing of the Rowlatt Act against the will of the people was followed by a huge rising and riots in the Punjab, I myself being one of the victims? Even in those days it was claimed that this Rowlatt Act was passed in order to make the exercise of responsibility conferred by those reforms easy for those who were to exercise it. But what was the length of the existence of that Rowlatt Act? Did it not remain a dead letter on the Statute-book without finding a single mourner on its death? Why then repeat the same blunder, I ask? I will reserve this point for the moment to be dealt with when I come to discuss the effect of such legislations on the country. If this legislation is allowed to be passed by this House, it will mean the negation of all liberty. This mentality of the bureaucracy is manifested by a certain remark which a retired Anglo-Indian once made. When passing by the House of Commons, he asked, "what are these buildings?" And being told that they were Parliamentary Houses, he said, "really is the rubbish still going on?" That is the mentality, Sir, which a bureaucrat brings to bear upon the conditions of this country and then carries the same impressions to his Home after retirement. Such mentality has been

described in some pithy formulæ by no less a person than the Chief Justice of England. He says:

"If a similar method were applied to the ardent bureaucrat, the amateur of the new despotism, his reflections might perhaps be indicated in some creed as this:

- (1) The business of the Executive is to govern.
- (2) The only persons fit to govern are experts.
- (3) The experts in the art of Government are the permanent officials, who, exhibiting an ancient and too much neglected virtue, 'think themselves worthy of great things, being worthy'.
- (4) But the expert must deal with things as they are. The 'four-square' man makes the best of the circumstances in which he finds himself.
- (5) Two main obstacles hamper the beneficent work of the expert. One is the sovereignty of Parliament, and the other is the Rule of Law.
- (6) A kind of fetish worship prevalent among an ignorant public, prevents the destruction of these obstacles. The experts, therefore, must make use of the first in order to frustrate the second.
- (7) To this end let him, under Parliamentary forms, clothe himself with despotic power, and then, because the forms are Parliamentary, defy the Law Courts.
- (8) This course will prove tolerably simple if he can (a) get legislation passed in skeleton form; (b) fill up the gaps with his own rules, orders and regulations; (c) make it difficult or impossible for Parliament to check the said rules, orders and regulations; (d) secure for them the force of statute; (e) make his own decision final; (f) arrange that the fact of his decision shall be conclusive proof of its legality; (g) take power to modify the provisions of statutes; and (h) prevent and avoid any sort of appeal to a Court of Law.
- (9) If the expert can get rid of the Lord Chancellor, reduce the Judges to a branch of the Civil Service, compel them to give opinions beforehand on hypothetical cases, and appoint them himself through a businessman to be called 'Minister of Justice', the coping stone will be laid and the music will be the fuller."

For, these are the underlying ideas with which the present Bill has been framed by the Bureaucracy. The real issue between those who adorn the Treasury Benches and those who occupy the Opposition is whether India shall be allowed to be governed by the executive or by the trained judges; whether the rule of law shall prevail or the executive will shall prevail, whether the Courts of law shall be supreme in land or the executive will of a despot sitting in his office will govern. That is the issue. I do not think that even the Honourable Members of the Treasury Benches can accuse those who are opposed to them of any personal ill-will towards them, but the real struggle is between the two principles. We, on this side, can never allow to be governed by executive authority alone without giving us an opportunity to defend ourselves. What we want is that the progress of the country should only lie on the institution of liberty, equality, security of person and property. Here is a contention, Sir, and I want the Honourable the Law Member to take note of it,—why should he yield place to his brother sitting by his side, the Honourable the Home Member? Supremacy of law has been regarded as a great asset for the liberties of the people. Why should he not put up a strong fight when the Honourable the Home Member comes to him and asks him to abdicate his place and to give him the right to rule the country by executive decrees? I really don't see whether such a thing is possible in the Government of India as it is constituted today, and I do not pretend to know whether such a struggle did really take place in the Cabinet of the country or not. But if I were an advocate of the rule of law, I would certainly

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put up a stiff fight before I permitted any Government of India to introduce such a piece of legislation that wants to substitute executive judgment for judicial judgment. Sir, even taking into consideration the fact that whoever becomes the Member of the Government of India is inspired by certain considerations which make him infallible or unerrable to which weakness every human being is liable, even then such a benevolent all-knowing despot would not be a good substitute for the judgment of a Court. In this connection I will again with your permission quote from the Chief Justice of England. This is what he says :

“ All that is involved and implied in the term ‘ Court ’ is essential. It may well be that, in a particular case, a perfectly correct opinion might be obtained from some anonymous person, incapable of identification, who heard none of the parties to the controversy, but brought his individual reason to bear in private upon a miscellaneous bundle of correspondence. It is even possible that, in a particular case, a mysterious individual of that kind might not be in the smallest degree tempted or diverted from a sound opinion by the fact, if it happened to be the fact, that he was closely associated with one of the parties to the controversy. But it is manifest that an opinion is arrived at differs by the whole width of the heavens from the decision of a Court. The work of a Court involves many important ingredients, as for example, (1) that the judge is identified and is personally responsible for his decisions ; (2) that the case, subject to rare exceptions, is conducted in public ; (3) that the result is governed by the impartial application of principles which are known and established ; and (4) that all parties to the controversy are fully and fairly heard. In other words, the decision of a Court is in every important respect sharply contrasted with the edict, however benevolent, of some hidden authority, however capable, depending upon a process of reasoning which is not stated and the enforcement of a scheme which is not explained. The administration of the law of the land in the ordinary Courts presupposes, at least, personal responsibility, publicity, uniformity, and the hearing of the parties.”

Now, Sir, with such an authority at my back, may I ask the Honourable Member with what show of plausibility he can come to this House and ask us to substitute executive decree for the rule of law ? The plain duty of Honourable Members who have any respect for the liberties of their fellow-beings, in this land, is to throw out such a legislation, whether it be the Criminal Law Amendment Act or any other Act which substitutes executive judgment for judicial judgment.

I will now come to the next point. What is the justification for such a law ? Before I deal with the justification given by those who are advocates of this piece of legislation, I should like to refresh the memories of Honourable Members with the history of this legislation. After the Gandhi-Irwin Pact had been arrived at and after Mahatma Gandhi had left for England to join in the deliberations of the Second Round Table Conference, and when Mahatma Gandhi was still there in England, a conspiracy was hatched in India by, I regret to say, the European residents of this country to thwart the political activities of one important political body, namely, the Congress. My Honourable friend, Mr. James, says, that it is not true, but I am going to adduce evidence which is very conclusive, which is incontrovertible and which even he would not be able to deny. In this connection I would refer you to the speech of no less a person than Mr. Winston Churchill made in the House of Commons on the 3rd December when Mahatma Gandhi was still in London. In his speech he said. The question was in relation to the Committees which were to tour India to enquire into what changes should be made in the

constitution of India. He said, speaking on this motion in the House of Commons :

“ What are we to do ? We are to send out committees to India ; they are to roam around India, large parts of which may be under something like martial law. They will roam around India in places where ordinary constitutional rights are superseded by measures of enforced protection. They are to be subjected to the same sort of ill-usage as that to which the Simon Commission were subjected by the adherents of the Congress party. India has to be kept in this state of unsettlement perhaps for two or three years.”

At that time the Government had not promulgated the Ordinances, there was, at any rate, no knowledge on the part of the public that such Ordinances were to be promulgated. How could Mr. Winston Churchill know on the 3rd December, 1931, that such would be the condition, that such would be the treatment meted out to the Committees that would come to India, and that there would be a sort of *quasi-martial* law in this country ? I hope this one quotation will be sufficient to satisfy my Honourable friend, Mr. James, about what I said, that there was a conspiracy hatched by the European residents here to suppress all legitimate political activities before Mahatma Gandhi returned to India. (Interruption by Mr. F. E. James.) I expect you to quote some opinion in your favour.

I am sorry I have not got at this time the circular issued by the European Association which is known as something—I do not remember the exact name. There was a circular which I quoted last time in this House, but I will give another piece of evidence from a highly respectable Indian, I mean Dr. Ansari's statement before he sailed for Europe in those days. He made an open statement in the Press that he had actually seen the draft of the Ordinances before Mahatma Gandhi has come back. The history is very simple. The Conservative Government had replaced the Labour Government in England, Lord Irwin had left the shores of India and new angels had come to take charge of Indian Government. Is it not a fact that during the five years of Lord Willingdon's Government we are being treated to suppressive and repressive laws ? And yet the European community in India will deny that they are no party to this conspiracy !

Now, coming to the justification given for the introduction of such a piece of legislation. We are told that there are three very active movements in India, the first is terrorism, the second is Communism, and the third is communalism. The advocates of the Government Benches have added a fourth, and that is Civil Disobedience Movement. The first question that naturally arises is, were not terrorism and Communism rampant in the land before the introduction the Ordinances ? Why were not Ordinances promulgated then ? Why should it be left till after the conclusion of the Second Round Table Conference, the return of Mahatma Gandhi and the well-known refusal of Lord Willingdon to see Mahatmaji after his arrival ? If they were really intended to strike at the terrorist and the Communist, they should have been promulgated when the Civil Disobedience was in abeyance. But no such thing was done. There can be no concealing the fact that these Ordinances were aimed at putting down and crushing any reviving spirit of Civil Disobedience. When the Civil Disobedience Movement is in suspense and when the advocates of Civil Disobedience are now adorning the Opposition Benches in this House, the pretence of the Government cannot hold good. They say that the Bill is necessary and like benevolent despots charitably inclined they say these

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powers are necessary, not for themselves,—no, they are quite safe from the hands of any of these three issues,—but for the coming Government. And the coming Government, according to their own statement, is to consist of grown up children who would have no knowledge of how to defend themselves! Why, the same argument was used by the predecessor of the present Home Member in this House? But that new Government unfortunately never came into being during the three years that the Bill has been in operation. The question that naturally comes before us is— is this a pretence or a real fact or it is only to placate those who may be wavering on which side to vote? Sir, let me deal with these movements one by one. I will take up communalism first.

Nobody will deny the fact that communalism took its birth on the

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day when an engineered deputation waited upon Lord Minto and demanded separate electorates for the muslim community. The birth of communalism dates from the birth of separate electorates. Well, who gave the separate electorates? The Government. Well, the Government is responsible for communalism. The concession of separate electorates was followed by similar other concessions and the policy of divide and rule was taken to such an extent that now Government finds itself the victim of the reaction that is bound to come. The separate electorates were followed by the Communal Award and the Communal Award was followed by the communal service award and the communal service award is followed by the various acts of favouritism which are daily to be seen in the advertisement in the public press issued by the various Government departments. What has been the principle underlying all this policy? Is it justice or political expediency? I will, with your permission, address my Muslim brothers on this point and tell them that they should take a lesson from the history of the Sikhs. I remember the days of 1857 when there was a rising of the army and Delhi was the scene of bloodshed. The Sikhs had then lost their empire only nine years before that outbreak. Lord Lawrence and other members of the English Government sent for the Sikh Chiefs and asked them to give them a passport up to Bombay and get back their empire. The Sikhs refused. They said: "No, we will protect you" and we successfully defended them with the result that now the Sikhs have been thrown out, because political expediency does not require them. Political expediency does not listen to reason, to honesty, sincerity or anything. Muslims are very glad. They are dancing over the little favours that they have got. I tell them that the length of the period of this favouritism is measured by the law of political expediency which gave birth to it and political expediency will end it. There is no love of any religion in the Executive Government of this country. I am very very glad to hear from no less a person than Sir Muhammad Yakub that communalism is an evil. I wish he had made a further declaration on the floor of this House that the Muslims henceforth would have nothing to do with communalism and I would certainly have followed him by a similar declaration that the Sikhs no longer stand for communalism. Let the Mussalmans come forth even now, with a declaration that henceforth they will stand on their own legs and will stand for merit alone. I have the honour to belong to a very small minority in India, I would not, on behalf of my community, hesitate to announce that the Sikhs regard communalism as unsuperable obstacle to the progress of India. It has been said that communalism is raising

its head in the Punjab. Unfortunately it is true to some extent but, if I were free to disclose the facts that fanned the situation in the Punjab, if I were free to tell this House how this communalism has been used as a weapon to engineer this false agitation over the Shahidganj Gurdwara, I think I would be able to convince Honourable Members of this House that it is not an agitation which anybody should be afraid of. But without going into that question I may mention one fact that is very apparent and obvious and that is the coming elections to the Provincial Assembly based upon separate electorate is responsible for all this trouble. There is no genuine feeling behind it. It is only a race for votes.

**Mr. M. Ghiasuddin** (Punjab : Landholders) : May I ask, Sir, how all this is relevant under this Bill?

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : In the opinion of the Chair, it is in order, because the Honourable Member is referring to communalism and how it arose.

**Sardar Sant Singh** : My Honourable friend should not have taken offence on this question. I do not want to injure the feelings of my Muslim brothers in the Punjab. I only referred to it in passing to show that such demonstrations and agitation are bound to take place and will continue to take place whenever there is a race for catching the votes of the illiterate masses. My remarks are intended more for the Treasury Benches than for my countrymen on this side of the House. This communalism is prevalent only because of the coming elections and to say that such a piece of legislation as this is necessary to put down communalism is not true. I will come now to another point. Soon after the Shahidgunj agitation, prosecutions for possessing more than one kirpan by the Sikhs were started. The case was taken to a magistrate. The magistrate gave the judgment and discharged the accused, holding that according to the law Sikhs could carry any number of kirpans. May I ask the Honourable the Home Member and the Law Member what was the duty of the Executive authorities under such circumstances? When the judgment was given, was it not the plain duty of the authorities to respect the law and to respect the judgment of their own Courts? But the Punjab Executive authorities did not do any such thing. What did they do? They started more arrests and placed the case before another magistrate. According to my understanding of the functions of the administration, I think the best example the Executive Government could set was to show respect for the law which they themselves had made. The Sikhs have been carrying these kirpans for the last ten years without being molested anywhere by the police. All of a sudden, without any notice, the Sikhs were arrested for possessing more than one kirpan. What did it show? Well, it only shows that the executive tries to interpret the law as it suits them. The decision of a Court was given, but they treated that decision with contempt which no civilised administration can afford to do. Sir, it is their business to set an example to the public that the law must be respected. But when the executive do not respect the law there can be only one result and that is that the public begins to lose respect for the law. In this particular case, the Punjab Government, after the judgment of one Court, started further prosecutions and succeeded—obtaining a different finding. Now, there were two judgments in conflict with each other. May I ask a simple question again—

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what is the duty of the Executive Government in any country ? Is it not their duty to make the rule of conduct for the people clear and unambiguous ? It was their duty to tell the people what the law is, but instead we find this Government giving us conflicting decisions. We are left to follow the judgment of one magistrate or another magistrate without any guidance. When the agitation started and the Sikhs came out in procession with two kirpans with each man and defied the Government, then the Government realised the folly of their action of securing conflicting judgments. My point is that the Government at first creates a situation, and when the Government finds itself in a tight corner, it comes forward to ask the Legislatures for more power for the executive. Who is going to give them such powers under such circumstances ? Have you ever seen any executive in the world not respecting the judgment of their own Courts ? But here in India they do it : and when they find that the same amount of response is not forthcoming as in other countries and the people begin to defy the authority of the law, then that defiance of law becomes a ground for asking for more powers.

Government complains of picketing, complains of the Press activities ; why should there be complaint when the people have only taken measures in self-defence against the aggressive measures of the Government ? Why did the Civil Disobedience Campaign come into existence ? Because the Government did not listen to the public opinion. Now, there is a story in the Ramayan that one of the members of the family of Ravan used to sleep on for months together, and when the need came for him to be awakened, drums were beaten, elephants were brought to trample him down. It was only then that he could be awakened. Is this the sort of sleep in which the Government of India are going to indulge ? Why are they not listening to the intelligent public opinion ? Why are they turning a deaf ear to public opinion ? If they had but listened to the public opinion they would not have needed such legislation. Sir, their duty is to be responsive to public opinion. Why do they not do so ? Is it not then our plain duty as honest men and is it not the duty of all lovers of liberty to tell them that, unless you respond to us, we will never respond to you ? You complain of non-co-operation—with what face ? Have you co-operated with us ? Was not the last Assembly a co-operators' Assembly ? Did you not get all you wanted from that Assembly ? Can you then show a single instance in which you responded to the criticisms from those who were on this side of the House.

**An Honourable Member :** There was the three years' duration of the Bill.

**Sardar Sant Singh :** But what about the substitution of executive for judicial judgment ? Did we not claim that the executive should not have such vast powers over the lives and liberties of the people ? Sir, the Government did not show us the least regard then. My Honourable friend refers to the three years' duration of the Bill. Let me tell him one fact which happened in the Select Committee on this Bill, namely, that several nationalist members of the Select Committee had to walk out from the Select Committee declaring that thenceforth they had nothing to do with it. Sir, my friend, the Honourable the Home Member

pleads for the change of heart. How can you expect us to change our heart and our attitude towards such legislation when you do not change your own heart ? Sir, I leave Communism and terrorism to those who know about them much more than I can pretend to do. I will now come to the plain duty of the Government. I think, Sir, that the present Government of India and its predecessors are conscious of only one function ; they think that their only function in India is to maintain law and order and that there is no other function. Their main plea for bringing forward such legislation is that law and order cannot otherwise be maintained. May I remind the Honourable the Home Member that this is not even the primary object of the Government, what to say of the main object. Sir, it is a secondary object ; and in this connection I will just read a small extract from my speech on this Bill at the last time :

“ The purpose or end of Government is the weal and welfare of the community. But we find, Sir, if we go through the literature that has been broadcast by the Government Benches, that they have laid very great stress on this point that the maintenance of law and order is the only function of Government. I will presently quote from Austin again to show that the maintenance of law and order is not the primary function of Government ; it is a secondary function and it is a necessity which enables the Government to bring about the welfare of the community over which they have been placed by the deity. I cannot give long quotations as the time at my disposal is short, but this is what he says :

‘ But, by most or many of the speculators on political government and society, one or a few of the instrumental ends through which a government must accomplish its proper absolute end, are mistaken for that paramount purpose.

For example : It is said by many of the speculators on political government and society, that ‘ the end of every government is to institute and protect property ’. And here I must remark, by the by, that the propounders of this absurdity give to the term ‘ property ’ an extremely large and not very definite signification. It is, therefore, clear, that those who want to govern must govern, not for the end of maintaining law and order, but for the purpose of bringing about the welfare of the community of which they are in charge for the time being.”

Now taking this view of the functions of an administrator, may I ask the simple question again whether the present piece of legislation fulfils this object ? Will it tend to the weal and welfare of those who are in your charge at the present time ? Sir, the effect of such legislation will be only to kill all political activity, as it has killed it in the past three years. In this connection I will not be doing justice to the effect of this legislation in a better way than Mahatma Gandhi did when you brought up this piece of legislation in 1932. He said :

“ Repression appears to me to be crossing what might be called the legitimate limit, and governmental terrorism is spreading through the land. Both English and Indian officials are being brutalised. The latter, high and low, are becoming demoralised by reason of the Government rewarding as meritorious disloyalty to the people and inhuman conduct towards their own kith and kin. The latter are being cowed down. Free speech has been stifled. Goondaism is being practised in the name of law and order. Women who have come out for public service stand in fear of their honour being insulted, and all this, as it seems to me, is being done in order to crush the spirit of freedom which the Congress represents. Repression is not confined to punishing civil breaches of the common law. It goads people to break newly-made orders of autocracy designed for the most part to humiliate them.”

Sir, this was said in 1932. It is as true today as it was then. What do we find in the country ? We may find there is peace, but it is the peace of the grave ; it is not the peace of a living, active nationhood ; it is the peace that you find in a house which has a perpetually mourning aspect about it. Do you want to perpetuate similar conditions. I will

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certainly appeal to my Honourable friends to my immediate left to consider the situation in a more dispassionate manner. You have inherited the great traditions of Parliamentary Government and the sovereignty of the rule of law has been the standing feature of the Parliamentary Government. Why do you want to deny us that form of Government? If you want to deny us that form of Government, why don't you say so openly? Do not pretend to give us democratic government when that government is not a democratic government at all. Do not commit fraud upon us. Do not be a hypocrite towards us but be honest. If you tell us that we are being governed by sword, I will be the first man to swear loyalty to your Government. But that loyalty, as you know, will last as long as you hold the sword in your hand. But my eyes shall constantly be on that hand which holds the sword and the first opportunity that I get to snatch that sword will be utilised by me. That is a sort of loyalty where honesty, sincerity and genuineness will prevail and not the hypocrisy and fraud. Do not treat us as simpletons and ignorant people who do not understand. You may be very strong at this time and you may be unshakable at this time. But the empires that have preceded you have left a mark up on the history of various people. Their history shows that they were as powerful in their time as you are now. Those empires were lost, not because they lost their administrators but because their administrators lost their imagination which is necessary to keep an empire. Do you mean to say that those Governments which prosecuted certain individuals were insane governments or government who had no imagination? They had it, but their imagination was as limited as is yours now. If you read the history you will find that not a single reformer or even a prophet or a *Guru* or an *Avatar* was but as a rebel to the then society. May I refer with due humility and respect to the life of Jesus Christ? Why was he crucified? He must have been crucified under similar laws and convicted by the courts then in existence. Why was the Prophet of the Mussalmans prosecuted and persecuted? Why were the Sikh *Gurus* so cruelly martyred? Has that martyrdom enhanced their respect or have they lost it? They have become deities in our eyes and we respect them and we listen to their words. But if they are to be judged by the standard which is being set now by the Government of India, then they will all be called rebels and terrorists and what not. I appeal to you even at this eleventh hour to beware of the coming danger. A time comes when people cannot be goaded to a greater extreme and then rebellion becomes a justifiable act and open revolt to the authority becomes legalised. This is not what I alone say but this is what your great jurists have said. I will take the liberty of quoting once more from Austin's book of Jurisprudence before I finish my remarks. He says :

"If we take the principle of utility as our index to the Divine Commands, we must infer that obedience to established Government is enjoined generally by the Deity. For, without obedience to 'the powers which be', there were little security and little enjoyment. The ground, however, of the inference is the utility of Government : And if the protection which it yields be too costly, or if it vex us with needless restraints and load us with needless exactions, the principle which points at submission as our general duty may counsel and justify resistance. Disobedience to an established government, let it be never so bad, is an evil : For the mischiefs inflicted by a bad government are less than the mischiefs of anarchy. So momentous, however, is the difference between a bad and a good government, that, if it would lead to a

good one, resistance to a bad one would be useful. The anarchy attending the transition was an extensive, but a passing evil : The good which would follow the transition was extensive and lasting. The peculiar good would outweigh the generic evil : The good, which would crown the change in the insulated and eccentric case, would more than compensate the evil which is inseparable from rebellion."

Sir, in the end, I want only to appeal to the Members on the Treasury Benches. You may consider yourself quite safe and you may think that even if this House throws down this Bill, you have a power to certify it. You can do so, and you may do so, but do you know what amount of resentment you will create in the country? Will you take into account that amount of discontent that will follow in its wake and the respect for law in the country will slowly but steadily disappear? You and I both want the maintenance of peace : it is our mutual interest. But if you go on taking the step that you are taking now without caring for the future, you will need desperate action. But my only hope is that wiser counsels will still prevail. Sir, I have done.

**Sirdar Jogendra Singh** (Fyzabad Division : Non-Muhammadan Rural) : Mr. Deputy President,.....

**Bhai Parma Nand** (West Punjab : Non-Muhammadan) : Sir, I want to speak on a point of personal explanation.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : But the Honourable Member has not yet spoken.

**Bhai Parma Nand** : Certain other Honourable Members have spoken, and I want to explain my position as I understand I will not have a chance to speak.....

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Honourable Member will be quite at liberty to speak if he gets his chance, but, having not spoken at all up to now, there is nothing to explain.

**Sirdar Jogendra Singh** : Sir, the Honourable Mr. Acheson, the other day, referred to King Charles' head as being the favourite nightmare of Dick. It appears the Congress has become the King Charles' head of Government and a constant nightmare for the Honourable Sir Henry Craik. (Applause.) When the Ordinances expired, the Government of India came to the Legislatures, then very conveniently constituted for them, and wanted the Ordinances to become an Act of the Legislature. We are told by the Honourable the Home Member that it is true, Civil Disobedience has been called off, but the nightmare of its being revived at a future date still haunts the authorities and they cannot have sound and peaceful sleep unless the Assembly places in their hands the "Big lathi" of the Criminal Law Amendment Act which they say has helped them so well in the past. The Honourable the Home Member has my heartfelt sympathy. This, Sir, reminds me of Dionysius, the ancient autocrat of Syracuse, who felt similarly insecure. He was, therefore, constantly building up fortifications against potential conspirators to come. He was so nervous that he used to sleep in a room which could only be approached by a drawbridge in a palace which was connected with the outside world by another drawbridge.

**Bhai Parma Nand** : I did not quite follow your ruling, Sir. My point is that the Honourable Member.....



**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Is it a point of order that the Honourable Member is raising now ?

**Bhai Parma Nand** : I want your ruling on this point, Sir. My submission is that if an Honourable Member in this House pointedly refers to another Member, who wants to make a protest against his remarks and rises to make a personal explanation, then what is your ruling ? Do you mean to say that you will not allow him to give an explanation of his position ?

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Chair has given its ruling.

**Bhai Parma Nand** : What is it ?

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Chair's ruling is that if, in reply to the speech of another Honourable Member, the Honourable Member (Bhai Parma Nand) wishes to offer a personal explanation, the Honourable Member is not in order. He will be entitled to make a speech, but no question of personal explanation arises in view of the fact that he has never spoken at all.

**Bhai Parma Nand** : He has clearly referred to me.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Order, order :

**Sirdar Jogendra Singh** : The king could not trust any one, not even his own queen when asleep and hence slept all alone. The king was demoralised to such an extent that he used to pull up the drawbridge himself before he retired for the night. Sir, the Agents of this foreign Government are like Dionysius and are even afraid of their own shadows.

When Lord Macaulay formulated or, shall I say more correctly, invented the precious volume known as the Indian Penal Code, even the most eminent jurists of Britain hailed it as the most perfect Code to meet effectively offences of all kinds whatsoever.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

With the passing of time, Government have begun to feel that, that consummate Code is not enough. They further desired more arbitrary powers to meet the recurring challenge to their authority. Therefore, the Agents of the alien Government in India wish to contribute their further share towards the mischievous design of so tightening Britain's control over our Motherland as to make it impossible for us to attain complete independence which is our birthright. They first wanted the vicious Ordinances for six months only. Then they persuaded and appealed to the soft conscience of some of our predecessors, who fell an easy prey to the machinations of this foreign Government and allowed these autocratic powers for a further period of three long years. Now, the Government desire to put this barbaric Act on the Statute-book permanently. This, Sir, appears to be Dominion Status in action.

Let me tell the Government, Sir, that power unrestricted and arbitrary is like an intoxicant. (Hear, hear.) The more you take it, the more you want it. But the end of those who intoxicate themselves with power is recorded in history as the same as that of the unredeemed

inebriate. They both bring about their destruction through surfeit. The Government have brought before this House this Bill to still further deprive the entire nation of every shadow of human rights such as liberty of speech, liberty of press and even freedom of association. The Honourable the Mover of the Bill as well as the Honourable Mr. Griffiths have very eloquently advised that this atrocious Act is intended to prevent terrorism and Communism, but let me tell them, very frankly, that both these will exist in spite of this Act. (Hear, hear.) The only remedy which I would humbly suggest is that the best way to extinguish terrorism and Communism is, not through the application of this Act but, by providing constructive schemes by which you can give employment to several hundred thousands of our intelligent young men who in spite of the highest academical qualifications are starving for want of food and raiments.

The Honourable the Home Member has further stated that this Bill is intended as a set-off against the so-called spirit of communalism, which is according to him in a virulent form in our country at the present moment. I may be permitted to state with somewhat brutal frankness that 'Divide and rule' has been the traditional policy of British Imperialism in this country. It has been by such tactics that they are perpetuating their domination over our unfortunate country.

If I am to state in a lighter vein, I am reminded of my school days when I read the story of the "monkey and the two cats". (Laughter.) I, however, hope that Indians, to whatever creed or religion they might belong, will think in terms of Indians first, Indians last and Indians always (Applause), and that is the only way in which we can eliminate the third party who is responsible for many of these ills suffered by us in this country. Underneath the surface of the Bill I honestly perceive evil designs to deprive the elementary right of citizenship.

If the Bill is a forecast of the new Act, as I do believe it is, I would appeal with all the sincerity that I can command to throw out the measure and save our Motherland from the further fetters of slavery. Sir, with these humble words, I oppose this Bill. (Applause.)

**Mr. T. Chapman-Mortimer** (Bengal : European) : Sir, in rising to support the motion of the Honourable the Home Member, I am conscious of the fact, that on the one hand, I have not the knowledge of debate of some of my Honourable friends opposite, and, on the other hand, that I have not the mastery of the subject which my Honourable friend, Mr. Griffiths, showed us the other day in his admirable, may I also say, courageous speech. If I venture to make a few remarks now, Sir, it is because I cannot let pass without a reply some of the remarks of, among others, my Honourable friend, Dr. Deshmukh. It is perhaps natural for my Honourable friend in alluding to the possibility of legislating for one Province and not for others that he should have drawn an analogy from surgery. But as my Honourable friend, Mr. Griffiths, so ably and admirably put it, the object of this Bill is not to perform surgical operations, but it is to prevent situations arising when surgical operation becomes necessary.

My Honourable friend, Sardar Sant Singh, very kindly reminded the House this afternoon of the appalling state this country was in in  
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1930-31 before this present Act was in operation. I thank him for reminding us, as, I am quite sure, none of us wants to see the kind of situation arising again that we saw in those years, a situation which very definitely called for the surgical knife. I have always understood, Sir, that, before you call in the surgeon, you call in the physician. The wise physician who treats his patient for a sore head, for instance, or a gouty hand generally, does something rather different than cut it off. I imagine he orders his patient a strong physic or it may be that he suggests that he should restrain himself and that his diet be severely restricted. That, Sir, is exactly what my Honourable friend, the Home Member, has done. He proposes in this Bill to restrict picketing, to restrict the activities of unlawful associations and to restrain within the limits of decency and public safety that section of the press of this country which, over and over again, whenever these repressive laws are not in existence, forgets what decency means. According to my Honourable friends on the other side of the House the new measure is unnecessary, tyrannical and unjustified.

In an effort worthy of a better cause, in my opinion, my Honourable friend, Mr. Satyamurti, tried the other day to prove how unnecessary this Bill was, unnecessary, that is to say, in his opinion. In his view the ordinary provisions of the law are ample and cover all the subversive activities of lawless bodies or persons. If my Honourable friend means that the ordinary law lays down that incitements to murder, picketing, lawless associations and criminal conspiracy are illegal, I quite agree. But he knows and every Honourable Member of this House knows that there are forms of picketing and criminal conspiracy and incitements to murder which it is impossible to tackle under the ordinary law of this land. And it is because it is so impossible that in 1930-31 we had the most disgraceful situation not only, as my Honourable friend, Dr. Deshmukh, suggests, in Bengal, but at least as bad, if not worse, in Bombay and other provinces. That situation was only saved by the bringing in of this emergency measure, first the Ordinances and subsequently the Acts. Now, Sir, we all know how impossible it was to prevent that situation arising that arose in 1930-31, because the ordinary law of the land made it extremely difficult for the executive to catch hold of people who were the real sinners and who paid four annas to small boys and others to go to jail for them. Honourable Members admit with one breath that the crimes this Bill seeks to prevent are illegal and deplorable—I am glad they agree with Honourable Members on this side of the House on that point—but they hasten immediately to add that there is no need for Government to take any necessary measures to rectify a situation which every Government worthy of the name must face. They do not think it is necessary to bring in measures to put down these deplorable acts which they all agree are undesirable and illegal.

That, Sir, is one of the arguments of the Opposition. The second argument of the Opposition seems to be this. They say this is a tyrannical measure. One would think, after having heard some of their speeches, that they seem to think that if this Bill were passed into law the executive would become a lawless body; it would take the law into its own hands and act without any kind of restraint from the judiciary. That is absolutely incorrect.

**Sardar Sant Singh** : I may point out to my Honourable friend that the objection is to the substitution of executive judgment for judicial judgment.

**Mr. T. Chapman-Mortimer** : It would be an insult to their intelligence to suppose that they do not understand the meaning of the Bill. They know perfectly well what is proposed and that what is proposed still leaves the Courts with a very strong restraining power over the executive. It seems to me that the only conclusion we can draw from this argument of the Opposition is that they are trying to persuade some of those Honourable Members who came, as my Honourable friend, Mr. Gauba, suggests, with an open mind. I am very glad indeed to hear my Honourable friend tell us that so many of his friends and he too came here with an open mind, because, I am sure, that if they consider the real issues at stake in this debate they will vote with this side of the House. If they admit that it is the duty of every Government to maintain the law and, if necessary, to restrain the liberty of individuals who are trying to take from other individuals their liberty,—and that, Sir, is present in every law because you have to restrain some persons from doing ill in order that the rest of us may go free or comparatively free,—if they admit the necessity for that, I submit that they have no alternative but to come forward and support the motion. The Honourable the Home Member has made it quite plain that though he did not say he would accept them, he was, nevertheless, prepared fairly to consider any reasonable amendments proposed.

In this connection, Sir, several Honourable Members including my Honourable friend, Sardar Sant Singh, said, that if only we, on this side, would frankly admit that this is an autocratic Government they would have no objection to the Bill. They say that what they object to is that India should be told that it has a democratic constitution but that on the other hand severe measures are necessary. Honourable Members who use this argument seem to forget several things. In the first place they forget that no one suggests that the Government of this country, as at present constituted, is a democratic Government though it has certain democratic aspects. At the same time no one on this side of the House calls it,—certainly I should not call it,—a democratic Government. Then again they forget that it has been stated over and over again by high authority that the present Government forms a transitional stage. My Honourable friends, rightly in my view, look to the British constitution as a better model than that of the autocracies of Italy, Germany and Soviet Russia. What they always forget is that we in the United Kingdom only reached our present stage of constitutional development after hundreds of years. They are trying to bring in, or rather we are trying to bring in with their help, a democratic constitution which will in the fulness of time place India in her rightful place among the Commonwealth of British Nations. We are trying to bring this constitution in with their help in a few decades. I suggest that if you consider that, you will less often cast it in our teeth what is an absolutely untrue and unjust assumption that we, on this side of the House, are false to the promises that the British Government has made over and over again. We have not told India that she has now got democracy: we have told her that in the fulness of time we hope she will attain to it; and, as His Excellency's distinguished predecessor wisely said, the goal and the path to it are



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not the same and should not be confused. This argument of the Opposition seems to me, therefore, entirely beside the point.

Lastly, it has been argued that this all-India measure is unjustified because, so it is suggested, there is peace throughout the length and breadth of India except in these two plague spots, Punjab and Bengal. I suggest that though my Honourable friend in making this suggestion no doubt did so unwittingly, he reflects a mentality which my Bengali friends rightly resent. They feel, and I am sure all of us here feel who think it out, how unjust it is to blame them for acts for which, in many cases, they are not alone responsible and to which they have been incited by extravagant messages in the press and propaganda conducted from other centres. We all know how sentimental and nationally-minded the patriotic Bengali is, and, I think, it is unfair that we should play on his feelings, first incite him to boycott, picketing and Civil Disobedience, and then when the time comes say "Oh, no: we are quite innocent: it is the terrible Bengali and Punjabi who is the cause of all the trouble!" I submit, all-India legislation is absolutely necessary and I, therefore, strongly support the proposal that this Bill be taken into consideration by this House.

There is one other point in this connection and it is this: clause 7 of the existing Act which is sought to be retained is a clause which is only, so to speak, a permissive clause. It only comes into force when Local Governments consider that the situation in some particular district or province or city warrants its introduction. It seems to me that in these circumstances the very clever play which my Honourable friend, Mr. Satyamurti, made with that section of the Bill, relating to annoyance, picketing, etc., is not a very reasonable argument to bring against this measure. After all, in the South, he says, there is peace: in that case it is quite certain or almost certain that in his province, at all events, this section, which worries him so much, will not come into force at all.

Finally, Sir, the issue before the House seems to me simply this: do we admit that picketing, criminal conspiracy and incitement to murder are evils? If Honourable Members are agreed that they are evils, we have to consider whether or not this Bill is necessary in the interests of the maintenance of law and order and, in particular, to safeguard the Government and the community against these three evils caused by lawless persons. If we are agreed that that is the issue, it is impossible that there can be any doubt as to the way in which we should all vote when the division time comes. After all, if Honourable Members feel that they agree with the principle that these acts are evil and illegal, they still have always the opportunity to put forward reasonable and sensible amendments: for, as the Honourable the Home Member has already told us, if this motion is passed by the House, he will be open to consider all such reasonable amendments.

Mr. M. Asaf Ali: Mr. President, I have risen to offer just a few observations and remarks with reference to this Bill, before the House is actually upon to register its vote. Various aspects of the Honourable the Home Member's speech which he delivered in support of this Bill have been touched upon by speakers on this side of the House, but I feel that

there are at least two points which have been left untouched and I shall try to refer to them. While the Honourable the Home Member was speaking in support of this Bill, it struck me that he had chosen, for the text of his speech, a sentence which I would not be far wrong in adopting myself for my speech today. He said, "the price of liberty is eternal vigilance"; and it is vigilance which animates us on this side of the House to oppose this Bill. We want vigilance on their side as much as on our side: we must watch their actions, watch their proposals and see to what extent they go against the liberties and the freedom of the people. But of that later on. In the course of his speech, which was rather brief—and there is a reason for its being very brief.....

The Honourable Sir Henry Craik (Home Member): You ought not to complain of that.

Mr. M. Asaf Ali: I should not complain of it—it was very concise indeed and telling in its own way. There was a good reason for it. While I was listening to the Honourable the Home Member's speech, I was wondering whether it was born of the conviction that this Bill was absolutely essential to the maintenance of peace, law and order or not; and, towards the conclusion of his speech, I was convinced that it was not born of that conviction, but it was born of a confidence, which is always there on the Treasury Benches, a confidence that, whatever the result in this House, so far as this Bill is concerned, it will find its way somehow or other into the Statute-book. That is why the Honourable the Home Member's speech was concise, and not as detailed as it should have been. When you are proposing a measure of this nature, when you are asking for special powers or when you are trying to perpetuate special powers, you ought to support it with facts and figures: you ought to place before us definite facts and figures which might justify your demand. But what do we find? Not one tittle, not one shred of argument which is supported by facts and figures—only the Honourable Member from Midnapore who was fitly described by Dr. Deshmukh as the Mussolini of Midnapore—a nickname which might go down in history—tried to bring up a few facts and figures, and they were utterly misleading. They were wrong, as I shall have time and opportunity enough to prove later on. They were not the facts and figures that we wanted. (Official Laughter.) He who laughs last laughs best: do not laugh too soon. What were the facts and figures that he brought up? The facts were only with regard to murders—(Official Members: "Oh, no.")—only murders, and I shall tell you a tale of murders—do not worry: murders by whom? By terrorists. About 300 of them, heinous, despicable, abhorrent murders, and we detest them as much as you do. (Honourable Members: "Oh.") Do not say "Oh": we are sincere, we are honest; when we say a thing, we mean it. If we did not believe in the creed in which we do, you would have heard a different tale. (Cheers from Congress Party Benches.) And today India's fate would have been different. (Hear, hear.) You ought to be thankful to the Congress whose policy of non-violence has checked political assassination and terrorism, and do not imagine for a single moment that it is your preventive measures or your repressive laws that have gone and controlled the terrorists. It is the Congress, it is the non-violent creed of the Congress that has prevented

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and controlled the terrorists. And, talking of murders, Sir, they ought to know a few facts and figures from their own reports. Let them just refer to their own reports, and they will find that, during one decade, beginning from the year 1921 up to the year 1931, there were as many murders reported in India as 62,800 and odd, and in how many of these cases were convictions obtained? With all the great paraphernalia which they always ask us to finance, with all the police and all the other arms that they have in their armoury, what did they do? In only 17,000 and some odd cases could they obtain convictions. What happened to the 45,000 and odd? Do you place the murders of poor people.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should address the Chair.

**Mr. M. Asaf Ali** : Do Government, Sir, place murders of these 55,000 and odd people on a different basis to the murders of 300 public servants, murders that are equally despicable, equally abhorrent? You may ask me why these 55,000 cases were not successful. My answer to that is, all the attention of the Government is concentrated on nothing else, but what they call, political crimes which are merely political demonstrations. The police is engaged the whole time in tracking down innocent political demonstrators, and thousands and thousands of people are run after by them, while they leave these murders alone; they leave other crimes alone. Let me give the House a more detailed account of some of the other crimes which have been committed in India during the last decade and what they have done with respect to them. Sir, in 1932, as many as 167,939 cases were reported of house trespass, and house breaking with intent to commit theft, and how many convictions were obtained? 22,000 convictions were obtained. And this tale goes on year after year, murders, dacoities, serious offences against person, ordinary theft, and so on, and, on an ordinary calculation, that I made, I found that as many as two million cases were left untraced. Did you then ever come to us.....

**The Honourable Sir Nripendra Sircar** (Law Member) : The Honourable Member is not addressing the Chair.

**Mr. M. Asaf Ali** : Did Government come to us then and say that the ordinary law of the land was insufficient, it was inadequate, and whether we would strengthen their hands with respect to these murders, whether we could not give them more powers, even under the ordinary Indian Penal Code? Did they ever come to us? They did not. They did not pay even a second thought to this. But today, when the Civil Disobedience Movement is not in existence, when this movement is not in progress, today when they themselves admit that the situation with regard to terrorism has improved tremendously,—they themselves admit that for a long time there has been no terrorist crime,.....

**The Honourable Sir Henry Craik** ; No, no ; I said nothing of the sort.

**Mr. M. Asaf Ali** : How many crimes have been committed during the last two years?

**The Honourable Sir Henry Craik** : During the last five months, .....

**Mr. M. Asaf Ali** : I am asking for two years or for even one year?

**The Honourable Sir Henry Craik** : Certainly a dozen murders.

**Mr. M. Asaf Ali** : How many convictions have been obtained in each case? In how many cases have you been able to trace not merely murders, but conspirators connected with them?

**The Honourable Sir Henry Craik** : What is the relevancy?

**Mr. M. Asaf Ali** : The relevancy is this, that the ordinary law is more than enough for your purposes. You cannot restrain murderers by passing this measure. Do you know how revolutionary conspiracies are hatched? There is the gentleman sitting next to you, Sir Muhammad Zafrullah Khan,—I had the honour of working with him in connection with the trial of the Delhi conspiracy. He knows something about it. Please ask him, and he will tell you that these conspirators do not go and put up their sign boards in public places and say : “ This is a society for committing murders ”. These are secret societies. You cannot possibly control them by declaring secret associations unlawful, and, even if you do, it makes no difference whatever to them.....

**The Honourable Sir Henry Craik** : Address the Chair.

**Mr. M. Asaf Ali** : The whole time I have been addressing the Chair, and if I face the Honourable Member, he ought not to feel frightened. In so far as the facts and figures are concerned, I simply want the Government to place before us the actual facts and figures relating to the failure of the Government to obtain convictions in cases of the nature with which they want to deal under this law. This Bill, Sir, is really the tabloid form of the emergency legislation that has preceded it. It is the tabloid form of all the Ordinances which were condemned in this very House, and by none with greater eloquence than yourself. I shall just read one passage from your own speech. Referring to these Ordinances, you said on one occasion :

“ I maintain that the scope of the Ordinance is to deprive every one of every vestige of right of personal speech, right to liberty, right to property, right to association and every right that a human being may possess, and who is the Indian with the least self-respect who can tell the Government : ‘ We have confidence in you, and what you have done is right.’ Is this how you are preparing India for Swaraj, for Dominion Status. You have deprived the entire people of their elementary and fundamental rights.” (Hear, hear.)

In these words you described the Ordinances, and the Ordinances were then translated into emergency legislation. The emergency legislation had three years’ run under circumstances which are known to every one. And, now, when the emergency legislation is about to expire, they come to us asking us to grant a new lease of life—not a new lease of life, but to grant perpetuity for this Bill. Mr. President, the Honourable and Learned Home Member or the gallant Home Member, whichever you like, in his speech said something which touched my heart, and it must touch the heart of every decent Indian. He said, one of the reasons for bringing up this legislation at this time was that the present Government wanted to oblige their successors. The present Government wanted to spare their successors the odium which they might incur if they also

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sponsored an odious legislation of this kind. I agree with the Honourable the Home Member that this is an extremely odious, an atrociously odious, a scandalously odious piece of legislation. But since he proposes to do his successors a good turn, we, as the representatives of his successors, may tell him and assure him that we will not be outdone in this act of generosity. This mood of expansiveness, this generosity, this solicitude for the future Government of this land is really worthy of gratitude, and we can show our gratitude in only one way, and that is, to spare the present Government the odium of carrying this measure through. We would like to reject this measure here and now so that the present Government may be spared that odium. One good turn deserves another. That is the only way in which we can oblige them.

So far as the real objects and reasons for this legislation are concerned, I have got some observations to offer. My first suspicion is, which I was mentioning to another colleague of mine—my first suspicion is that probably the present Government is under the impression—I do not know, it may or it may not be so, but I feel that it is so. I suspect that they are under the impression that under the new Government of India Act, 1935, there is a provision made for concurrent legislation by the centre and by the provinces in so far as the existing criminal laws are concerned. The actual phrasing I forget, I have not got the Act with me here, but I believe it is something like this, that in regard to criminal laws there will be concurrent jurisdiction. The Central Legislature and the Provincial Legislatures will enjoy concurrent jurisdiction only in so far as those criminal laws are concerned which happen to be on the Statute-book at the time of the passage of the Bill. If that is so, then I am absolutely certain that the present Government of India feel that under the new Act the Central Legislature will have no authority to undertake legislation of this character concurrently with the provinces...

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways) : That is entirely wrong.

**Mr. M. Asaf Ali** : It may be wrong, I am only stating my suspicion.

**The Honourable Sir Muhammad Zafrullah Khan** : I am giving you information.

**Mr. M. Asaf Ali** : The information is very welcome, but I can assure you that legal opinion may differ. You are entitled to your opinion and I am entitled to mine. We are both lawyers. Probably I have got as much right to say that I am right as you have to say that you are right.

**The Honourable Sir Muhammad Zafrullah Khan** : And more.

**Mr. M. Asaf Ali** : I did not say that. If you happen to be a Member of Government....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must address the Chair.

**Mr. M. Asaf Ali** : It was simply because the other Honourable Member addressed me directly that I had to answer him directly.

**An Honourable Member** : Paying off old scores !

**Mr. M. Asaf Ali** : This is one of the reasons I suspect, but supposing that that reason is not right, I was really surprised that the Honourable the Home Member abandoning the printed objects and reasons here, which happened to be only three, wandered far and wide and opened a new door to an argument and reasoning by bringing in three other reasons. In the printed paper I find the following objects and reasons :

“ The present Act includes—

- (a) provisions against certain forms of intimidation,
- (b) provisions against associations dangerous to the public peace, and
- (c) provisions to secure greater control over the Press.”

So, obviously, the object of this legislation is not to crush terrorism,—not a word is said about terrorism here,—not to crush terrorism, not to crush communalism as was affected by the Honourable the Home Member, but only to control the press and to have some provisions to crush what they call associations dangerous to the public peace. I have already said that, in so far as terrorist organisations are concerned, there is not the ghost of a chance of any enactment of this nature ever grappling with that problem. And why do I say so ? The history of terrorism is before you. It began in 1903, I should not like to go beyond that, although it is quite possible for one to go as far back as 1857 and trace the whole history upwards, but I shall only confine myself to the period beginning with 1903. It was in 1903 that Barin Ghosh, who went from Ahmedabad to Calcutta, to try and establish an association, but he failed. By 1905, other associations had sprung up. In 1907, we had the first bomb outrage, and then the history of repressive legislation commences. In 1908, the Government passed four or five repressive legislations, among which three happen to be legislations on which this Bill is based, namely, Incitement to Offences Act, the Seditious Meetings Act, and the Criminal Law Amendment Act of 1908. These three Acts were passed. But did the number of terrorist outrages after that dwindle down, or did it continue to mount up ? The history of terrorism is rather eloquent in itself. The terrorist outrages continued to multiply. By 1910, the Government felt compelled to have a Press Act, the Press Act of 1910. Then, by 1911, they wanted more and more repressive legislation, and the history of repressive legislation goes on. It is a melancholy tale, it is a most mournful tale. Year after year some legislation was being brought up until in 1919 we had the Rowlatt Bills, one of which became the Rowlatt Act which never came into operation. Did the terrorist outrages dwindle down in number ? On the contrary, year after year the terrorist outrages were mounting up.

Then came the Congress movement. The Congress adopted the creed of non-violence, and if you then study the history of terrorist outrages you will find that the adoption of the creed of non-violence had its own effect. They are talking about the inadequacy of ordinary laws. They fought down the rising of 1857 without these laws. They fought down the Wahabi movement, which was a regular uprising, without these laws. They fought down the Thuggee and Kooki movement without these laws. And are they now telling us that the ordinary laws have ceased to have any effect ? My answer to that would be they are bad workmen who are quarrelling with their tools. They do not know how

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to use them. They do not know the powers under the existing laws, that is quite obvious. I shall have an opportunity later on perhaps to examine the Bill itself and the provisions of this legislation clause by clause and show you how they are futile, or superfluous, or too dangerous. They fall into three categories ; either they are superfluous because ordinary laws are more than enough, or they are so dangerous that we cannot possibly clothe the present executive with these powers, and we will never do so. After all, the new Government are coming into existence. They will deal with these matters themselves when the opportunity arises and let not the present Government forget the fact that there is a world of difference between the mentality of those who now adorn the Treasury Benches and the mentality of those who are going to adorn the Treasury Benches in the future, because there will be no nominated blocks as far as the provinces are concerned at any rate and people will depend entirely and absolutely on their electorates, people who have been in close association with those who are accused of being either agitators or persons who are in sympathy with certain movements which are called subversive. Mr. President, this poor word "subversive" is one of the most over-worked terms employed in this House. The word subversive has been before us for a very long time and somehow or other we do not seem to be quite sure what it really means, because the passage of a peaceful political procession through a street is a subversive movement. The wearing of khaddar becomes a subversive movement. Once I had a most interesting experience while I happened to be acting as *amicus curiae* in one of these political cases when I had to examine the City Magistrate of Delhi. He said "Yes, such and such a person is definitely guilty under section 16 of the Criminal Law Amendment Act". "But how?" "He was participating in activities organised by an unlawful association." I put this question : Suppose the unlawful association says "keep clean, use soap every day" and I go and use soap in obedience to the instruction of that unlawful association, would I be guilty of an offence? "Decidedly yes" was the reply. Supposing the unlawful association says "promote your own industries, wear khaddar" would you hold me guilty of that offence. The answer was "Decidedly yes, because you are following the instructions of an unlawful association. These are the directions issued by an unlawful association and so long as you obey those directions you are committing that offence". That is the mentality of those who deal with these laws. Do the Government want us to clothe them with these powers so that they may be abused indiscriminately? This is not the only illustration. I have got here heaps of literature which I could read out to you. Perhaps it will take me days to read all these instances of the abuse of the law by executive authority. These are the bulletins issued by the Congress from time to time and the interviews which international travellers granted to representatives of the people during the continuance of the repression of the so-called subversive movement and there are various other reports written not by the Congress but by others. If I were to read all of them it would take me weeks together. Let me give you a few illustrations of the manner in which these laws operate in actual practice. It is all very well to talk of the maintenance of law and order. Believe me these Acts have proved in India a

veritable Pandora's Box. All the evils have flowed from them. These repressive laws have been at the foundation of most of the movements that have come into existence in India. But instead of reading these illustrations of the abuse of law and instead of reading these various reports, I should like to read to this House the opinion of the Repressive Laws and Press Committees, because that would be far more relevant. These Committees were constituted in 1921 and considered the various enactments which were considered to be objectionable by certain sections of the people. Fortunately, at that time, Sir Tej Bahadur Sapru happened to occupy the position which the Honourable Sir Nripendra Sircar occupies today.

**The Honourable Sir Nripendra Sircar :** He now regrets the mistake he made.

**Mr. M. Asaf Ali :** Before I read the opinion of those committees, I should like to read a passage out of the Government communiqué which gave the opinion of the Government of India with regard to the movement which was then in progress. The movement which I am referring to was the non-co-operation movement which had already begun in 1921 and this was the opinion of the Government of India of those days. This Resolution is No. 4484, dated the 6th November, 1920 :

"In the first place, they (Government) have been reluctant to interfere with the liberty of speech and freedom of press at a time when India is on the threshold of a great advance towards the realisation of the principle of self-government within the Empire, when indeed the first elections are only in sight."

Exactly the same situation faces us today. The new elections are in sight.

The present Government do not want the new Government to begin with a clean slate. They want to write as much as possible on this slate and hand this disfigured palimpsest to the new Government and start the new Government with this halter round their neck. Is that what they want to do? The Honourable the Home Member said that he wanted to save the new Government the odium of sponsoring such a legislation. Can the new Government last 24 hours if it resorts to this kind of legislation? It cannot last 24 hours. Therefore they are trying to cut the very ground from under their feet and not only that, by asking us to be parties to such a legislation, they are cutting the ground from under our feet. What elected Member, I should like to ask, would have the courage to be a party to the passage of this enactment and then go and face his constituency? He will not be able to come back to this Assembly or any Legislature, much less form a Government. If the Honourable the Home Member felt that he was doing a great good turn to the future entrants and to the future Government, I am afraid he was very much mistaken. Or perhaps he was rather astute.

**The Honourable Sir Henry Craik :** I am never astute.

**Mr. M. Asaf Ali :** They (the Government) said further :

"In the second place, the Government are at all times reluctant to embark on a campaign against individuals some of whom may be actuated by honest, if misguided, motives. This consideration is reinforced by the knowledge that the form of prosecution under the ordinary criminal law"

[Mr. M. Asaf Ali.]

— and this is what I want the present Government to take note of—

“that the form of prosecution under the ordinary criminal law would be likely to give those against whom it might be directed the opportunity of posing as martyrs and might also by evoking false sympathy swell the number of adherents to a cause which has in itself no intrinsic merit to commend it to public acceptance.”

And what was said of that movement by the Government then may be said of communism today. I do not know why we on this side of the House always accuse the present Government of lack of imagination!

I think the Honourable the Home Member evinces a tremendous amount of imagination. He indulged his imagination and drew upon his imagination a good deal, when he created this mare's nest of communism. Where is that communism? How many associations are there in India today, and in how many centres do you think they can possibly strike roots? Sir, India is the last place where, for a long time to come, communism can strike its roots. The kind of communism which now prevails in Indian villages, that is, communes (they are not villages but they are communes), where people share a common life, that is the kind of communism which is acceptable to India today; but the kind of communism to which the Honourable the Home Member was referring will take a long time to find a footing, and until that time arrives, I do not think there is any need for the present Government to bother its head, to worry itself, about its existence. I would like, Sir, now to go back to the opinions of these Committees first. Now, Sir, a Committee was appointed, I think, in 1921 under the presidency of Sir Tej Bahadur Sapru: and, after having considered the Press Act of 1910, which was considered an extremely obnoxious measure in those days, in spite of the fact that the non-co-operation movement was in progress, they came to these conclusions. They said:

“It is apparent, however, that the main object of the Act”,—(that is to say, the Press Act of 1910)—was to prevent the dissemination of incitement to violence and sedition, although the scope of section 4 of the Act is much wider.”

Then, they said:

“The chief questions that have to be examined, in our opinion, are, firstly, whether the Act has been effective in preventing the evil against which it was directed. Secondly, whether legislation of this character is now necessary for the maintenance of law and order; and, thirdly, whether, on a comparison of the advantages and disadvantages which the retention of the Act would involve, its continuance is desirable in the public interest.”

—and they came to the definite conclusion:

“We may say at the outset that on a careful consideration of these points, we are of opinion that the Act should be repealed.”

Well, it was repealed. Later on, they say:

“We are not, however, satisfied that the cessation of such incitements is due solely or even mainly to the Act or that in present conditions the ordinary law is not adequate to deal with such offences.”

Sir, this was their opinion. I am not the only one who says that the prevention of these incitements to murder, etc., has not been due to

the repressive laws. This has been due to other causes. Later on, Sir, they said:

“Many witnesses indeed are of opinion that the Act is fatal to the growth of a healthy spirit of responsibility in the Press and that it deters persons of ability and independent character from joining the profession of journalism. Finally it is maintained that the Act places in the hands of the executive government arbitrary powers, not subject to adequate control by any independent tribunal, which may be used to suppress legitimate criticism of Government and that such a law is entirely inconsistent with the spirit of the reforms scheme and the gradual evolution of responsible government. There is in our judgment great force.”

—mark these words—

“There is in our judgment great force in many of these criticisms. We find, as already noted, that the Act has not proved effective in preventing the dissemination of sedition and that it is doubtful whether it is necessary to retain it for the purpose of preventing incitement to murder and similar violent crime;”

Now, Sir, there are some provisions here, in so far as the press is concerned, which relate to the confiscation of presses, the forfeiture of securities, and so on,—and this is the opinion which that Committee formed at the time:

“We have also considered the question of vesting Courts of Justice with power to confiscate a Press, if the keeper is convicted for the second time of disseminating sedition. Although section 517 of the Criminal Procedure Code affords some faint authority for the enactment of such a provision in the law, we feel that it would operate inequitably, particularly in the case of large and valuable presses used not only for the printing of a particular paper but also for other miscellaneous work.”

This was with respect to the press law of the time. I think I can quote at some length portions of the opinion of this Committee which we ought to consider while we are considering this particular Bill. Now, Sir, in the same year there was what was called the Repressive Laws Committee and this is what that Committee put on record in the year 1921, I repeat when the non-co-operation movement was in its full swing:

“We also appreciate the fact that the use of the ordinary law may in some cases advertise the very evil which the trial is designed to punish. It is undesirable that any Statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislatures. The harm created by the retention of arbitrary powers of imprisonment by the Executive may, as history has shown, be greater even than the evil which such powers are directed to remedy. The retention of these Acts could in any case only be defended if it was proved that they were in present circumstances essential to the maintenance of law and order. As it has not been found necessary to resort in the past to these measures save in cases of grave emergency, we advocate their immediate repeal.”

The result was that the Seditious Meetings Act went by the board, it was repealed. The Incitements to Offences Act was repealed. The Press Act went by the board; and not only that, even the Criminal Law Amendment Act, 1908, was retained only in so far as the second part was concerned, and the first part was repealed. Now, this was at a time when a grave emergency existed,—this was at a time when, I believe, it was Lord Lloyd, Sir, who happened then to be the Governor of Bombay, who said that these people (the Congress) came within an ace of success—I believe it was Lord Lloyd (Voices: “Yes, yes”)—well, it was at that time that all these repressive laws were repealed: and, today, when no emergency exists of any description whatsoever, you ask us to clothe you with this amazing authority!

[Mr. M. Asaf Ali.]

Where, Sir, is the necessity? Terrorism, I have already told you, cannot possibly be controlled by this Act. Communism does not exist; it is not a present danger. Now remains communalism. Yes, that is a danger at the time. I am in entire agreement with the Honourable the Home Member when he says that the communal tension today is much greater than it has ever been before. I think he said that during the 40 years of his service he had not known communal tension worse than it happens to be today. I believe he used words to that effect and I am in entire agreement with him. But may I ask the Honourable the Home Member and the Government which he represents: Who is the author of this communalism? Is it or is it not a fact that in 1906 Lord Minto sent for the Nawab of Dacca and all those gentlemen who happened to be members of a deputation and before doing so, he had already been in communication with Lord Morley who happened to be the Secretary of State for India at that time. It is recorded in the letters of Lord Morley who wrote back to Lord Minto and said: What is this new hare that you are starting? I believe he used words to that effect. And what was the new hare? The new hare was separatism. Until that time India had not known separate elections and it was in 1909 for the first time that they came into existence. From that day onwards communalism has been the bane of India. I beg my Mussalman friends to forgive me and I am not suggesting for a single second that they should or should not ask for separate electorates. I am not suggesting anything of the kind. But my answer to the Honourable the Home Member is: If by communalism Government means the demand of certain communities for jobs and the demand of certain communities for seats, then the Government has killed communalism by giving the jobs they wanted and the seats they wanted. I should like to know why any communalism should be there now? If the answer of the Government of India is that they cannot control the Frankenstein which they themselves once created, then I would ask them to leave it to us. Let us come and occupy the seats which you are occupying now, and we shall deal with the Frankenstein and lay it to its eternal rest.

**The Honourable Sir Henry Craik:** You have had several tries at it.

**Mr. M. Asaf Ali:** I shall take up that challenge. Yes, we made several desperate tries and honourable efforts and what was the result? Every time some new hare was started by you. What did we not do at the Unity Conference of Allahabad and Lucknow? For weeks we were sitting together and we nearly solved our problems when within a week of the solution of that problem—I should not like now to give out the names—I had the honour and privilege of meeting one of the Members of Government who happened to be a Member of Government at the time. At any rate, he was in agreement with the solution which we had arrived at and within the next week what did we find? A message was received from London and that was more than enough to frustrate our efforts and the whole thing went by the board.

**Seth Haji Abdoola Haroon** (Sind: Muhammadan Rural): To which communal settlements are you referring?

**Mr. M. Asaf Ali:** Unfortunately you happened to be attending the Round Table Conferences in London when we were making our efforts.

At any rate, you did not happen to be in India at the time. Perhaps you were in Ottawa. Anyway, these developments were being watched by those who were at the Round Table Conference and we have been authoritatively informed that our deliberations and the conclusions at which we arrived had a good deal to do with some of the conclusions which were arrived at at the Round Table Conference. This is what I was told: I do not know how far it is true. I am not in the know of things. Those who attended the Round Table Conferences must know about it.

**The Honourable Sir Nripendra Sircar:** Attended by whom?

**Mr. M. Asaf Ali:** I believe you were at the Round Table Conference at the time.

**The Honourable Sir Nripendra Sircar:** No: I did not attend the Second Round Table Conference.

**Mr. M. Asaf Ali:** At any rate, my simple and straightforward proposition is this. You created this monster: you created this Frankenstein; you cannot control it today and you have confessed your inability. We will not grant you any power to deal with it now because there is the ordinary law. If you cannot control it, we will do that when we come to occupy your places and I can assure you that the ordinary law will be more than enough for our purposes and we shall deal with this monster as well as any other monster that may arise hereafter all right.

In so far as the question of presses is concerned, I think in the beginning I made a reference to the Member from Midnapore who quoted wrong figures. I believe he told this House that there were as many as 4 thousand and odd presses in India. That is perfectly correct. But there are not as many newspapers. There are only 1,282 newspapers in India including daily journals.

**The Honourable Sir Henry Craik:** There are over 4,000 newspapers.

**Mr. M. Asaf Ali:** Then I shall stand corrected. I should like to know the Government's figures. I am only quoting from this book ("Time's Indian Year Book"), which, I believe, is well-known to everybody. It says that there are 4,509 presses and 1,282 newspapers. Out of these 1,282 newspapers, 448 have been dealt with by you and all these 448 have ceased publication. That means that practically 50 per cent. of the newspapers of the country have ceased to exist on account of the inequitable, unjust and tyrannical operation of the law.

**The Honourable Sir Henry Craik:** The Honourable Member's figures are quite wrong. The total number of newspapers according to my figures is 4,630.

**Some Honourable Members:** That figure includes newspapers and periodicals.

**Mr. M. Asaf Ali:** I am talking only of the newspapers and I am quoting from a well-known book of reference—the Indian Year Book of the *Times of India*. I can assure you that it is not a Congress book; we have not published these figures. There are not more than 1,282 newspapers in India; there may be more periodicals.



**The Honourable Sir Henry Craik :** But they are subject to the same law.

**Mr. M. Asaf Ali :** You know what class of press and what class of journals you want to get at. You have been getting at nothing else but newspapers. I can read out the entire list of those papers which have ceased publication, dailies and weeklies.

Well, Sir, in so far as as special legislation is concerned, and in so far as special powers are concerned, I should like to put a few principles on record by which they ought to be judged before any Legislature can possibly agree to clothe the executive with special powers. The first of these principles should be that the special powers asked for must cover certain conditions existing in the country. The Honourable the Home Member made certain nebulous, general and vague assertions but he did not prove the existence of the conditions which require an enactment of this nature. Special powers must be proved to be absolutely necessary because the ordinary law has failed. I have already shown that there is nothing whatsoever before the House to lead us to think that the ordinary law of the country has failed to attack the kind of evil which is intended to be controlled, arrested and extinguished by this legislation. On the contrary, we find that so far as terrorism is concerned, Government admit that there has been an improvement in the situation. In so far as Communism is concerned, Government have put forward no case whatsoever. Special powers must have the fullest sanction of the people and should not be assumed in deliberate opposition to the will of the people. I feel, Sir, I am perfectly right when I assert that the bulk of the country is dead opposed to any legislation of this nature as is fairly clear from the attitude of Honourable Members of this House. Various Honourable Members have spoken from both sides of the House and you know, Sir, that the majority of the elected Members of the House has already spoken against the Bill which shows that public opinion, at any rate, is not with the Government. Repressive laws have never achieved their object. I have already told this to the House. The history of terrorism on the one hand and the history of the ordinary non-violent national struggle on the other is absolutely sufficient to prove this assertion, namely, that repressive laws have never crushed any of these things. Have you forgotten the history of various other countries? Did not the British Government enact a Prevention of Crimes Act in 1882 and again in 1888 for Ireland. What was the result of it? The result of it was that not very long ago, Ireland became a Free State and the British King had to issue a Proclamation by which he convened a Constituent Assembly which Constituent Assembly settled the constitution for Ireland. If repressive laws could control the national destinies of people, then Ireland ought to have been today as much a subject nation as India happens to have the misfortune of being today. Repressive laws cause resentment and agitation and tempt the people to disobedience and generally drive the movement underground. That they cause resentment you cannot deny. So far as the Civil Disobedience Movement is concerned, it is not a subversive movement. It can never be called a subversive movement. I am prepared to join issue with any constitutionalist anywhere and assert that civil disobedience is a perfectly constitutional movement.

It is merely a political demonstration because the Government happen to be absolutely irremovable. We cannot turn the Government out of power. We cannot control their legislation. What else are we to do in this House? Will the Government kindly change places with us and let us then see what they will do under similar circumstances? Supposing we formed an irremovable Government. Supposing we made laws to control their destinies which they cannot possibly influence in any way. What would they do under such circumstances? Would they or would they not civilly disobey the laws? I think every Britisher would be the first to say, "I am not going to obey laws of this nature". Therefore in so far as Civil Disobedience is concerned, it is a perfectly constitutional movement, but I admit that revolutionary movements are different. I also wanted to say that the repressive laws always put a premium on inefficiency among both the police and the magistracy as well as the police. Why? Because the attention of the police is focussed upon, and their attention is diverted to political offences and they let the ordinary offender alone. The result is inefficiency in administration. All ordinary criminals go scot-free, where efficiency in administration. All ordinary criminals go scot-free, where as the political demonstrators are tracked down as criminals. Sir, I know that there are other better and abler speakers, rather I should say there are able speakers, for I do not claim any ability, who will later on speak on this motion and so I do not wish to take up the time of the House. I shall address only one word to the elected Members of this House. In so far as the Government are concerned, their mind is made up and those who support the Government are not likely to be influenced by any arguments that may be addressed to them here. So, it is absolutely unnecessary for me to address them, for their minds are up. To the elected Members, I should just like to address one word. If the elected Members desire to go back to their constituents some day, then they ought to remember that the atrocious nature of this enactment will not easily be forgotten by their constituents. The country will not forget their actions whatever they may be and they have to think a hundred times before they cast their votes for the consideration of this measure; for to vote for the consideration of this Bill means that you accept the principle of the Bill. If the elected Members are going to be a party to the acceptance of the principle of the Bill let them remember that they will have to go back to their constituents. I need not paint a gloomier picture than that of one of the ex-Presidents of this very House who happened to be occupying a seat in one of the Boxes the other day. In so far as he was concerned, it was only the Ottawa Pact that made him lose his seat in this House.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member ought not to discuss personalities here.

**Mr. M. Asaf Ali :** I have named none. I am only just reminding the elected Members of the fate which awaits those who betray the country. (Cheers.)

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 10th September, 1935.



## LEGISLATIVE ASSEMBLY.

*Tuesday, 10th September, 1935.*

The Assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### QUESTIONS AND ANSWERS.

#### PERSONNEL AND OTHER DETAILS OF THE DELIMITATION COMMISSION.

228. **\*Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether any correspondence was going on between the Secretary of State and the Government of India regarding the personnel and other details of the Delimitation Commission ;
- (b) when that Commission will be sent out to India, and what the scope of its work will be ; and
- (c) whether this House will be consulted in this matter at any stage, and if not, why not ?

**The Honourable Sir Nripendra Sircar** : (a) and (b). I invite the Honourable Member's attention to the communiqué of the 31st July announcing the personnel, terms of reference, etc., of the Indian Delimitation Committee. The Committee is expected to begin its work at the end of September.

(c) The Government of India propose to give the Indian Legislature, in due course, an opportunity of commenting on Federal matters covered by the report of the Delimitation Committee before framing their recommendations to His Majesty's Government.

**Mr. S. Satyamurti** : In view of the fact that the Federal Legislature, i.e., the lower House will be composed of representatives indirectly elected by the Provincial Legislatures, will Government give this House an opportunity, at a suitable date, of pronouncing upon the provincial franchise as well ?

**The Honourable Sir Nripendra Sircar** : At the present moment, I cannot give an assurance, but I can undertake to convey this request to Government.

**Mr. S. Satyamurti** : May I know if Government's attention has been drawn to a proposal, specially in Madras, for the single transferable vote in joint electorates which return *harijan* candidates, and do they not consider that that goes against the spirit, if not the letter, of the Poona Pact, to which His Majesty's Government is a party ?

**The Honourable Sir Nripendra Sircar :** I am sorry that I did not know that I shall have to answer this question today in a particular matter relating to Madras, and I am afraid I cannot answer it.

**Mr. S. Satyamurti :** Will Government send for the papers and consider this very important question that a proposal of the Provincial Franchise Committee accepted by the Provincial Government goes right in the teeth of the Poona Pact ?

**The Honourable Sir Nripendra Sircar :** We are quite prepared to consider the objection which has fallen from my Honourable friend.

**Prof. N. G. Ranga :** When the proposals of the Provincial Delimitation Committees are sent to the Government of India, will the Government of India try to consult the Indian Delimitation Commission also about their views in regard to those recommendations ?

**The Honourable Sir Nripendra Sircar :** I have said in answer to a supplementary question from my Honourable friend, Mr. Satyamurti, that I am not prepared to give any guarantee or undertaking, but I am prepared to carry this to Government for consideration.

**Mr. S. Satyamurti :** May I know if Government's attention has been drawn to the proposal of the Provincial Franchise Committee in Madras and accepted by the Madras Government that tens of thousands of graduates who now enjoy the franchise should be deprived of the franchise for the University seat in the Provincial Assembly, and whether Government propose to consider this matter ?

**The Honourable Sir Nripendra Sircar :** I have already said that I shall see that they consider the matter.

**Mr. T. S. Avinashilingam Chettiar :** Is it the policy of Government to have a uniform system of franchise throughout the country or to have separate systems of franchise for each province ?

**The Honourable Sir Nripendra Sircar :** I cannot make any pronouncement on Government's policy and I do not know that there is a definite policy in this matter. It must wait until the publication of the report of the Delimitation Commission and discussion in this House.

**Mr. S. Satyamurti :** Is it the policy of Government to extend or restrict the existing franchise as a whole ?

**The Honourable Sir Nripendra Sircar :** I think it is fairly clear from what has happened before that the idea is to extend and not to restrict.

**Mr. F. E. James :** Is the Honourable Member aware that in Madras the representatives of the party to which my Honourable friend, Mr. Satyamurti, belongs, though invited, declined to serve on the Delimitation Committee ?

**The Honourable Sir Nripendra Sircar :** I was not particularly aware of that, but I am prepared to take it from my Honourable friend as correct.

**Mr. S. Satyamurti :** Are Government aware that the Committee was packed with representatives of the reactionary party and we would be in a hopeless minority ?

**The Honourable Sir Nripendra Sircar :** I absolutely repudiate that suggestion.

AMENDMENTS OF THE GOVERNMENT OF INDIA BILL IN THE HOUSE OF COMMONS  
REGARDING THE PRINCES AND THE FEDERATION.

229. \***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether, with regard to the amendments of the Government of India Bill in the House of Commons, regarding the Princes and the Federation, they were consulted by the Secretary of State ;

(b) if so, what the advice was which they gave ; and

(c) if, apart from consultation, they made any representations in this matter to His Majesty's Government ?

**The Honourable Sir Nripendra Sircar :** With the permission of the President, I would like to answer parts (a), (b) and (c) of the question as a whole.

The Government of India were consulted by the Secretary of State on the amendments referred to by the Honourable Member, but I regret that I am not in a position to disclose the contents of the confidential correspondence.

**Mr. S. Satyamurti :** May I know, if the reason for Government's refusal is that public interests will be affected ?

**The Honourable Sir Nripendra Sircar :** My Honourable friend has for once correctly anticipated the formal answer. That is the answer.

**Mr. S. Satyamurti :** With regard to clause (c), may I know, if, apart from the reply to the consultation, they made any further representations to Government ?

**The Honourable Sir Nripendra Sircar :** I believe that is part of the confidential correspondence, and I regret I cannot disclose it.

**Mr. S. Satyamurti :** Are Government aware that Mr. Monckton is reported to have made some promises to the States Ministers' Conference at Bombay last week, and are Government aware if he is given any authority by the Secretary of State for India to negotiate directly or indirectly on behalf of His Majesty's Government ?

**The Honourable Sir Nripendra Sircar :** I am not aware of any such thing.

DISCRIMINATION AGAINST INDIANS BY THE KENYA GOVERNMENT.

230. \***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the telegram from the *Free Press of India*, dated the 25th May, 1935, regarding Kenya Government discriminating against Indians ;

(b) if the facts stated therein are true ; and

(c) if so, whether Government propose to take any steps to protect legitimate Indian interests ?

**Sir Girja Shankar Bajpai :** (a) Yes.

- (b) Not to the knowledge of the Government of India.  
 (c) Does not arise.

**Mr. S. Satyamurti :** Did Government make any inquiry after the receipt of this question ?

**Sir Girja Shankar Bajpai :** Government perused with great care the cutting which my Honourable friend sent, and it is so completely full of misstatements that it really was not worth while making any inquiries. For instance, I will just read out a bit :

“ It is understood that the whole series of cotton markets established over cotton producing areas where cotton passes, etc.”

Practically no cotton is produced in Kenya. The gentleman must have been thinking of Uganda.

#### ENQUIRY INTO THE PRODUCTION AND TRADE OF RICE IN THE MADRAS PRESIDENCY.

231. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the Report of Mr. C. R. Srinivasan, Special Officer, appointed by the Madras Government, to enquire into the production and trade of rice in the Presidency, especially the recommendation in favour of a reduction of railway freight for transporting rice and paddy from producing centres to different consuming centres in the province ; and

- (b) whether they propose to take any steps in the matter, and if not, why not ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) As regards (i) of the recommendations summarised at the end of the report, the Honourable Member's attention is invited to the provisions of the Indian Tariff (Amendment) Act, 1935. It is understood that the Government of Madras have been in touch with Railway administrations concerned, as a result of which freights in certain cases have been reduced. The rest of the recommendations concern the Local Government exclusively.

**Mr. S. Satyamurti :** May I know, in somewhat more detail, in how many cases approximately and for what distances this freight for transporting rice and paddy from producing centres to consuming centres has been reduced ?

**Sir Girja Shankar Bajpai :** All that I know at the moment is that the actual reductions have reached as much as 16 per cent. in certain cases ; but, if my Honourable friend wants details of the kind he mentioned just now, I shall endeavour to obtain them and place them at his disposal.

**Prof. N. G. Ranga :** Is the Honourable Member aware of the fact that, in as many as 12 districts of the Madras Presidency and in the Andhra districts, no steps till now have been taken by the railway authorities to reduce the railway freights for the transport of paddy and rice ?

**Sir Girja Shankar Bajpai :** I am prepared to examine the information which my Honourable friend has furnished.

**Prof. N. G. Ranga :** Have Government received any communication from the Andhra Chamber of Commerce with a request that these freights should be reduced as far as these articles are concerned in the Andhra districts ?

**Sir Girja Shankar Bajpai :** I could not really answer that question, because it concerns the Railway Board : I can say that I made inquiries from my Honourable friend, Mr. Rau, and he does not remember to have seen any such representation.

**Prof. N. G. Ranga :** Have the Government of Madras sent any communication to the Government of India ?

**Sir Girja Shankar Bajpai :** No, the Government of Madras have sent no communication to the Government of India.

#### APPLICATION OF A SYSTEM OF CONTROL OVER IMPORTS BY THE JAPANESE TRADE COUNCIL.

232. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the action of the Japanese Trade Council, who have decided to apply a system of control over imports, and to introduce safeguarding measures against countries which impose severe restrictions on Japanese imports ;

- (b) whether they have considered the effect of this on India's trade with Japan ; and

- (c) what steps, if any, Government propose to take in the matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, Sir.

(b) and (c). Trade relations between India and Japan are governed by the Indo-Japanese Trade Convention and Protocol, and the Government of India have no reason to believe that the Government of Japan have any intention of discriminating against Indian imports to Japan in contravention of the existing agreement between the two countries.

**Mr. S. Satyamurti :** Has there been any correspondence between this Government and the Government of Japan in this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, no occasion has arisen for any correspondence so far.

**Mr. S. Satyamurti :** Have Government made any inquiries after the receipt of this question ?

**The Honourable Sir Muhammad Zafrullah Khan :** There was no need to make any inquiries, because, as I have said, no portion of this agreement has been contravened.

**Mr. S. Satyamurti :** When is this trade convention due for revision next ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot say whether it is due for revision or not, but it continues in force till the spring of 1937.

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**Prof. N. G. Ranga :** Is there any Indian Trade Commissioner in Japan ?

**The Honourable Sir Muhammad Zafrullah Khan :** No.

**Prof. N. G. Ranga :** If there is no Trade Commissioner there, how and through what channel do the Government of India try to ascertain the policies and intentions of the Government of Japan ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have said nothing with regard to the intentions of the Government of Japan except this, that we have not found there are any reasons to consider that they will in any way try to contravene the agreement already arrived at between us : but there are several channels, apart from trade commissioners—publications, declarations, statements of policy, correspondence, and so on.

**Prof. N. G. Ranga :** Is there any agent at all of the Government of India in Japan who can try and ascertain the facts there.

**The Honourable Sir Muhammad Zafrullah Khan :** There is no trade agent in Japan.

**Prof. N. G. Ranga :** Do Government propose to appoint one now ?

**The Honourable Sir Muhammad Zafrullah Khan :** That matter is being considered.

#### RESTRICTION OF INDIAN IMPORTS INTO ROUMANIA, ITALY AND GERMANY.

233. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have taken any steps with regard to the restriction of Indian imports into Roumania, Italy and Germany ;
- (b) whether they have investigated the matter ; and
- (c) what their conclusions in the matter are ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Member is referred to the replies given by me to Mr. T. S. Avinashilingam Chettiar's starred question No. 5 on the 2nd September, 1935, and the supplementaries thereto and to parts (b) and (c) of his own starred question No. 209.

**Mr. S. Satyamurti :** I am asking only with regard to Germany : what is the position with regard to the trade of this country with Germany ?

**The Honourable Sir Muhammad Zafrullah Khan :** What is exactly meant by "position" ? In reply to supplementaries, I explained the position : but if the Honourable Member will explain what he means by "position", I will be able to tell him.

**Mr. S. Satyamurti :** Is there any restriction on Indian imports into Germany ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, as part of the general restrictions imposed by Germany with regard to imports from all countries.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair thinks the matter was explained the other day.

**Mr. S. Satyamurti :** Have Government made any representations to the Government of Germany, with regard to these restrictions on imports from India into that country ?

**The Honourable Sir Muhammad Zafrullah Khan :** Not yet.

**Mr. S. Satyamurti :** Why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government have the matter under consideration : they are getting all the information relevant to this question and are considering what action is necessary.

#### RESULTS OF THE OTTAWA TRADE AGREEMENT.

234. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether the examination of the results of the Ottawa Pact are complete ;
- (b) when they will be placed before this House ; and
- (c) whether this House will be given an early opportunity to consider the matter and give its opinion on it ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, up to the end of the Fiscal Year 1934-35.

(b) The Report for that year will be laid on the table of the House at an early date.

(c) The House will be afforded an opportunity of discussing the results of the Ottawa Trade Agreement in the next Budget Session.

#### INCONVENIENCE CAUSED TO INDIAN PASSENGERS ON ACCOUNT OF EUROPEAN SOLDIERS TRAVELLING IN ORDINARY SECOND CLASS COMPARTMENTS.

235. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the fact that great inconvenience is caused to the Indian passengers on account of European soldiers travelling in ordinary second class compartments ;
- (b) whether Government propose to make other arrangements and thereby minimise the inconvenience caused to Indian passengers ; and
- (c) whether arrangements will be made to transport soldiers in separate compartments reserved for them ?

**Mr. P. R. Rau :** (a) Occasional complaints have been received.

(b) Government have no reason to think that a reference to the railway staff in the case of a genuine complaint will not set matters right.

(c) No. The arrangement suggested would result in a waste of accommodation.

**Mr. S. Satyamurti :** May I know whether the Honourable Member's attention has been drawn to recent occurrences—I need not give the details—and will Government consider the desirability, in the interests of

Indian passengers, of reserving carriages for these European soldiers and charging the Army Department for the entire cost of transporting them?

**The Honourable Sir Muhammad Zafrullah Khan :** The position is that if there is a small number of British soldiers travelling, it would, as has been explained in the answer, amount to waste of accommodation to reserve compartments for them, when there is not a full complement of passengers to occupy these compartments, let alone the reservation of carriages for a small number of British soldiers.

**Mr. S. Satyamurti :** May I know whether the Honourable the Commerce Member has considered, in the light of recent events, the great inconvenience and discomfort likely to be caused to Indian passengers by these European soldiers, especially when they are travelling without any superior in command?

**The Honourable Sir James Grigg :** What is the insinuation?

**Mr. S. Satyamurti :** The insinuation is that they behave like brutes.

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot understand the inconvenience likely to be caused : as the Financial Commissioner has explained in reply to the question, occasional complaints have been received, and Government has no reason to think that a reference to the station authorities would not set matters right.

**Mr. S. Satyamurti :** Are Government aware that in Bareilly Station, when British soldiers left their baggage there and the clerks asked them for money, they were assaulted by these soldiers?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not aware of that.

**Mr. S. Satyamurti :** Of course, you are not.

**Prof. N. G. Ranga :** Are Government aware of the fact that third class passengers also experience great inconvenience because of these sepoys and soldiers travelling third class in their compartments?

**The Honourable Sir Muhammad Zafrullah Khan :** No : I am not aware what kind of inconvenience is being referred to.

#### INDIANISATION OF THE GOVERNMENT OF INDIA SECRETARIAT.

**Mr. S. Satyamurti :** I now put my supplementaries on question No. 207. May I ask the Honourable the Home Member what is the reason for this slow progress in the Indianisation of the Secretariat in the Government of India?

**The Honourable Sir Henry Craik :** I do not think the progress is particularly slow.

**Mr. S. Satyamurti :** Why is it slow, particularly or otherwise, in view of the fact that in the Preamble, to which my attention has been drawn, which stands unrepealed, the increasing association of Indians was declared in 1919,—16 years ago now?

**The Honourable Sir Henry Craik :** The association is steadily increasing.

**Mr. S. Satyamurti :** May I know whether there are any Departments in which there is discrimination against Indians—say, the Home and Finance Departments?

**The Honourable Sir Henry Craik :** No : there is no discrimination against Indians in either Department.

**The Honourable Sir James Grigg :** The Honourable Member from Madras has reason to know that that is not true.

**Mr. S. Satyamurti :** I shall not discuss that on the floor of the House : I choose to respect confidences : the Honourable the Finance Member does not. Therefore, I will not pursue that matter. But I will ask the Honourable the Home Member whether Government are on the whole satisfied with the results of these Indians being recruited to the Secretariat?

**The Honourable Sir Henry Craik :** My own experience is comparatively limited : but I do know this, that at least on one occasion since I assumed office I have tried to get an Indian, but no Local Government was in a position to spare the services of a suitable Indian.

#### ALLEGED IMPERSONATION AND MALPRACTICES EMPLOYED IN ELECTIONS TO THE LEGISLATURES AND LOCAL BODIES.

236. **\*Mr. Lalchand Navalrai :** (a) Has the attention of Government been drawn to a number of articles appearing in the *Sind Observer*, dated the 14th May, 1935, referring to impersonation and other glaring malpractices employed in elections to the legislatures and local bodies?

(b) What steps do Government propose to take by way of amendment of law and rules in connection therewith for better preparation of the electoral rules and checkmating impersonations?

(c) Do Government propose to amend the law, making offences of impersonations cognizable and triable summarily?

**The Honourable Sir Henry Craik :** (a) The Government of India have perused the articles referred to.

(b) and (c), The Government of India are in consultation with Local Governments as to whether a more effective procedure is desirable to check impersonation at elections.

**Mr. Lalchand Navalrai :** May I know if the Honourable Member knows that the Karachi Municipality have started a system by which identification marks of voters are taken down and that prevents impersonation : will the Honourable Member consider that system?

**The Honourable Sir Henry Craik :** I was not aware of that : I dare say, it is a very good idea.

**Prof. N. G. Ranga :** Is the Honourable Member aware of the fact that this evil of impersonation and sometimes glaring impersonation is widely prevalent in the Madras Presidency also?

**The Honourable Sir Henry Craik :** I believe it prevails in all provinces.

**Prof. N. G. Ranga :** Will Government try to take steps to see that rules are suitably amended to prevent this all over India?

**The Honourable Sir Henry Craik :** I have already said that we are in consultation with Local Governments to consider whether more effective procedure can be devised.

**Mr. Lalchand Navalrai :** The Honourable Member may have no idea as to what the Karachi Municipality has done ; but I am giving the idea to the Honourable Member : will he kindly look into it when some improvement is going to be made ?

**The Honourable Sir Henry Craik :** Yes : if the Honourable Member will give me the facts, I will certainly look into it.

#### AMENDMENT OF THE INDIAN MEDICAL COUNCIL ACT.

237. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if they have received a copy of the resolution passed by the 27th Annual Conference of the All-India Medical Licentiates Association, urging upon Government to amend the Indian Medical Council Act so as to include the Indian Medical Licentiates within the scope of the Act ?

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

(c) Have Government reconsidered the desirability of amending the Act to the aforesaid scope, since the passing of the Act ? If so, in what way and with what result ?

(d) Were any reports called for on the subject while considering the question after the passing of the Act ? If so, will Government be pleased to place those papers on the table ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b), (c) and (d). I would invite the Honourable Member's attention to the discussions that took place in this House in February and September, 1933, on the Indian Medical Council Bill, now the Indian Medical Council Act. Government's position in regard to licentiates was fully explained then. No reports were called for from Local Governments nor have any been submitted by them since the Act was passed. In the opinion of the Government of India no extension of its scope in the manner suggested by the Honourable Member is called for.

**Mr. Lalchand Navalrai :** Is it not a fact, Sir, that in those discussions it was given out that the reports would be sent for and the question whether the scope would be extended to the licentiates also would be considered hereafter ? Have Government considered it ?

**Sir Girja Shankar Bajpai :** Sir, I made it perfectly clear, then, because I made the statement on behalf of the Government on that occasion, that, as a result of pressure brought upon Government by the House, we had consulted the Local Governments, and they were not in favour either of the preliminary inquiry or of any additional inquiry of the nature suggested by the Honourable Member.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether, now that the Act is in operation, Government will inquire from the medical licentiates and other bodies and also from the Local Governments to reconsider that question ?

**Sir Girja Shankar Bajpai :** Sir, the operation of the Act by its very terms being limited to medical graduates has no effect upon medical licentiates.

#### FEES DEMANDED BY THE CIVIL SURGEON, NEW DELHI, DURING HOSPITAL HOURS.

238. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the Civil Surgeon in charge of New Delhi Municipal Hospital (Willingdon Hospital) is entitled to charge fees for examination of patients in the hospital during the hospital working hours ? If so, how much and under what rule or order of the Municipality or of Government ?

(b) Is it a fact that in other hospitals in India, the medical officers are permitted to charge a particular fee for examination only when they examine private patients in their private quarters during their leisure hours ?

(c) Is it a fact that the Civil Surgeon at the New Delhi Hospital charges out-patients, who are not first class Government officers, for examination only in the hospital during hospital hours ? If so, how much and under whose orders ?

(d) Are Government aware that, in the event the Civil Surgeon, whose services are loaned by the Government to the Municipal Hospital at New Delhi, does make a charge on all non-first class Government officers and private residents of New Delhi for mere consultation in the hospital during consultation hours, it becomes impossible for such of those that cannot afford to pay the fee demanded by the Civil Surgeon to obtain expert advice ?

(e) Are Government aware that in Great Britain, where most of the hospitals are maintained out of voluntary contributions, any person is permitted to obtain expert advice even from Honorary Physicians and Surgeons during their consulting hours in the hospital on the payment, if not entirely free, of a very small fee to the hospital and not to the physicians and surgeons ? If so, how is the Civil Surgeon, New Delhi, justified in demanding fees for consultation during hospital hours from out-patients ?

(f) Do Government propose to find out how long and in how many cases the Civil Surgeon at the Municipal Hospital in New Delhi has received fees from out-patients for examining them during hospital hours, and do Government propose to make him refund the amounts so received to the particular patients ? If not, why not ?

**Sir Girja Shankar Bajpai :** (a) (c), (d) and (f). The Honourable Member's question presumably refers to the practice in respect of out-patients. The position in New Delhi in regard to such patients is that, unless they are officials entitled to the services of the Civil Surgeon, they have to see the senior Assistant Surgeon who is in charge of the out-patients' department. The Assistant Surgeon may consult the Civil Surgeon when necessary. If a non-official, who is not entitled to the Civil Surgeon's services and who is in a position to pay a fee, insists on seeing the Civil Surgeon, he may be seen in the hospital and charged a fee not exceeding Rs. 16. Officials entitled to medical attendance by an officer

below the rank of Civil Surgeon have the right of access to the Civil Surgeon, when necessary or when difficulty arises, and no fee is demanded or expected. In the circumstances Government do not consider it necessary to make the enquiry suggested by the Honourable Member in part (f) of his question.

(b) There is no uniform practice in this matter.

(e) The position in Great Britain is not as suggested by the Honourable Member. In most hospitals an out-patient is examined by the hospital almoner as to his financial position before being admitted to the consulting room. When admitted, he has no choice of consultant but has to appear before the doctor or his assistant who may be on duty on that day.

**Mr. N. M. Joshi :** May I know, Sir, on what grounds a first class officer has the right of consulting the Civil Surgeon even for a slight illness, while a subordinate officer has not got the same right? What is the reason for this kind of discrimination?

**Sir Girja Shankar Bajpai :** I don't think my Honourable friend has quite appreciated the position. A subordinate official of the Government for a minor ailment is entitled to the services of an Assistant or Sub-Assistant Surgeon, as the case may be, but if either the Sub-Assistant Surgeon or the Assistant Surgeon feels that the character of the disease is such that the Civil Surgeon should be consulted, the Civil Surgeon is consulted and renders his service free of charge.

**Mr. N. M. Joshi :** May I ask, Sir, whether it will not serve the purpose of economy if a first class officer goes to a subordinate medical officer for consulting about a minor ailment?

**Sir Girja Shankar Bajpai :** I don't think that will be so, because, after all, if economy is the main objective, probably my friend will suggest that there should be a first class Civil Surgeon to do all the work, but inasmuch as there are only 24 hours in a day, I doubt very much whether that first class Surgeon could do it.

**Mr. N. M. Joshi :** May I know whether the Government of India will consider if it will not be proper to offer the services of the Civil Surgeon according to the nature of the malady, instead of according to the class of the officer?

**Sir Girja Shankar Bajpai :** Inasmuch as the existing arrangement seems to meet all reasonable requirements, Government don't think it is necessary to consider a modification.

**Mr. Lalchand Navalrai :** May I know if a non-official pays the fees and the Civil Surgeon examines him, will he examine him during hospital hours or after the hospital hours?

**Sir Girja Shankar Bajpai :** Ordinarily, private practice is done outside hospital hours, but if there is a special case when a non-official goes to the hospital and seeks the assistance of the Civil Surgeon and it is held that he is in a position to pay the fee, in that case he is examined during hospital hours.

**Mr. Lalchand Navalrai :** To whom is the fee paid then? Is it to the Civil Surgeon himself or to the Municipality or the Government?

**Sir Girja Shankar Bajpai :** To the Civil Surgeon in the case of the New Delhi Municipality.

**Mr. Lalchand Navalrai :** Does the Honourable Member know that, in other Government hospitals, Civil Surgeons, during hospital hours, examine patients without fees? Will the Honourable Member advise the New Delhi Municipality or the Civil Surgeon there to conform to that practice which is followed in other provinces?

**Sir Girja Shankar Bajpai :** I have already answered part (b) of my Honourable friend's question, and I have said that there is no uniform practice in this matter.

**Mr. T. S. Avinashilingam Chettiar :** Sir, may I, with your permission, ask this question, because Mr. Mathuradas Vissanji is not here?

**Mr. President (The Honourable Sir Abdur Rahim) :** Has the Honourable Member got any authority from him?

**Mr. T. S. Avinashilingam Chettiar :** No, Sir.

**Mr. President (The Honourable Sir Abdur Rahim) :** Then he cannot ask that question.

#### PROTECTION TO THE COCOANUT INDUSTRY IN INDIA.

239. \***Mr. Mathuradas Vissanji :** Will Government be pleased to state :

(a) whether they have received the recommendations of the Sub-Committee appointed by the Imperial Council of Agricultural Research on Dr. Patel's Report on the coconut industry in India and, if so, when;

(b) what action Government have taken on the recommendations of the Sub-Committee; and

(c) whether Government propose to take immediate action to afford protection to the coconut industry in India?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, in February, 1935.

(b) and (c). The recommendations of the sub-committee are still under the consideration of the Government of India.

#### REFUSAL OF PERMISSION TO MR. MOHAN LAL SAKSENA TO VISIT THE CELLULAR JAIL AT PORT BLAIR.

240. \***Mr. Sri Prakasa :** (a) Is it a fact that Mr. Mohan Lal Saksena had applied for permission to visit the Cellular Jail at Port Blair and that Government refused to give the required permission?

(b) Is it also a fact that he had offered to go there at his own expense? If so, will Government be pleased to state the reasons why the permission was refused?

(c) Is it a fact that the Honourable Diwan Bahadur G. Narayana-swami Chetti, C.I.E., recently paid a visit to the Andamans? If so, will Government be pleased to state whether he was granted permission after Mr. Mohan Lal Saksena's application?



(d) Will Government be pleased to lay on the table a copy of the correspondence that passed between the Honourable Diwan Bahadur G. Narayanaswami Chetti, C.I.E., and Government in this connection?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) Yes. I would refer the Honourable Member to my letter to Mr. Saksena of 27th April, 1935, a copy of which has been placed on the table of the House.

(c) Yes. The Honourable Diwan Bahadur G. Narayanaswami Chetti was granted permission long before Mr. Saksena's application.

(d) A copy of the correspondence with the Honourable Diwan Bahadur G. N. Chetti on the subject of his visit to the Andamans is placed on the table of the House.

*Copy of a letter No. F. 60/35-Jails, dated 27th April, 1935, from the Government of India, Home Department, to Shri Mohan Lal Saksena, M.L.A., Advocate, Aminud-daulah Park, Lucknow.*

In your letter of April 17th you asked to be informed of the reasons which led the Government of India to refuse your request for permission to go to Port Blair. The reasons are as follows :

In your original request you stated that you had received a number of complaints regarding the treatment of prisoners in Port Blair. In reply to an enquiry from me you refused in your letter of March 29th to reveal what these complaints were and admitted that you had no evidence in support of them. The investigation of complaints in regard to the treatment of prisoners is essentially a matter for Government to take up themselves and the Government of India are always prepared to undertake such investigation when specific complaints are brought to their notice. But to allow a non-official to visit the Settlement with the express object of enquiring into complaints, especially when they are unspecified and admittedly *ex parte*, would in the opinion of Government encourage the presentation of such complaints by prisoners and would thus be highly prejudicial to jail discipline. Government cannot, therefore, agree to give facilities to any individual for such a purpose.

*Copy of a demi-official letter No. 1316/33-Jails, dated the 30th October, 1933, from the Government of India, Home Department, to the Honourable Dewan Bahadur G. N. Chetti, Member of the Council of State, 9, Windsor Place, New Delhi.*

You approached the Honourable the Home Member in Simla with a request that you might be allowed to visit the Andamans, in a private capacity and at your own expense, about Christmas time, so that you might have an opportunity of visiting the Cellular Jail. Mr. J. W. Smyth, the Chief Commissioner of the Andamans, is at present in Delhi and is staying with the Honourable the Home Member at No. 2, King Edward Road. He will be leaving Delhi on Thursday evening. The Honourable the Home Member has asked me to write to you and say that Mr. Smyth will be very glad to see you before he leaves Delhi and discuss with you your desire to visit the Andamans. If you would like to meet Mr. Smyth, perhaps you will write to him direct at No. 2, King Edward Road, and let him know when it would be convenient for you to call upon him.

*Copy of a demi-official letter No. D-1451/33-Jails, dated the 20th November, 1933, from the Government of India, Home Department, to the Honourable Dewan Bahadur G. N. Chetti, Member of the Council of State, 9, Windsor Place, New Delhi.*

In continuation of my demi-official letter No. 1316/33-Jails, dated the 30th October, I write to inform you that the Government of India have no objection to your visiting the Andamans in a private capacity. The Chief Commissioner has sug-

gested that you should sail by the S. S. "Maharaja" on one or other of the two following trips :

|                           |             |
|---------------------------|-------------|
| 1. Leave Calcutta .. .. . | December 10 |
| Arrive Port Blair .. .. . | December 13 |
| Leave Port Blair .. .. .  | December 20 |
| Arrive Calcutta .. .. .   | December 24 |
| 2. Leave Calcutta .. .. . | December 31 |
| Arrive Port Blair .. .. . | January 3   |
| Leave Port Blair .. .. .  | January 10  |
| Arrive Madras .. .. .     | January 14  |

2. The Agents of the S. S. "Maharaja" are Messrs. Turner, Morrison and Company, Calcutta, and, after you have decided the dates most suitable to you, you should write to them direct about accommodation. I am sending a copy of this letter to them so that there may be no difficulty in regard to accommodation.

**Mr. Sri Prakasa :** Why was a discrimination made between the two gentlemen in the matter of granting permission to visit the Andamans?

**The Honourable Sir Henry Craik :** I would refer the Honourable Member to the correspondence I am laying on the table.

**Mr. Sri Prakasa :** Sir, I want a definite answer at once, because I want to base my supplementary questions on it. It will take some time for me to get the answer from the table of the House. Cannot the Honourable Member read out that correspondence?

**Mr. President** (The Honourable Sir Abdur Rahim) : If the answer is to be found in the correspondence, the Chair thinks the Honourable Member can read the correspondence and afterwards put his supplementary questions. If the Honourable Member reads that correspondence, it is possible that supplementary questions may not be found necessary.

**Mr. Sri Prakasa :** That is impossible, Sir.

**Mr. Ananthasayanam Ayyangar :** May I know from the Honourable Member if a single reform has been effected within the prison walls on the advice given by Diwan Bahadur Narayanaswami Chettiar till now?

**Prof. N. G. Ranga :** Not even butter milk is supplied to prisoners in Madras.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member cannot carry on a conversation like that.

**Mr. M. Ananthasayanam Ayyangar :** Yesterday it was stated that, on account of the special experience of the working of the Jail Administration, Diwan Bahadur Narayanaswami Chettiar possessed a special advantage, and, therefore, he was given a passport to proceed to the Andamans. I am now asking the Honourable Member to state if, in all his experience, even a single reform has been effected as a result of the advice tendered by Diwan Bahadur Narayanaswami Chettiar? Is there a single reform to the credit of Diwan Bahadur Narayanaswami Chettiar?

**The Honourable Sir Henry Craik :** I think the gentleman in question has effected a great deal of reform in jail administration.

**Mr. M. Ananthasayanam Ayyangar :** May I know if even a single reform has been effected in all the millions of jails in this country as a result of the advice given by Diwan Bahadur Narayanaswami Chettiar ?

**The Honourable Sir Henry Craik :** I do not think that arises out of this question. I happen to know that the gentleman in question has done a great deal especially in regard to helping released prisoners.

**Mr. M. Ananthasayanam Ayyangar :** That is outside the jails. My question relates to reforms effected, if any, inside the jails. Released prisoners are no longer in jails. I want to know what additional comforts or any other improvements in the amenities of life of the prisoners inside the jails have been made as a result of the advice tendered by Diwan Bahadur Narayanaswami Chettiar ?

**The Honourable Sir Henry Craik :** That does not arise out of the answer I have given. If the Honourable Member wishes to have this information, he should put down a question on paper.

**Mr. M. Ananthasayanam Ayyangar :** On what grounds was that gentleman chosen to go to the Andamans in preference to my Honourable friend, Mr. Mohan Lal Saksena, who is a Member of this House ?

**Prof. N. G. Ranga :** He is a well-known loyalist !

**Mr. Sri Prakasa :** I want to ask you, Sir, for the sake of information, whether, if I feel that any supplementary questions should be asked after reading the papers, I could put them tomorrow, or shall I have to wait and take my chance later ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member may ask any supplementary questions that may arise out of the correspondence, tomorrow.

#### TRAIN SERVICE BETWEEN GUDUR AND KATPADI AND DHARMAVARAM ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

241. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that the train service between Gudur and Katpadi and Dharmavaram recently bus service is flourishing and making good income to the detriment of the Railway income ?

(b) Are Government also aware that the third class carriages in use are all rickety, having doors opening outside and having no proper bolts and hinges ?

(c) Are Government aware that the lavatories in the third class carriages are not provided with water, are not cleaned properly, are too small for free ingress and egress, and are highly insanitary ?

(d) Are Government prepared to take immediate steps to remedy these defects ?

**Mr. P. R. Rau :** (a) There are heavy gradients on each of the sections referred to, and all trains have to stop at every station. Owing to the light section rails in the track a more powerful engine is not available for use on these sections. Under these circumstances the speed of trains is restricted.

(b) No. All trains running on those sections are composed of bogie stock.

(c) No. Tanks of lavatories of third class carriages running on those sections are filled with water and the lavatories cleaned at six stations.

(d) Government are forwarding a copy of the question and the answer to the Agent, Madras and Southern Mahratta Railway, to see whether any steps can be taken to accelerate the service.

**Prof. N. G. Ranga :** Are Government aware of the fact that latrines in these trains are in an abominable condition ?

**Mr. P. R. Rau :** No, Sir. I understand that they are cleaned at six stations out of eighteen.

#### CONSTRUCTION OF A RAILWAY LINE BETWEEN TIRUPATI AND MADRAS.

242. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware of a resolution passed by the Bar Association, Tirupati, that the Tirupati Railway Station should be connected by metre gauge to Madras ?

(b) Has not the line been surveyed and lands acquired for laying the railway at an enormous cost ?

(c) Are Government prepared to take up the construction of the railway at an early date ?

**Mr. P. R. Rau :** (a) No.

(b) No land has been acquired. As I informed my Honourable friend in February last, the total cost of the survey is about Rs. 76,000.

(c) The project is one of those being reconsidered at the present moment.

#### PROPOSAL TO CONSTRUCT A FUNICULAR RAILWAY FROM TIRUPATI TO TIRUMALAI HILLS IN THE MADRAS PRESIDENCY.

243. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware of a proposal to construct a funicular railway from Tirupati to Tirumalai Hills via Chandragiri in the Madras Presidency ?

(b) Are Government aware that there is a lot of public opinion against it on the ground that the sanctity of the Tirumalai Hill would be destroyed and that town of Tirupati would sink into insignificance ?

(c) Are Government prepared to take steps to prevent the construction of such a railway ?

**Mr. P. R. Rau :** (a) Yes.

(b) and (c). No. The proposal is one primarily for decision by the Government of Madras.

#### PROTECTION OF INDIANS FROM AIR RAIDS.

244. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that all countries in Europe and in the East are taking steps to protect the civil population from air raids, in case of an air attack, by giving them mask drills ?

(b) What steps, if any, are Government taking in this direction to protect the people of India ?

(c) Do Government propose taking any steps to improve their defence in case of a possible outbreak of war in Europe or in the East ?

**Mr. G. R. F. Tottenham :** (a) Government understand that the Governments of several countries have been studying the matter, but they have no precise information as to the extent to which they have been training their populations by means of gas mask drills.

(b) and (c). The possibility of air raids on India is remote at present, and no active measures to train the civil population in methods of protection are considered necessary. The Honourable Member may rest assured that the Government will take such steps as may be necessary, if the need arises.

**Prof. N. G. Ranga :** Is there any possibility of the Government of India thinking of throwing bombs on the civilian population outside the frontier ? They are already doing this on the frontier now.

**Mr. G. R. F. Tottenham :** I could not hear the Honourable Member's question. If he could speak a little slower and a little louder, I might be able to hear him.

**Prof. N. G. Ranga :** Is there any possibility of the Government of India thinking of throwing bombs on the civilian population on this side of the frontier ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That does not arise. Next question.

#### REFUSAL OF PERMISSION TO CERTAIN PERSONS TO ENTER QUETTA FOR AFFORDING RELIEF TO THE EARTHQUAKE SUFFERERS.

245. \***Mr. M. Ananthasayanam Ayyangar :** (a) Why have Government refused permission to the Indian National Congress Secretaries and to Mahatma Gandhi to enter Quetta for affording relief to the earthquake sufferers ?

(b) Is it not a fact that the Congress leaders rendered invaluable services to Bihar by giving relief to the earthquake sufferers ?

(c) What steps have Government taken to see that no thefts are committed of the properties of the earthquake sufferers at Quetta ?

(d) What is the total value of the property recovered from out of the debris at Quetta, and how much of this was restored to the owners ?

**Mr. J. G. Acheson :** (a) I would refer the Honourable Member to the answer given by the Honourable Sir Henry Craik to part (c) of Mr. Satyamurti's starred question No. 219.

(b) Yes, Sir, Government are aware of the services rendered by the Congress to the sufferers in the Bihar earthquake.

(c) The Honourable Member's attention is invited to Chapters IV and VI of the pamphlet "The Quetta Earthquake, 1935", copies of which have been sent to all the Members of this House.

(d) It is not possible to estimate the total value of the property recovered from under the debris before the city was sealed, as the

property excavated was handed direct to the owners and no record was kept. Since the preliminary salvage has started within the sealed area, property valued at over rupees four lakhs has been handed over to the owners.

**Mr. M. Ananthasayanam Ayyangar :** What is the value of the articles still in the possession of Government which have to be surrendered to the owners ?

**Mr. J. G. Acheson :** I am afraid I cannot answer that question without notice.

**Pandit Krishna Kant Malaviya :** Is it a fact that one Mr. Hogg of the Boy Scouts was allowed to proceed to Quetta ?

**Mr. J. G. Acheson :** I do not think that arises out of this question.

#### PREVENTION OF THE EXPORT OF SILVER AND A RISE IN ITS PRICE.

246. \***Mr. M. Ananthasayanam Ayyangar :** What steps do Government propose to take to prevent the export of silver and to prevent a rise in the price thereof ?

**The Honourable Sir James Grigg :** I would invite the attention of the Honourable Member to the reply given by me to Mr. Satyamurti's starred question No. 223 during the current Session.

**Mr. M. Ananthasayanam Ayyangar :** No, Sir. When I asked that question, my Honourable friend said there was a question on the paper later which he would answer, and now he is asking me to go back to the answer which he gave to the first question.

**The Honourable Sir James Grigg :** The Honourable Member was referring to another question of his which appears later on, but if he wants me to answer the question before it has been reached, I will tell him here and now, that I do not propose to make any statement of any kind of the subject of silver while the bullion market is in its present jumpy state. I do not desire to give the speculators any kind of lead in any direction.

**Mr. M. Ananthasayanam Ayyangar :** The Honourable Member.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable the Finance Member has said that he is not going to make any statement on the subject of silver.

**Mr. M. Ananthasayanam Ayyangar :** There is a question out of the vague answer that my Honourable friend has given. The Honourable Member who puts this question is not a speculator himself, I may assure him. I want the Honourable Member to state what steps have been taken till now to lower the price of silver, let alone the steps that have to be taken in the future ? What steps have been taken till now to lower the price of silver ?

**The Honourable Sir James Grigg :** The price of silver has been regulated by market conditions.

**Mr. M. Ananthasayanam Ayyangar :** Has a very large quantity of silver been sold by the Government of India to reduce the price of silver ?

**The Honourable Sir James Grigg :** That is a question which I do not propose to answer.

**Mr. M. Ananthasayanam Ayyangar :** I am asking with regard to the sale that has already taken place, and not to the sale that may take place hereafter. Have the Government of India already sold a large quantity of silver to bring down the price of silver ?

**The Honourable Sir James Grigg :** Does the Honourable Member mean before the present speculative rise in silver took place ? Of course, they did. Information about that appears in the annual reports of the Controller of Currency.

**Mr. M. Ananthasayanam Ayyangar :** May I know what quantities were sold ?

**The Honourable Sir James Grigg :** I cannot say off-hand. You will find it in the Controller's report.

**Mr. M. Ananthasayanam Ayyangar :** Was any quantity sold during the last three months ?

**The Honourable Sir James Grigg :** That is a question which I refuse to answer.

#### COMBINE FOR WORKING THE GOLD MINES IN THE NILGIRIS.

247. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that some Australian and London companies have entered into a combine for working the gold mines in the Nilgiris ?

(b) Have Government investigated the possibilities of opening up gold mines there ?

(c) Do Government propose to take steps to start a company locally or to nationalise that industry ?

**The Honourable Mr. D. G. Mitchell :** (a) The Government of Madras report that an unregistered company, called the Wynaad Gold Development Company, Limited, with English and Australian Directorate has obtained permission to prospect for gold in certain private *Janmam* lands in the Nilgiris.

(b) Certain investigations were made in 1879 and 1901-1902.

(c) No.

**Mr. M. Ananthasayanam Ayyangar :** Why not ?

**The Honourable Mr. D. G. Mitchell :** In all possibility it was not worth while.

**Prof. N. G. Ranga :** Have Government ascertained whether it would be worth while or not ?

**The Honourable Mr. D. G. Mitchell :** The grade of the ore in that part of Madras is so low that, even with the present high prices of gold, there is no likelihood of its development being a paying proposition.

**Mr. M. Ananthasayanam Ayyangar :** Then, what is the explanation of this private company coming in when there is no prospect of getting any profit ?

**The Honourable Mr. D. G. Mitchell :** The Honourable Member must remember that hope which springs eternal in the human breast and which has resulted probably in more money being spent on hunting and prospecting for gold than has ever been derived from the mining of it.

**Mr. M. Ananthasayanam Ayyangar :** What are the results of the investigations of 1879 and the later year to which the Honourable Member referred ?

**The Honourable Mr. D. G. Mitchell :** Complete failure. One company in particular obtained no gold whatsoever.

**Mr. M. Ananthasayanam Ayyangar :** I suppose this information is available to the persons who are floating the present company ?

**The Honourable Mr. D. G. Mitchell :** I presume so.

**Mr. M. Ananthasayanam Ayyangar :** Then, why are they floating a company of that kind ?

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question, No. 248.

#### REFUSAL OF PERMISSION TO CERTAIN PERSONS TO ENTER QUETTA FOR AFFORDING RELIEF TO THE EARTHQUAKE SUFFERERS.

248. **\*Sardar Sant Singh :** (a) Is it a fact that Mahatma Gandhi and Babu Rajendra Parshad, President of the Indian National Congress, applied to the authorities for permission to visit Quetta, after the earthquake ? If so, what was the correspondence which passed between the Government and the gentlemen concerned ? Will Government lay the full text of the correspondence on the table of this House ?

(b) What were the reasons which led Government to refuse permission to Mahatma Gandhi and the President of the Indian National Congress ?

**The Honourable Sir Henry Craik :** (a) Mr. Gandhi applied for such permission for himself and others. Babu Rajendra Prasad applied for such permission for relief parties. Government would have no objection to laying the correspondence on the table but have not the permission of the gentlemen concerned to do so.

(b) I would refer the Honourable Member to the reply I gave to parts (b) and (c) of Mr. Satyamurti's starred question No. 219.

#### EARTHQUAKE AT QUETTA IN 1931.

249. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if there was an earthquake in Quetta in 1931 ? If so, how much loss of person and property did it cause ?

(b) What steps did Government take in Quetta to guard against such incidents happening thereafter ?

(c) Were any earthquake-proof buildings constructed at Quetta ? Were they private or public, and how far did they stand the recent dreadful earthquake at Quetta ?

**Mr. J. G. Acheson :** (a) The attention of the Honourable Member is invited to the answer given by the Honourable Mr. E. B. Howell on the 7th November, 1931, to parts (b) and (c) of his question No. 1245.

(b) All public buildings constructed since 1931 have been built to earthquake-proof design.

(c) They stood the recent earthquake very successfully. As far as is known no private houses were constructed on earthquake-proof lines.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if he can give me an idea of the reply given by Mr. Howell in reply to part (a) ?

**Mr. J. G. Acheson :** I have it here. It reads :

“ The Honourable Member is referred to the communiqué issued by the Honourable the Agent to the Governor General in Baluchistan, dated the 29th August, 1931 (which gave the particulars of the earthquake).

In all, 104 deaths have been reported in Kalat State territory and seven deaths in British Baluchistan. The Central Jail, Railway buildings and other Government property at Mach were seriously damaged. At Quetta and Ziarat a considerable number of Government buildings were slightly damaged. In the Bolan pass neighbourhood, numerous Government buildings and also the Railway and the road were seriously damaged, etc.”

The answer is rather long, but the portion I have read out gives sufficient indication of its nature.

**Prof. N. G. Ranga :** Why is it that no condition was imposed upon the private owners to see that they should build their houses only as earthquake proof ?

**Mr. J. G. Acheson :** Not that I am aware of.

**Prof. N. G. Ranga :** Do the Government of India propose to impose any such condition for the construction of houses in future.

**Mr. J. G. Acheson :** Such a proposal is under consideration.

#### RECENT EARTHQUAKE AT QUETTA.

250. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to make a full statement as to the happening of the recent earthquake at Quetta, and state at what time it took place, what immediate steps Government took, and what arrangements were made for immediate help and succour to the people on account of the earthquake ?

(b) At what time after the earthquake shock did Government, through the military and civil authorities, commence helping the people who were alive, and what help did they render to them ?

(c) When was the digging out of people from under the debris commenced and when was it stopped and why ?

(d) How many persons were dug out, dead or alive, during the above period ?

(e) Was any outside help called for the purpose of bringing out people ?

(f) Did Government do anything to immediately import into Quetta outside labour and volunteers in order to help the military and to do

more extensive work of digging out people during the period it was being done ? If not, why not ?

(g) Is it a fact that people and organizations from outside Sind and the Punjab volunteered to come to Quetta with any amount of labour, provisions and food-stuffs to do work in an organized, systematic and disciplined manner under the control of the military ? If so, did Government accept the offer ? If not, why not ?

(h) Are Government aware that the opinion of the people and the Press has been that had the authorities requisitioned adequate, organized and disciplined corps from outside and rushed them to Quetta within a day or two of the occurrence of the earthquake, not only thousands of lives would have been saved, but the possibility of the alleged stench and danger of epidemic would have disappeared ? Will Government be pleased to state full reasons for not so requisitioning ?

(i) Is it a fact that responsible persons from Shikarpur actually offered to go with volunteers, labour, provisions, and other necessities ?

(j) Is it a fact that they were permitted to do so and that they arranged for a special train and equipped it, but the order was countermanded and they could not carry out their wishes ? If so, why was the order changed ?

(k) Is it a fact that Government subsequently allowed four prominent citizens of Shikarpur, with attendants and provisions, to proceed to Quetta and also placed two wagons at their disposal for carrying supplies ?

(l) Is it a fact that the party left Shikarpur but on reaching Jacobabad, the Deputy Commissioner, who had received countermanding orders stopped them from proceeding to Quetta ? How do Government explain this action ?

**Mr. G. R. F. Tottenham :** (a) to (h). I think the Honourable Member will find these parts of his question answered in the pamphlet “ The Quetta Earthquake, 1935 ”.

(i) to (l). I lay on the table a statement based on information received from the local civil authorities which shows that the Honourable Member has been misinformed in some important respects.

#### Statement.

(i) and (j). A band of about 12 volunteers, with provisions and money, left Shikarpur on the evening of the 31st May and reached Quetta, where they remained for about two weeks.

On June 1st, Khan Bahadur Allahbakhsh, Mahomed Umar and the Hindu Panchayat, apparently after consulting the local authorities, collected a band of about 50 volunteers, with provisions, money and necessities, and wanted to send them by a special train. The local railway authorities were only prepared to attach an additional coach to the ordinary train ; but Khan Bahadur Allahbakhsh wired to the railway authorities at Karachi asking for a special train. In the meantime, orders were received from the military authorities at Quetta prohibiting movements to that place, and the railway authorities had, therefore, to refuse the Khan Bahadur's request. It is thus not true to say that a special train had been arranged and equipped.

(k) and (l). The facts are as follows. On this occasion two wagons chartered by the persons mentioned above actually left Shikarpur, one attached to a goods train and the other to a passenger train. At Jacobabad a deputation of Shikarpuris, headed by Khan Bahadur Allahbakhsh and containing two prominent Shikarpuri doctors, called on the District Magistrate, Jacobabad, and asked to be allowed to proceed to Quetta for relief work. Permission was granted ; but subsequently the

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District Magistrate received instructions from Quetta not to allow medical relief parties, as the amount of medical aid in Quetta was adequate. The District Magistrate met the party at the railway station and explained to them that he could not let them proceed to Quetta. They had already attached their goods wagon to the train, and although the District Magistrate requested them to allow the wagon to proceed, they insisted on detaching it, as they themselves were not allowed to go to Quetta. At a later date, under instructions from the Administrator, Shikarpur, this wagon was re-booked to Quetta for free distribution to sufferers as a gift from the Shikarpur Relief Committee.

There was an entirely separate party, consisting of three persons (not four as stated in the question), which travelled from Shikarpur by the same passenger train as Khan Bahadur Allahbakhsh and his party. This party, the members of which were Diwan Bahadur Murlidhar, Mr. Alibakhsh (not to be confused with Khan Bahadur Allahbakhsh) and Mr. Chainrai had received permission to proceed to Quetta and did so. They were also met by the District Magistrate at the railway station at Jacobabad. They had no wagon.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member, with regard to (e), whether any outside help was called for the purpose of bringing out people alive ?

**Mr. G. R. F. Tottenham :** If the Honourable Member would read the pamphlet, he would find the information there. I cannot lay my hands on the exact page, but it is there.

**Mr. Lalchand Navalrai :** Can the Honourable Member give any idea whether outside help was called or not.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member should read the pamphlet.

**Mr. Lalchand Navalrai :** I have read the pamphlet, and I do not find in it the answers to the questions I have put. May I know from the Honourable Member if any additional help was called in to help the military in order to bring out people alive ?

**Mr. G. R. F. Tottenham :** I would refer the Honourable Member to page 12 of the pamphlet.

**Mr. Lalchand Navalrai :** May I know then from the Honourable Member if Mr. Hogg and his scouts were allowed to come in ?

**Mr. G. R. F. Tottenham :** I would refer the Honourable Member to the bottom of page 12 of the pamphlet. It is all stated there.

**Mr. Lalchand Navalrai :** I find in the pamphlet that after the 3rd evening there was no possibility of finding people alive ? May I know how it was not possible to find people alive ?

**Mr. G. R. F. Tottenham :** That is not stated in the pamphlet.

**Mr. Lalchand Navalrai :** Is it not a fact that on the 3rd evening, they stopped the excavations on the ground that further people will not be found alive ?

**Mr. G. R. F. Tottenham :** No, Sir.

**Mr. Lalchand Navalrai :** What was the reason then ?

**Mr. G. R. F. Tottenham :** If the Honourable Member will wait for the next question, I will explain the reason.

# EXCAVATION WORK AT QUETTA AFTER THE EARTHQUAKE.

251. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if any attempt was made at any time to resume the excavation work after it was stopped for the first time after the occurrence of the earthquake in Quetta ? If not, why not ? If so, when and for how long, and how many people were extricated from under the debris alive ?

(b) Is it a fact that the digging work with a hope of bringing out people alive was stopped owing to medical and sanitary reasons ? If so, who gave that opinion, what was it, and which was the highest authority which accepted that opinion ?

(c) Why were not suitable sanitary precautions, such as are usually taken when dead bodies are exhumed, taken or gas masks used for further excavating the buried people ?

**Mr. G. R. F. Tottenham :** (a) Regular excavation work in the city was suspended at night fall on the 3rd June, 1935. Street clearance was commenced early in July ; salvage of undamaged houses about the end of July ; and continuous excavation work early this month.

It is not possible to state accurately how many persons were extricated alive.

(b) Yes. The senior civil and military medical officers all agreed that to continue operations at that juncture would have involved the risk of a serious outbreak of disease. This opinion was accepted by the General Officer Commanding-in-Chief, Western Command, who at that time was in chief civil as well as military command. It was endorsed a few days later by the Public Health Commissioner with the Government of India when he visited Quetta.

(c) Regular excavation could not have been carried out even with the use of gas masks without grave danger of an outbreak of disease among the surviving population. By that time the chance of anybody's being alive in the debris was remote, while an epidemic among the survivors would certainly have caused the loss of numerous lives.

**Mr. Lalchand Navalrai :** May I know how it was considered that the chances of finding people alive were remote ?

**Mr. G. R. F. Tottenham :** That was the experience of those who were working in the area at the time.

**Mr. Lalchand Navalrai :** Did these people realise that when they stopped excavations, there were many people alive ?

**Mr. G. R. F. Tottenham :** I should like to know what authority the Honourable Member has for that statement. People on the spot were satisfied that there was very little chance of finding anybody alive. During the last few hours of excavation work, I believe nobody was brought out alive.

**Pandit Krishna Kant Malaviya :** Even if one man could have been saved, he should not have been allowed to die.

**Mr. G. R. F. Tottenham :** The Honourable Member can make any statement he likes.



**Seth Haji Abdoola Haroon :** May I know when martial-law was proclaimed in Quetta ?

**Mr. G. R. F. Tottenham :** There is another question on that subject.

**Dr. T. S. S. Rajan :** What is the epidemic which the medical officers were afraid of ?

**Mr. G. R. F. Tottenham :** Cholera, I believe.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware that for a week and more persons, who were imbedded in earth in the Bihar earthquake, were found alive later on.

**Mr. G. R. F. Tottenham :** That may have been so. I have no information.

**Mr. M. Ananthasayanam Ayyangar :** Why was the operation suspended within three days ?

**Mr. G. R. F. Tottenham :** The damage and devastation in the city of Quetta was of a different character from the damage done in the comparatively small towns and villages in Bihar.

**Mr. M. Ananthasayanam Ayyangar :** Have excavations been made since then for recovery of property from under the debris ?

**Mr. G. R. F. Tottenham :** I would refer the Honourable Member to the answer I have read out.

**Seth Haji Abdoola Haroon :** Is salvage work being done at present by the Government.

**Mr. G. R. F. Tottenham :** There are other questions on the subject which my Honourable friend, the Foreign Secretary, will be answering shortly.

**Mr. M. Ananthasayanam Ayyangar :** Would the recovery of property also have led to the outbreak of cholera ?

**Mr. G. R. F. Tottenham :** There was grave risk of disease arising from the exposure of corpses lying under the debris. Whether excavations had taken place for the recovery of bodies or of property, the danger would have been the same.

**Pandit Krishna Kant Malaviya :** May I know if excavation work was stopped as Government were short of hands ?

**Mr. G. R. F. Tottenham :** Not at all.

**Dr. T. S. S. Rajan :** Is not cholera a water borne disease ?

**Mr. G. R. F. Tottenham :** I am not a doctor, Sir.

**Dr. T. S. S. Rajan :** To say that a decomposed body would give rise to cholera is against all scientific facts.

**Mr. Sri Prakasa :** Was the nature of the damage done in Quetta different in nature to that done in the great city of Monghyr ?

**Mr. G. R. F. Tottenham :** I have no knowledge of the damage done there.

**Mr. M. S. Aney :** As regards the outbreak of cholera, may I know the names of the medical officers who gave that opinion.

**Mr. G. R. F. Tottenham :** The Honourable Member will find them in this pamphlet.

**Mr. M. S. Aney :** Can the Honourable Member oblige me by giving me the names ?

**Mr. Sri Prakasa :** On what authority did the Honourable Member say that the damage done in Quetta was different from that in Bihar ?

**Mr. G. R. F. Tottenham :** On the basis of facts, Sir.

**Mr. Sri Prakasa :** But did not the Honourable gentleman say that he had no knowledge of the damage done in Bihar ?

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether, when the excavations were made for finding out the property, cholera raged there then or not ?

**Mr. G. R. F. Tottenham :** The excavations were made after due precautions had been taken, and the danger of disease, I understand, is now less, because a large number of the corpses have dried up.

**Mr. Lalchand Navalrai :** May I know if no precautions would have availed at that time ? Would any precautions not have availed at the time after the 3rd of that month ?

**Mr. G. R. F. Tottenham :** I have answered that in reply to part (c) of the Honourable Member's original question.

#### ALLEGED DISAPPEARANCE OF CERTAIN PERSONS AFTER THE EARTHQUAKE AT QUETTA.

252. **\*Mr. Lalchand Navalrai :** (a) Is it a fact that some people, including some women, were taken to the Relief Camp immediately after the earthquake at Quetta ? If so, had they any ornaments and valuable on their person, and how were they disposed of ?

(b) Is it a fact that some persons, including certain women, disappeared after they were secured from under the debris ?

(c) Were they traced subsequently ? What steps did Government take to find them out ?

**Mr. G. R. F. Tottenham :** (a) Hundreds of people of both sexes were taken in lorries to the Relief Camp soon after the Earthquake and a very large number went there on foot. It is naturally quite impossible to say what ornaments or valuables they had in their possession nor how they disposed of them.

(b) and (c). As far as is known no persons disappeared after being dug out from the debris.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether, when these people were taken to the hospital, the ornaments on the persons of the women were removed or not ?

**Mr. G. R. F. Tottenham :** Certainly not.

**Mr. Lalchand Navalrai :** Where did they go, then ? They must have had some ornaments,—or they had no ornaments at all ? If there were no ornaments, where did they go ?

(No answer.)

**Seth Govind Das :** Did those ornaments then go into the pockets of the Government servants ?

(Cries of "Order, order.")

**Mr. Lalchand Navalrai :** Sir, the Honourable Member is not answering my question.

**Mr. President** (The Honourable Sir Abdur Rahim) : Apparently the Honourable Member is not in a position to answer it.

#### CHILDREN SECURED AFTER THE EARTHQUAKE AT QUETTA.

253. **\*Mr. Lalchand Navalrai :** (a) Were any children secured on the night of the earthquake at Quetta and thereafter ? If so, how many were males and how many females, and how were they disposed of ?

(b) Were there any unclaimed children and orphans in charge of Government ? If so, how have they been disposed of ?

**Mr. G. R. F. Tottenham :** (a) and (b). Many children were rescued and left the city with their parents or relatives, but I am unable to give their numbers. As far as is known only one orphan, a Sindhi girl, was found. She was admitted to the Race Course Hospital on the 2nd June and was subsequently sent to the Shikarpur Orphanage. Twenty-two Muslim orphans, who were living in the Quetta Muslim Orphanage, were removed to the Lahore Orphanage on the 2nd June, 1935.

**Mr. Lalchand Navalrai :** Were there no orphans admitted to hospitals, and, if so, where were they then sent ?

**Mr. G. R. F. Tottenham :** I have just given the information in reply to the Honourable Member's question.

#### CASUALTIES DURING THE EARTHQUAKE AT QUETTA AND VALUE OF THE PROPERTY LOST.

254. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state how many people in all were killed during the earthquake at Quetta, and how much property was lost ?

(b) How many Europeans, civil and military, were killed and injured, respectively ?

(c) How many of them were secured alive from under the debris, and when was excavation made for them, and for how long ?

(d) Were any Europeans sent away to Europe ? If so, what was their number, and when were they sent ?

**Mr. G. R. F. Tottenham :** (a) As regards the first part, the Honourable Member's attention is invited to page 1 of the pamphlet "The Quetta Earthquake, 1935", a copy of which was sent to him on the 29th August, 1935.

As regards the second part, it is impossible to estimate the value of the property lost, but in Quetta city alone, approximately fifteen thousand shops and houses were destroyed or badly damaged.

(b) The approximate numbers are :

|                               | Killed. | Injured. |
|-------------------------------|---------|----------|
| (i) Army .. .. .              | 11      | 30       |
| (ii) Royal Air Force .. .     | 56      | 132      |
| (iii) Civil .. .              | 90      | 59       |
| (iv) North Western Railway .. | 95      | 27       |
| Total .. .                    | 252     | 248      |

(c) The approximate numbers are :

|                      |    |                                                                                                                                                              |
|----------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Army .. .. .         | 22 | These figures do not include many Europeans who were able to extricate themselves or were rescued by their servants before organised rescue parties arrived. |
| Royal Air Force .. . | 83 |                                                                                                                                                              |
| Civil .. .           | 56 |                                                                                                                                                              |

It is impossible to say in each case when excavation began and how long it lasted.

(d) Yes, 1,176. They were provided with passages as soon as accommodation in steamers was available for them. The majority were sent in a specially chartered ship on the 21st June, 1935. Some had to be detained until fit to travel.

**Mr. M. Ananthasayanam Ayyangar :** What was the total population of Europeans in Quetta at the date of this earthquake ?

**Mr. G. R. F. Tottenham :** I do not know, Sir.

#### SALVAGE OF PROPERTY AT QUETTA AFTER THE EARTHQUAKE.

255. **\*Mr. Lalchand Navalrai :** (a) When did the salvage of property commence at Quetta after the earthquake, and how long did it last ?

(b) How much property was secured during the salvage work and what was the cost incurred for doing so ?

(c) Is it a fact that a persistent and earnest demand was made for an early salvage ? If so, why was it refused ?

(d) Are Government aware that the traders of Quetta, particularly Shikarpur bankers, had a great stake and is it a fact that they requested for very early excavation of their documents and valuable securities, but the request was rejected ? If so, why ? When were such excavations made after all ?

**Mr. G. R. F. Tottenham :** (a) The salvage of certain essential items, such as food and petrol, began immediately after the earthquake. On the fifth day it had to be confined to selected areas owing to the danger of infection, and operations in the city area were suspended for this reason. The Honourable Member is referred to the Communiqués issued on the 10th and 30th July and the 30th August regarding the resumption of salvage operations.

(b) Government have no precise information as to the value of the large amount of property that has been salvaged or the cost of salvaging it.

(c) and (d). Such demands as were made for early salvage had to be refused for the reasons explained in the answer to part (a). The rescue of human beings rather than of property was naturally the first concern of the authorities.

**Mr. Lalchand Navalrai :** May I know if excavations have now been made for the purpose of salvaging the documents and securities or not ?

**Mr. G. R. F. Tottenham :** If the Honourable Member will read the Communiqués to which I have referred in part (a) of my answer, he will find what has, and has not yet, been done in this matter.

**Mr. M. Ananthasayanam Ayyangar :** Is there no list maintained of property recovered from the debris ?

**Mr. G. R. F. Tottenham :** Does the Honourable Member wish to know whether a list of property owners is maintained ?

**Mr. M. Ananthasayanam Ayyangar :** A list of the property recovered.

**Mr. G. R. F. Tottenham :** Yes, I believe very careful lists are maintained.

**Mr. Lalchand Navalrai :** Why then are Government not able to estimate the value of the property recovered ?

**Mr. G. R. F. Tottenham :** My Honourable friend, the Foreign Secretary, has already stated the value of the property which has been recovered since the regular excavation work began a few weeks ago. That amounts, I believe, to something between rupees four and five lakhs. We have no definite information as to the value and amount of property that was recovered in the earlier days, directly after the earthquake took place.

**Mr. M. Ananthasayanam Ayyangar :** In the earlier stages, was the property salvaged handed over without any receipt, irrespective of the claims of the rightful owners ?

**Mr. G. R. F. Tottenham :** Just after the earthquake, a number of owners of property were able to go and take over their property themselves, and no precise record, I imagine, was kept of those transactions.

**Mr. M. Ananthasayanam Ayyangar :** Are Government assured that whatever property came into the hands of the relief workers were passed to the rightful owners ?

**Mr. G. R. F. Tottenham :** Every possible precaution is being taken and every possible step is being taken to see that property is restored as far as possible and as quickly as possible, to its rightful owners.

## RE-BUILDING OF QUETTA.

256. **\*Mr. Lalchand Navalrai :** (a) Do Government propose to re-build Quetta ? If so, at what place, under what plan and with what safety ?

(b) What precautions do Government propose to take to mitigate loss of person and property from any earthquake in future in the Quetta area ?

**Mr. G. R. F. Tottenham :** (a) and (b). The Honourable Member's attention is invited to Chapter VIII of the pamphlet "The Quetta Earthquake, 1935", copies of which were sent to all Members of this House on the 29th August, 1935. The whole matter is still under consideration.

**Mr. M. Ananthasayanam Ayyangar :** With reference to the statement of the Honourable Member in connection with the previous question as to the loss of life among the European civil and military officers there, may I know for the information of the House whether the houses that have been built for European civil and military officers were of a different type and earthquake-proof ?

**Mr. G. R. F. Tottenham :** No, Sir. Before this earthquake, there were no earthquake-proof constructions in Quetta, apart from the few buildings that were built on earthquake-proof lines between 1931, when the last earthquake took place, and 1935 : and none of those buildings, as far as I am aware, were buildings for military officers ; they were mostly, I think, for railway officers.

**Mr. M. Ananthasayanam Ayyangar :** Then, how does the Honourable Member account for the lesser loss of life among the European military and civil officers ?

**Mr. G. R. F. Tottenham :** The main reason was that the buildings in the city were extremely badly constructed ; they had no proper mortar, and so forth.

**Mr. Lalchand Navalrai :** May I know, since Quetta is still shaking, whether on that account Quetta would be removed from its present site, and, if so, where ?

**Mr. G. R. F. Tottenham :** I cannot give any further information on that point. The matter is still under consideration at the moment.

## THE CRIMINAL LAW AMENDMENT BILL.

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved by the Honourable Sir Henry Craik :

"That the Bill to amend the Criminal Law be taken into consideration."

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I was rather disappointed when I heard the speech of the Honourable the Home Member. It seemed that the Honourable Sir Henry Craik was treading upon fresh ground and he had no knowledge of the past, the commitments of his predecessors, Sir James Crerar and Sir Harry Haig. When the Emergency Press measure was first introduced in 1931, Sir James Crerar gave a definite assurance to the House that the Bill was a temporary measure and it was only aimed at terrorist crimes and terrorist

[Mr. B. Das.]

movements. Thereafter, not only Sir James Crerar, but his successor, Sir Harry Haig, repeated that assurance and he even gave the assurance to the House that the Press Emergency Act which was incorporated in the Ordinance Act of 1932 would be withdrawn in time. But, since then, the Honourable Sir Henry Craik has discovered new sins on the part of us, Indians, and he wants to perpetuate this Act. Last year, when he was a fresh Member to this House, he said that India had two public enemies—public enemy No. 1, the terrorist, and public enemy No. 2, the Communist. But this year, very obviously, he has discovered public enemy No. 3, which is the communal dissenter. If I know the way in which his mentality is working, I will not be surprised if, in the near future, he discovers another public enemy, which will be called public enemy No. 4, namely “the contempt of the High Courts in India”. I will, later on, try to show that the High Courts in India are siding with the executive and making us believe that Indians cannot expect the British sense of justice any more from the Indian High Courts.

Sir, I must take this opportunity of offering my congratulations to Mr. Griffiths for his able maiden speech. This is the second time that Bengal has sent us a civilian—the first was the Irish civilian, Mr. Donovan—who can make a fine speech. But I was very much surprised to find that both Mr. Griffiths and Sir Henry Craik were trotting out the same old arguments of 1930-31. They had no fresh arguments to put forward as to why this Press Emergency Act and this Ordinances Act should be perpetuated. There was nothing new in all the arguments that Mr. Griffiths brought forward and for which he was cheered by the henchmen of the Government sitting on the other side of the House. All those arguments were repeated *ad nauseam* by Sir James Crerar and Sir Harry Haig and the then supporters of Government. Not a single new fact was brought out by the Home Member or even by his able supporter from Midnapore. I would ask Mr. Griffiths—I am sorry he is not present in the House—whether he read the speeches of Mr. K. C. Neogy and Mr. S. C. Mitra on the question of the Dacca riots and the Midnapore riots at the time when the Bengal Ordinance Bills were discussed and passed, and the various tragedies that were perpetrated by the Bureaucracy in Bengal by those Black and Tan methods? I challenge also Mr. Griffiths, including the Home Member, to tell me why the Nelson Committee's report was not published. Why is it that the Adami Committee's report on the Dacca riots was not published? The Adami Committee was appointed to inquire into the troubles of Dacca, and I believe at that time Mr. Griffiths was in Dacca. Very likely he was the Diwan of the Nawab of Dacca when the riots took place at Rahmatpur and other places. I want to know why those two reports were not published. Sir Harry Haig gave us an assurance on the floor of the House that a Government Committee was being appointed to inquire into the causes of the Dacca riots. That report never saw the light of the day. When the predecessor of the present Home Member was questioned, he began to reply in a roundabout way. Government did not publish those two reports because they knew that, if those two reports would see the light of the day, the Bengal Government, the Bengal executive and the Bengal police would stand condemned, not only before the people of India, but before the civilized nations of the world. That was the reason why those two reports were not published. The same remarks also apply to the report of the Government Committee in connec-

tion with the riots in the Hijli camp, which also did not see the light of the day. I hope, when the Home Member stands up to justify his unjustifiable position, he will be good enough to say why those three reports were never published. Sir, I will only ask the Honourable the Home Member, who is so very new to the Bengal politics and the mysterious dealings of the Bengal administration, to revise his memory by reading the debates that took place on the floor of the House and, though I am not a Bengali, the impression that was left on my mind was that the Bengal Government was overdoing the case.

Sir, one must seek the grounds why Government want to perpetuate this legislation. The Honourable the Home Member has dropped a hint. He wants to give a certain amount of security to the new Ministers. Whether the new Ministers will have any power or whether the Bureaucracy, the Civil Service, will control the new Ministers under the new dispensation of provincial autonomy or whether they want to continue the present system of autocratic administration, are points on which I do not wish to express any opinion. But I do wish to say this that the Government of India are not anxious so much for the new Ministers as to enable their followers, the Civil Service, to continue the present system of administration. I want to know how is it that, whenever the Government of India introduce a Criminal Law Amendment Bill on the floor of this House, red leaflets and red placards are always circulated in Chittagong and placards are posted all over the town? Here is a cutting I have got from the *Hindustan Times* which says that the northern quarter of the town of Chittagong was plastered with red leaflets in Bengali which were removed by the police. As far as I know—and I would like to be corrected by the Honourable the Home Member if I am wrong—there is martial law in Chittagong and no Bengali youth can go out after the evening. This very thing happened in 1931 and 1932 when this House discussed similar measures. Sir, the public suspicion is, and we have often given expression to this, that the police is behind all these. The police and the military are controlling the Chittagong town and there are curfew orders there; and, yet, in the night, some youths were able to go out and put these placards all over the town. This is very surprising indeed! It only shows the methods that are adopted by the Bureaucracy and the alien Government to justify their case.

Sir, the *Amrita Bazar Patrika* has published a Government circular which leads me to infer what is behind the Government mind in perpetuating this Ordinances Act. This is the circular issued by the District Intelligence Branch Institute of Bengal. I am glad that my Honourable friend, Mr. Griffiths, is here and he will justify this circular if he gets another chance to speak on this Bill and he will justify the action which his Government has taken. This circular which the police in Bengal circulated to their underlinks of the police department reads thus:

“At the instance of Pandit Madan Mohan Malaviya, a new party has grown up under the caption of ‘Congress Nationalist Party’. In Bengal, its nominees have swept all the polls in the recent Assembly elections, defeating their rival candidates set up by the Congress Parliamentary Board of Dr. B. C. Roy. The Congress Nationalist Party aims at the rejection of the Communal Award and the White Paper. Whether any members are being enrolled by the Nationalist Party or any organisation supporting them is being set up, you would intimate accordingly. Henceforth, any enrolment of Congress members or organizing Congress activities should be mentioned in your weekly confidential reports.”

[10TH SEP. 1935.]

[Mr. B. Das.]

Sir, this shows what the Bengal Government has in mind, and if the Honourable the Home Member is still exercising superintendence and control over the Government of Bengal, then, I think the Government of India is a party to this kind of circular to the departmental myrmidons in Bengal. I hope, when my Honourable friend, the Deputy President, rises to speak on behalf of Bengal, he would like to tell us how the police are harassing the Nationalist Party and the Congress organisations in Bengal, so that my Honourable friend, Sir Henry Craik's secret ambition, that the Ministers under the new regime should be all toadies and not nationalists, would be fructified. This shows that the Government have got a deeper policy. A new Home Member comes and repudiates what his predecessor has said in the past, namely, that this measure would not continue permanently and that this measure would aim at only terrorist crimes.

Sir, I have often condemned, on the floor of the House, terrorist crimes, and Sir Harry Haig, while he was a Member of this House, agreed in the end with the Government of Bengal and wanted that the Government of India and the Government of Bengal should collaborate in finding employment for the unemployed and they should find the energies of these youths diverted from terrorist crimes. My Honourable friend, Mr. Sarma, talked of Sir George Anderson's speech. I take this opportunity to refer to Mr. Sarma's speech just a second. It seems Mr. Sarma made an excursion last year to England and hob-nobbed with the high and mighty in the India Office and gave banquets which were all well-known. But he seems to have had no time to acquaint himself with the British public, and, therefore, he took shelter as a speaker on the floor of this House and, insulted the intelligence of the British public that they do not read the British press and that public opinion is not shaped by the British press. If I were an Englishman, I would feel indignant at such a statement coming from anybody, and I believe my Honourable friend, Mr. Sarma, got an embrace from the Honourable the Home Member which he was eagerly looking forward. Well, Sir, the Honourable the Home Member might embrace Mr. Sarma, but no Britisher, proud of his nation and of the liberties of the British press, would embrace Mr. Sarma, rather would he detest his speech. If His Excellency Sir George Anderson, at this late stage, wants that the detenus should be trained in agricultural activities and opportunities should be found for them as to how to live in the pursuit of agriculture, I want to know what did the Government of India and the Government of Bengal do in the past, and why did they not think of solving this so-called problem of unemployment, whether it is among the educated classes of Bengal or amongst the unemployed workers in Bombay whom the Honourable the Home Member dubs as Communists. The Meerut Conspiracy Case proved that there is very little justification for thinking that there is any widespread movement of Communism in India. I read Communist books and I believe the Honourable Sir Henry Craik in his leisure moments may be reading those books just to enlighten his soul and spirit. That does not mean that the soil of India is suitable for the spread of Communism. I challenged the Honourable the Home Member last Session whether he wants to condemn Socialism as a public enemy of India, and he did say, no, he had no aim at Socialism. I know in India there is the Socialist Party growing inside the very Congress to which I belong. If it is honest and pure Socialism, the Socialism of Pandit Jawahir Lal Nehru, I have nothing to quarrel with; but to raise

this bogey of Communism to perpetuate measures that will give a handle to the Lieutenants of Government to do anything they like, to pursue Black and Tan methods which they pursued in Ireland just before De Valera freed Ireland from the yoke of England, then, Sir, I condemn the action of the Government.

I should like to allude to one thing more. The Honourable the Home Member talked about the friendly and the unfriendly presses. As an old Member of this House, I know and I have been accustomed to see Home Members in the past taking all the press into their confidence and talking to them. Somehow, the Honourable the Home Member, Sir Henry Craik, experienced as he is, tried to flirt with the *Hindu* of Madras and invited the only Indian representative of that paper. He did not invite the representatives of the other papers, not even the representatives of the Associated Press of India or the United Press or the Free Press of India. This new system of flirtation will not do any good. I do not know whether the Honourable the Home Member read that speech of the late Mr. A. Rangaswami Iyengar while he presided over the All-India Journalistic Conference in 1931 and where he condemned the Press Ordinance that was introduced in 1930. So, if the Honourable the Home Member thinks that by setting one particular section against another section of the Indian press, he will try to create dissension amongst the Indian press, he will be thoroughly disillusioned. His predecessors did the same. They caused communal dissension which he now calls Public Enemy No. 3. If there is communal difference in India, as my Honourable friend, Dr. Deshmukh, has already pointed out, I blame the Government for it. I do not say that the Honourable Sir Henry Craik was a party to it, he might have been a party to it in the Punjab, I do not know anything about his work in the Punjab. But I, who has been here for the last 12 years, know how the policy of the different Home Members has caused this deep communal tension. Well, the story has ended. My Muhammadan brethren have got the Communal Award and they are satisfied with it, and they are not going to play any more into the hands of the Government and play their tune. So, I submit that Government cannot set a nationalist paper like the *Hindu* against the other press so that there will be dissension and they can get help from an unexpected quarter where no Government will expect help. I congratulate, rather I pity, the Government of India for having postponed my Bill to repeal the Criminal Law Amendment Act, 1908, to another date. It is coming on the 17th of this month. I should have thought that Government had a grain of common sense. Why did Government originally fix the 3rd instant as the non-official day for Bills? While the ballot box was placed on the table outside the Chamber, and while most of us signed our names in the numbered list, suddenly a *fatwa* comes in in the name of the Governor General to the effect that the non-official day has been changed from the 3rd to the 24th. I submit that either the Governor General has not discharged his responsibility or that he is incompetent to discharge his responsibility, because, why was it done on the day when the ballot box was placed on the table for Members to sign their names in that register. That shows the incompetency of the Governor General and his advisers, whether they are the whole Executive Council or only one Member is involved in it.

Sir, I told the Honourable Member that he would create in a year or so public enemy No. 4 in the matter of legislating for contempt of Courts.

[Mr. B. Das.]

Only yesterday, I got from my esteemed friend, Mr. C. Y. Chintamani, a copy of an editorial which was published about certain contempt of Court created through an article in his paper. We, who belong to the eastern part of India, were surprised at the punishment of that great editor, Mr. Tushar Kanti Ghosh of the *Amrita Bazar Patrika* who was punished by the High Court of Calcutta for a slight error, which may be called contempt of Court. Sir, I am not a lawyer and I am not afraid of speaking out boldly even against the Indian High Courts which are at present functioning as part of the executive Government. The I. C. S. men are going to be High Court Judges perpetually,—so it is provided in the Government of India Act.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable gentleman is perhaps wandering far away from the Bill.

**Mr. B. Das** : Yes, Sir, but I am giving the necessary advice as to what will come next year.....

**Mr. President** (The Honourable Sir Abdur Rahim) : There are other Honourable Members who desire to speak on the Bill itself.

**Mr. B. Das** : So, Sir, I have no hope from this Government or the High Courts. The High Courts have fallen in my estimation and in the estimation of the Indian public, because they do not administer justice and they misrepresent justice in India and identify themselves with the executive.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair will not allow the Honourable Member to make these reflections on the High Courts.

**Mr. B. Das** : Sir, what this Government want is permanent protection. They have got it through the Government of India Act in the shape of safeguards. And, only three days ago, the Honourable the Finance Member said that an industry which required permanent protection had no right to exist. I would repeat the same admonition ; I would say that a Government which wants permanent and perpetual protection, whether by means of safeguards or by means of Ordinance Bills or Press Laws, has no right to exist, and, therefore, I ask them to get out of this country.

**Dr. R. D. Dalal** (Nominated Non-Official) : Sir, in supporting the motion moved by the Honourable the Home Member to take into consideration the Criminal Law Amendment Bill, I desire to refer to some of the general considerations of the Bill ; and, in doing so, I shall occupy the attention of this Honourable House for only a few minutes. In the first place, I congratulate the Honourable the Home Member on bringing forward this Bill in the interests of public security and tranquillity—in the interests of the peaceful development of the country and the liberty of the action of individuals in the political, social, and economic sphere. This Bill proposes to replace the Criminal Law Amendment Act of 1932, which is due to expire on the 18th December, 1935. Sir, I confess that this Bill has evoked a good deal of opposition from the Honourable Members opposite, and I am conscious that more dissentient voices will be raised. But I submit that all legislation is unpopular with somebody ;

and Honourable Members must be aware of the most salutary measures denounced as iniquitous at the time of their introduction and of the Government savagely abused for the passing of the Acts, which were afterwards extolled and applauded as their principal title to fame.

Now, Sir, I shall just say one word as regards the Civil Disobedience Movement, and I shall then pass to an important item, namely, the control of the press.

Sir, I respectfully ask, does any right-minded Indian desire to return to the dreadful conditions of 1930 Civil Disobedience Campaign, namely, the horrible carnage and bloodshed of Cawnpore, the ghastly tragedies at Sholapur, the dislocation of trade and business, hartals, frenzied appeals to boycott and obstruction, raids on salt pans, the looting and burning of foreign goods, corrupting frontier tribes, murder, rape and arson ? If there is one thing which the people of India desire, it is to be saved from the horrors of 1930. The Congress has time and again declared that the Civil Disobedience Movement may be revived any time, the object being to destroy the law, and to paralyse and coerce the Government, and to intimidate and coerce those individuals who do not agree with the Congress. The behaviour of the extremists cannot be depended upon. The Civil Disobedience Movement was started for the second time on quite inadequate grounds ; and if these powers are relaxed, it is just possible that the Civil Disobedience Movement may be started for the third time. Further, Mr. Gandhi, Leader of the Congress, has time and again declared that Civil Disobedience is with him an article of faith. Furthermore, four or five days back, on the 5th September, my Honourable friend, Mr. Satyamurti, Secretary of the Congress Party, solemnly admitted that Civil Disobedience would never be abandoned. For these reasons I have reluctantly come to the conclusion that it is unwise to omit from the new Act the sections which expressly refer to the Civil Disobedience Movement—this subversive movement, which is the denial to democracy, an enemy of freedom, and an obstacle to reform.

Sir, I submit that no innocent law-abiding person has any reason to fear the effect of the provisions of this Bill ; and the honest and well-conducted press has nothing to fear from this Bill. These powers are necessary owing to proved ineffectiveness of the existing law. Prosecution for sedition is a slow, complicated, elaborate proceeding, and even when a conviction is obtained, it is obtained against a man of straw. The editor, who actually directs and inspires the policy of the paper and who writes seditious articles, sits quietly, easily, safely, and comfortably in the background. Of course Government can publish a contradiction in a communique, but the mischief is already done by the original false statement or insinuation. Sir, the consistent policy of Government has been to maintain the Indian press as free from control as possible ; but circumstances have compelled Government to impose or to re-impose executive control. The liberty to print attacks on Government, to impute evil motives to Government, to incite to refusal to pay or to acts of violence—this liberty is surely not the true freedom of the press. Much has been said as to restricting and curbing and curtailing the liberty of the press ; but I submit that liberty is more easily destroyed by those who abuse it than by those who restrict it. I confess that the Indian press, especially the vernacular press, has played a very important



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part in creating public opinion and interest in political affairs amongst the masses. But a great deal of mischief that has been created is due to the vapourings and vagaries of the vernacular press. Lawlessness, communal bias, hatred between the different communities, Hindu-Moslem riots, all these are mostly due to the vernacular press. The Indian National Congress is admittedly the strongest and best organised political force in India ; and the Congress has unquestionably succeeded in rousing the masses. This success is mainly due to the vernacular press. There is no doubt that in the past a torrent of misrepresentation, perversion, and sheer invention has poured from the vernacular press ; and the vernacular newspapers have encouraged the spirit of lawlessness by praising to the skies every manifestation of defiance of the law ; what is more they have stimulated the lower passions of their readers by every means ranging from salacious advertisement to the condonation of murder. Now, Sir, with your permission, I shall refer to the bomb explosion in the Legislative Assembly Chamber at New Delhi. That dastardly outrage was perpetrated on the 8th April, 1929.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Can that be prevented by this Bill ?

**Dr. R. D. Dalal** : My cousin—Sir Bamonji Dalal was seriously injured as a result of that bomb explosion. Holding strongly as I do the view that the Criminal Law Amendment Act of 1932 has exerted a powerful deterrent influence and in view of what has happened to my family, I regard the press provisions with much gratification, because I am convinced that the idea of that Delhi bomb explosion was nurtured as a result of seditious writings.

Now, Sir, with your permission, I shall state very briefly how seditious writings become disseminated in rural areas. I was one of Secretary of State's doctors for plague duty in India, and one of my duties was to carry on rat-destruction as a measure against plague. So in the evenings I had to supervise the laying of rat-poison baits in the houses of villagers. During those rounds many a time I saw large numbers of villagers assembled in the open air, or in a village school, or at the village *chavdi* ; and to those crowds articles from vernacular newspapers were read loudly by some one of the audience, and then they were criticised. I need hardly point out that at those meetings disaffection against the British Raj in India was fostered ; and I need hardly add that seditious writings are the poisonous seed, which must sometimes fall upon the soil of immature or discontented minds, and that from such root in due course springs the impulse, which drives human beings to ruthless and shameless crime and invests it with the false halo of self-sacrifice.

Sir, I submit that every sensible, reasonable, and right-thinking person will agree that these weighty considerations I have briefly indicated prove the necessity for this Bill and establish its justification. I am strongly of the opinion that some such legislation as is now before this Honourable House is absolutely necessary in order to resist the forces which would create a state of anarchy and chaos, and in order to bring to fruition the policy of Government to hand over to the future Government a working administration in such a manner that the transfer of command shall be a transfer of power and not of weakers ; and I

earnestly, with all the force and conviction of which I am capable, appeal for the support of all Honourable Members, who have at heart the peace, welfare, and happiness of the people of this country. (Cheers.)

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Mr. President, in discussing the Bill before us, the first and the foremost question is what is the occasion, what is the necessity, what is the scope and what is the object of this Bill. The Honourable the Home Member has told us that the occasion is this : the Criminal Law Amendment Act of 1932 will expire in December, 1935. The Government of India propose, by this Bill, to continue certain of the provisions of that Act in a permanent form, and he told us that this legislation is a safeguard against the four menaces of terrorism, communalism, Communism and the Civil Disobedience Movement. The question which I ask Honourable Members of this House to consider is this : is it really a *bona fide* excuse—these

### CORRIGENDUM.

In the Legislative Assembly Debates, Vol. V, No. 7, dated the 10th September, 1935, page 724, last line, for "weakens" read "weakness".

to confer special law and order."

... what was that emergency. Was it Communism or was it communalism, or, for the matter of that, can it be said that that emergency was terrorism ? We all know what that emergency was. That emergency was the Civil Disobedience Movement of 1932. To say that terrorism was the emergency is to say something which is absolutely meaningless. What is the meaning of emergency ? Emergency means a sudden occurrence, a sudden appearance, an unexpected occurrence, something which unexpectedly happens is a matter of emergency. Can it be said that the terrorist movement was an emergency which occurred in 1932 ? Sir, the terrorist movement has been going on in this country for a long number of years, and there was already in the provinces emergency legislation existing to fight the terrorist movement. Therefore, Sir, it is quite obvious that the terrorist movement was not one of the objects for enacting the Act of 1932. We all know, Sir, that when that Ordinance of 1932 expired in December, Government thought it necessary to replace it by the Act of 1932, which it is now proposed to perpetuate. Now, Sir, what did the Honourable the Home Member in charge of the Bill say when this Act of 1932 was enacted ? It was stated in the Statement of Objects and Reasons appended to that measure—I am quoting the exact words :

"That the organisers of the Civil Disobedience Movement have not yet abandoned their attempt to paralyse the Government and to coerce law-abiding citizens."

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“ Whereas an emergency has arisen which makes it necessary to confer special powers upon the Government for the purpose of maintenance of law and order.”

That was in April, 1932. We must remember what was that emergency. Was it Communism or was it communalism, or, for the matter of that, can it be said that that emergency was terrorism ? We all know what that emergency was. That emergency was the Civil Disobedience Movement of 1932. To say that terrorism was the emergency is to say something which is absolutely meaningless. What is the meaning of emergency ? Emergency means a sudden occurrence, a sudden appearance, an unexpected occurrence, something which unexpectedly happens is a matter of emergency. Can it be said that the terrorist movement was an emergency which occurred in 1932 ? Sir, the terrorist movement has been going on in this country for a long number of years, and there was already in the provinces emergency legislation existing to fight the terrorist movement. Therefore, Sir, it is quite obvious that the terrorist movement was not one of the objects for enacting the Act of 1932. We all know, Sir, that when that Ordinance of 1932 expired in December, Government thought it necessary to replace it by the Act of 1932, which it is now proposed to perpetuate. Now, Sir, what did the Honourable the Home Member in charge of the Bill say when this Act of 1932 was enacted ? It was stated in the Statement of Objects and Reasons appended to that measure—I am quoting the exact words :

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movement. We need not labour this point. When the then Home Member moved for reference of the Bill to the Select Committee, he said this :

"The objects of the Bill were to deal with the manifestations of the Civil Disobedience Movement and, in particular, to deal with certain forms of intimidation, particularly picketing and boycotting, with certain matters connected with unlawful associations and with control of the press. On the foundation of this Bill which is before the House, which was intended to apply to manifestations of the Civil Disobedience Movement which are apt to occur throughout India, various Local Governments have also introduced supplementary legislation in their local Councils, legislation which appears in general, though of a more drastic character than the proposals before this House, to be receiving the approval of the local Councils."

Later on, at another place, the Home Member said :

"We were pressed, however, very strongly from many quarters to impose a time limit on these provisions which are admittedly exceptional provisions, admittedly drastic provisions ; and, in deference to those views, we have agreed to put a time limit of three years on the Bill. We may hope that by the end of that time, the futility, the waste of effort, the injury to the country, both moral and economic, caused by civil disobedience, will have been fully appreciated, and the negative, destructive, non-co-operating mentality which, under the influence of success or supposed success, has been flourishing so long will have been finally discredited ; and when it has been discredited, then, Sir, let this Bill lapse. In any case within three years we hope that the decision as to the continuance or discontinuance of these provisions will be in other hands than ours."

So, apart from the other things which he said about the futility, from his own point of view, of the Civil Disobedience Movement, here was a clear declaration made that as soon as the Civil Disobedience Movement will disappear, the Bill will lapse. That was the idea given to us, so that there is no manner of doubt that all the grounds now urged in justification of this measure are merely an after-thought.

Then, Sir, about the Civil Disobedience Movement, the Honourable the Home Member in a somewhat half-hearted manner said that because Civil Disobedience declined, some of the drastic provisions have been dropped in this Bill. He referred to three menaces ; he did not like to call the fourth menace or danger by any name ; but, all the same, later on in his speech he made it perfectly clear that he wanted to fight four dangers by this Bill including the Civil Disobedience Movement. Now, Sir, the Civil Disobedience Movement, whether it has been suspended temporarily or abandoned for all time to come, the stern fact remains that it is no longer in force at the present moment, but it has been stated, in justification of some of the provisions, that in the near future the Civil Disobedience Movement might possibly be revived. I wonder whether that can be made a ground for the enactment of this drastic legislation in anticipation of some future trouble and for making the emergency legislation permanent. Therefore, Sir, all the four grounds mentioned, namely, terrorism, Communism, communalism and Civil Disobedience Movement, cannot be held to be valid for the enactment of this measure. I shall discuss the question of terrorism later on, but for the moment I am merely trying to show that terrorism cannot be made the ground for the perpetuation of these provisions. Now, Sir, admittedly, so far as the terrorist movement is concerned, the precise position of the Government is this, that there has been a definite improvement in the position, but only it is said that recruitment is still going on, but where recruitment is going on is not stated.

One fact, however, has been admitted, and that is, the position has improved considerably. These are the two facts so far as the Civil Disobedience Movement is concerned,—namely, it has declined very considerably compared with the movement of 1932 when this Act was enacted. This is one fact,—and the other fact is, that those provisions which it is proposed to perpetuate were not intended to fight terrorism. In view of these facts, it is very difficult to understand why terrorism should be made a ground for the perpetuation of these provisions.

Sir, the third ground given is communalism. That is again a question which I shall discuss later on. Is it, I ask, a *bona fide* ground for the enactment of these provisions ? The argument that to fight communalism, an emergency legislation, a drastic legislation, a coercive legislation should be enacted, is something which it is very difficult to appreciate, and communalism is not an emergency. Can anybody say with any reason or plausibility that this evil of communalism has been a sudden unexpected occurrence ? Whatever the character of communalism may be,—the question as to who are responsible for it, and how it should be remedied, apart from all these questions,—communalism cannot, by any stretch of imagination, be said to be an emergency.

There is another argument that has been put forward, and that is that this Bill is for the benefit of the new Government that is coming. This is a point which has been dealt with by many of my Honourable friends, and I shall not repeat all they have said. But let me say only this. It appears that all this argument for the benefit of the new Government that is coming is merely shedding crocodile tears. It is just possible—I do not know, but it is just possible that it may be a bribe offered, an attempted bribe offered to those gentlemen who are likely to be in power in the new Government. "Look here, you are going to be Ministers, and, therefore, this Bill is for your benefit." Whether those gentlemen will fall a prey to that temptation, I do not know ; but when the new Governments come, they will have their own Legislatures and there will be ample opportunity for any sort of legislation that they may find necessary, and I do not see why this legislation should be undertaken in anticipation. That, again, is not a *bona fide* excuse ; it is a *mala fide* excuse.

Then, the argument was that this is for the benefit of the voiceless millions. That is an argument which we are already accustomed to hear—that whatever this bureaucratic Government do, that is done for the benefit of the voiceless millions of this country, because they claim that they are the trustees of the people. The real object of this legislation has, however, come out in the last part of the speech of the Honourable the Home Member where he says that the object of this legislation is not to crush the spirit of nationalism in this country. I say, that is the real object, there the real motive of this Bill has come out, because it is well known that language is intended not to give expression to thoughts, but to conceal them. And if we judge this declaration by that standard, then we can appreciate the real motive for this legislation—that is to crush the spirit of nationalism. For instance, what is this provision about picketing ? As I understand section 7, it is merely a device to prevent propaganda for Swadeshi in the interests of British trade by penalising even peaceful picketing. That is the old story of exploitation. Therefore, I say that the real

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policy underlying this legislation is to crush the spirit of nationalism and the Congress movement and Congress mentality. That is the real object and underlying policy of this Bill.

Now, I shall examine the three grounds, one after another. Let me take, first of all, the ground of terrorism. The problem which the Honourable the Home Member seeks to solve is the problem of terrorism. The question is, how to solve this problem. The Honourable the Home Member's solution is the repressive, coercive, drastic measures which have been proposed in this Bill. Therefore, the question arises, is that a sovereign remedy for terrorism? It has been admitted, times without number, by different Provincial Governments and by the Central Government also, that repressive legislation alone will not do and other measures are necessary. The question is, what are those other measures, and whether those measures have been tried and adopted. Before you cure a disease, you must know what the real malady is. Before we deal with this problem of terrorism, we must know what are the root causes of terrorism, what is the genesis of terrorism, what is the psychology of this revolutionary movement. We must know what is the inner thought-current of this revolutionary party. That must be known. Has the Honourable the Home Member ever cared to bestow his anxious consideration over this question? There are two things which I want to know from the Honourable the Home Member before he can expect our support to this Bill. What is his diagnosis, what is this revolutionary movement due to, what has made this party a revolutionary party? What are those circumstances, political, economic, or administrative, which have made this party a revolutionary party? Have those causes been investigated and ascertained? We have got in this country any number of committees and commissions appointed for investigating into several problems, political, administrative and financial, but have the Government cared to have a committee of officials and non-officials to find out the real root causes of this movement and to prescribe remedies for it? That is the question of questions. So far as I am concerned, I say that repression is not only not the remedy for terrorism, but I say that repression is, on the contrary, the exciting cause of terrorism. My diagnosis is simple, is incredibly simple. I can describe the root causes of terrorism in two small words, that is,—hunger for food and hunger for freedom, one economic, and the other, political. The terrorists want food, they want freedom. Give them food, give them freedom, and terrorism will vanish from this country as darkness vanishes at the approach of dawn. I do not care either for food. Give us freedom, and we shall take care of our food. You cannot satisfy a man's hunger for freedom merely by repressive legislation and depriving him of his personal liberty. You cannot satisfy a nation's hunger for food by depriving them of all their resources and impoverishing them from day to day. Therefore, the two root causes of this revolutionary movement are, causes political and causes economic. So far as the political causes are concerned, the position is this. India wants self-government. The desire for freedom is burning within the hearts of the Indians. Once the fire of freedom is kindled, no human power can extinguish it my methods, either violent or non-violent, by repressive legislation or otherwise. Sir, you can control the body of man,

you cannot possibly control the mind of man. God-given desire for freedom cannot be effaced or impaired by man-made laws. England has lost America, England has lost Ireland, because of this policy of repression. History teaches us that the policy of repression is bound to fail in the long run. You may crush the spirit of some people for all time, you may crush the spirit of all the people for some time; but you cannot crush the spirit of all people for all time, either by repressive legislation or otherwise. This inwardness of the situation must have been perfectly obvious to British statesmen, and, therefore, they gave promises and pledges of self-government and responsible Government to India from time to time. That explains the announcements made from time to time, but unfortunately they were mere pledges or promises. The history of British India is an unbroken record of broken pledges and broken promises—promises kept to the ear, but broken to the hope. It was Lord Lytton, I believe, who said once that there are two courses open to the Britishers—either to act up to their promises or to cheat Indians.....

Mr. Sri Prakasa : They preferred the latter.

Mr. Akhil Chandra Datta : .....and he confessed as suggested

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by my friend, Mr. Sri Prakasa, that he chose the latter course. The Morley-Minto reforms cheated India, the Montagu-Chelmsford reforms cheated India, and, I am sure, I voice the feeling of the whole of India when I say that the new Government of India Act of 1935 is another glaring instance of cheating and fraud. Never was a greater breach of faith and a greater breach of promise committed by one nation with respect to another nation. Hopes encouraged and hopes blasted result in inevitable disaster. They produce their own inevitable effect upon the impressionable minds of impatient and impetuous youths. That, I say, is the genesis of the revolutionary movement in the country. That is the political side of the matter. Then, there is the economic side. What has been the financial policy of the British Government in India? That policy has been,—India for England, not India for India. The exploitation of India has been the guiding policy of their administration. In the well known words of Lord Curzon, exploitation and administration go hand in hand. That was the cynical admission of a great Viceroy. Indian industries have been sacrificed at the altar of British industries. India is governed by policy dictated from Lancashire, and, if any policy is laid down here in India, it is formulated in places like Clive Street in Calcutta and other such places. India has been bled white,—bled white, not as a matter of accident, but as a matter of deliberate policy. Life and livelihood have been endangered. The result is acute unemployment. The problem is the problem of bread. The average annual income of an Indian is not even Rs. 40 now. There are hundreds and thousands of people in India who do not have even two meals a day. There are hundreds and thousands of graduates who are starving. A first class M. A. can be had for Rs. 40 a month. I say, these are the contributory causes of the revolutionary movement. That is what His Excellency the Viceroy said in July, 1934, at a meeting of the European Association in Calcutta. He said :

“ But there is another aspect of the Terrorist movement, which I think it is important to bear in mind. It is a fact that at the present time we have too many

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young men and women passing out from the Universities with B.A. at the end of their names, and too few positions for them to look forward to when they want to start on their career of public service. The result is that the lack of occupation produces in their minds feelings of disgust, despair and resentment with the result that they fall an easy prey to the leaders of this movement who lurk in the background and use them at the most susceptible time of their lives to carry out their nefarious designs."

I would ask one question of the Honourable the Home Member. Is he prepared to say that these political causes and these economic forces have not contributed to the development of the revolutionary movement in this country? My case is that terrorism is the inevitable result of the political and economic forces which I have described. He must be a quack who does not diagnose the real inner remedy, but only prescribes external application, calculated to bring only temporary relief. It may be said that these are causes applicable to the whole of India, and I may be asked why the origin and development of terrorism is in a great degree confined to my province of Bengal. That is a question which I feel I owe it to my own province as well as to the Government and to the Honourable Members of this House to explain—as to why it is that this movement of terrorism is more rampant in Bengal than in any other province. My answer to this question is this. Terrorism was born in the anti-partition agitation of Bengal. That is my case, and I hope that, in the final speech of the Honourable the Home Member, he will express his own opinion on this subject—whether that is a correct view of the position or not. My case is that it was born in the anti-partition agitation of Bengal in 1906. There was practically no terrorism in my province before the partition. The partition lacerated the heart of Bengal, and there was an agitation unparalleled in the history of this country, both in volume and in intensity. It must be remembered that that agitation was not an unconstitutional agitation in the beginning. It was a constitutional agitation, but the agitation went on unheeded for half a decade. I say half a decade with the utmost precision. Now, this agitation, Sir, gave birth to the Swadeshi movement. At the time of the declaration of this partition, Bengal declared the boycott of British goods as a protest against the partition. For half a decade, British statesmanship remained adamant and obdurate. That was the inception of the revolutionary movement. But this movement was then only in a nebulous condition; it might have been nipped in the bud by a tactful and sympathetic handling. But the Government, in their intoxication of power, mismanaged the situation and bungled, and probably bungled advisedly. They initiated a policy of repression, a policy of counter-terrorism, a policy of legalised terrorism, to meet that agitation; they initiated a policy of ruthless repression which, instead of pouring oil over troubled waters, added fuel to the fire. Sir, it was a small cloud no bigger than a man's hand then. I am speaking of this terrorism as it was in the beginning; but the Government's repression contributed to its extension and expansion. Sir, I wish to refer to some of the acts of repression that were practised then. There was the *Bandê Mataram* Circular, there was the Risley Circular, and there was the crop of repressive circulars which followed them, there were the Regulation *lathis* which were not only brandished in the streets of East Bengal, but actually showered upon the devoted heads of the promoters of the Swadeshi movement; there was the deportation of our most-respected leaders, including even Sriji

Aswini Kumar Dutt of hallowed memory and Babu Krishna Kumar Mitra. So far as Babu Krishna Kumar Mitra is concerned, Sir, well, he was the prince of moderates. I do not think there has been any man or a politician whose views on politics are so moderate as were those of Babu Krishna Kumar Mitra. He was one of the men deported, because he took part in the constitutional agitation against the partition. Sir, the unjust persecution and prosecution of many true sons of Bengal, the preposterous sentences which were usually passed in what were known as Swadeshi cases staggered humanity and they staggered even a man like Lord Morley himself! The letting loose of Gurkha soldiers upon the people of Backergunj and other districts of East Bengal, the game of divide and rule, the doctrine of the favourite wife, not only preached with cynical frankness, but translated into action, not for the sake of the favoured, but with a sinister design, the indiscriminate and wanton house searches and arrests and shadowing of respectable and innocent gentlemen by the police, the breaking up of social service leagues and beneficent *samitis*, all these put a very serious strain upon the loyalty of our people. They staggered; they paused; they rubbed their eyes, and wondered if they were in the twentieth century under the enlightened British rule. They groaned; they became silent; they became sullen too. But there is still something more to account for the appearance of this revolutionary party. All the executive *Zabardastisms* were not considered sufficient to crush the rising new spirit—a spirit which any national Government would have guided, encouraged, fostered and directed into a right channel. But the angry Bureaucracy summoned the subservient Legislature to forge the most reactionary and most repressive measures one after another.

**Mr. President** (The Honourable Sir Abdur Rahim): Does the Honourable Member propose to continue for some time longer?

**Mr. Akhil Chandra Datta**: Yes, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): In that case, the Chair will adjourn the House 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 Abdur Rahim) in the Chair.

#### MEMBER SWORN.

Mr. Husenbhai Abdullahbai Laljee, M.L.A. (Bombay Central Division: Muhammadan Rural).

#### THE CRIMINAL LAW AMENDMENT BILL—contd.

**Mr. Akhil Chandra Datta**: Sir, before the House adjourned for Lunch, I was describing the ruthless repression that was going on in Bengal and also how that repression gave birth to terrorism and how it gave food to terrorism. The legislative enactments were hurled at us with the rapidity of shots from a machine-gun. First came the Seditious Meetings Act, which was passed in 1907. That shrewd statesman, Dr.

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Rash Behari Ghosh, opposed the Bill, not because he had ever any bias for sedition or seditious meetings, but, with the unerring vision of a true prophet, he saw that the measure was calculated to drive discontent, sedition and terrorism underground. But the prophet was not honoured. He protested in vain, and the measure was passed. In 1908, the Bureaucracy had the Newspaper Incitement Offences Act passed. In that year, they wanted to do away with all our associations which were doing service to the country, and the Criminal Law Amendment Act was passed. The next link in that interminable chain of cruel legislation was the Indian Press Act which was passed in 1910. In 1913, we had another Criminal Law Amendment Act passed for the punishment of criminal conspiracies. The last though not the least, was the Defence of India Act which was passed in 1915. Then followed other repressive enactments. There were so many repressive legislations crowded in such a short period that it must be unparallel in the history of the civilized world. I wonder if British statesmanship thought it could sow whirlwind and yet could reap a good harvest. I wonder if they realised that the discontent which was already deep was being driven deeper, and that it would, according to the immutable laws of human nature, find its own outlet in some other channel. It is always dangerous to sit on the safety valve. Sir, my case is that there was repression in Bengal when there was none in other provinces. Hundreds of youngmen were interned during a period when there was practically no internment in other provinces. This explains why terrorism made its first appearance in my province as compared to other provinces. It is certainly not a matter of accident. Nobody will say that there is anything perverse in the human nature of Bengal. I do claim, without any disrespect to any other province, that the Bengalees are one of the finest people on the face of the earth. Their civilization, their culture, their educational and religious advancement, their traditional cult of non-violence have won admiration all the world over. Therefore, I say, there is nothing particularly offensive or perverse in the soil of Bengal and I say that it is not without any particular reason that there should be recrudescence of terrorism there rather than in other provinces. In Bengal, again, all districts are not equally affected. There is always a certain proportion between the degree of repression and the degree of terrorism. The greater the repression, the greater the terrorism. Indeed, they act mutually as cause and effect. Take the several districts of Bengal. You will find that terrorism has thrived most in those districts where repression was the greatest. Chittagong, Midnapore and Dacca may be cited in support of my contention. So far as Midnapore is concerned, the repression was the greatest there during the Civil Disobedience Movement. Mr. Griffiths is not here, otherwise, I am sure, he would have borne me out that repression was ruthless in the district of Midnapore, and that explains, Sir, that terrorism is greater in Midnapore than in many other districts. I have not yet fully explained why terrorism came first in Bengal. Bengal received the first and foremost shock in the struggle for freedom. It was in Bengal where the movement for political emancipation was first started. The Swadeshi movement for started there, the boycott movement was started there, and in fact, Bengal gave the signal, and the battle for freedom began in India.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : I rise on a point of order, Sir. I find that neither the Home Member nor

the Home Secretary is in his seat. Is it fair to this House, when a debate of first class importance is going on, that the Department should be unrepresented? We know that it makes no difference whether they are here or not.

**An Honourable Member** : The Leader of the House is here.

**The Honourable Sir Nripendra Sircar** (Leader of the House) : Is there any rule that all of us should be here when we know that the discussion will last another three days and when we know perfectly well that whatever has been said will be reported to the Home Member. The Home Member will be here in a few minutes.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member in charge of the motion ought to be here.

**The Honourable Sir Nripendra Sircar** : As a matter of fact, the Home Member will be here in a few minutes.

**Mr. S. Satyamurti** : Even the Home Secretary is not here.

**The Honourable Sir Nripendra Sircar** : From Secretaries up to chaprassis are not wanted.

**Mr. S. Satyamurti** : So the Honourable Member puts Secretaries and the chaprassis in the same category !

**The Honourable Sir Nripendra Sircar** : The Honourable Member seems to be carried away by enthusiasm. The Secretary of the Home Department is a Member of the Council of State, and not of this House.

**Mr. S. Satyamurti** : There is just one gentleman sitting behind the Home Member. I do not know who he is.

**The Honourable Sir Nripendra Sircar** : They are all gentlemen. The gentleman sitting behind the Home Member is not the Home Secretary.

**Mr. Akhil Chandra Datta** : Is it the case of the Honourable Member that Secretaries are merely chaprassis ?

**The Honourable Sir Nripendra Sircar** : If that is your construction, by all means please yourself.

**Mr. Akhil Chandra Datta** : I was just now speaking, Sir, of the beginning of the battle for freedom in Bengal. I was saying that at first it was a constitutional fight.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Abdul Matin Chaudhury one of the Panel of Chairmen].

Mr. Chairman, it was at first a constitutional fight, but the bureaucracy would not tolerate it. Sir, after the partition, the Bengal Provincial Conference was held at Barisal, but that was broken up by Regulation lathis. I happened to be in that Conference. The breaking up of that Conference led to the appearance, for the first time, of terrorism in my province. Repression brought terrorism in its train. I still remember the feeling of discontent and resentment with which even the most moderate leaders of the province returned from Barisal after the forcible dispersal of the Conference. Sir, I still remember those words uttered by



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the veteran leader, Mr. Bhupendra Nath Basu, after the dispersal of the Conference. The words are still ringing in my ears. Mr. Basu said :

"The days of constitutional government are over, the days of police rule have dawned."

Now, all this was too much for the youth of the country. The old people continued their old methods of constitutional agitation, but the impetuous youth of Bengal, noted for their national trait of emotion and imagination, yielded and succumbed. In tracing, therefore, the history of the revolutionary movement in Bengal, one cannot forget the breaking up of the Barisal Conference. Now, Sir, while dealing with this aspect of the question, I mean the development and continuance of terrorism in Bengal, may I invite the attention of the House to the views expressed by one who is not an occupant of the Opposition Benches, but by one who now occupies a seat as the Honourable the Leader of the House, I mean the Honourable Sir Nripendra Sircar.

**The Honourable Sir Nripendra Sircar :** You won't find there anything to support your view.

**Mr. Akhil Chandra Datta :** At one place, Sir Nripendra Sircar said :

"Nothing can be a surer guarantee for filling the terrorists with well-founded hope arising from the creation of an atmosphere favourable for their activities. The Hindus will be justified in feeling that serious injustice has been done to them, and the belief that they cannot have their legitimate share or an effective voice in the Legislatures will be a formidable recruiting agency for swelling the ranks of the sympathisers of terrorists."

Then, at page 152 of this book, called "Sir N. N. Sircar's Speeches and Pamphlets", we find that when he was cross-examining Mr. Villiers, the President of the European Association, in London, he put this question :

"Am I right in saying that, judging by the members of the movement who have been captured from time to time by these officials, their view is probably this, that the present condition of difficulties is due to a foreign rule, and, therefore, foreign rule must be cut off altogether."

That was the question. I am not sure whether there was not some implication and suggestion conveyed by the question and it was not without purpose. The answer was :

"So far as it is due to any reasoning thought at all, it is definitely due to that. In a great measure, these boys are caught while they are absolute youngsters, and their emotions are worked on until they get into a state of hysteria over a matter which is right beyond the scope of reasoning at all, but so far as reasoning comes in at all, you are correct in your statement."

Meaning thereby the statement contained in the question.

Another question was like this :

"Do you think that, if the Bengal Hindu would come to the Legislature, and try to work out his salvation through it, that would result in weaning sympathisers of terrorists, and isolate the terrorists?"

The answer was this :

"I think in time that will undoubtedly be the tendency, but I think it will take a certain amount of time."

Then, there is another question :

"May I take it that it follows that if the Bengal Hindus feel that they have a legitimate grievance, and they keep away from the Legislature, knowing their position, and so on, it will really help disturbance and the terrorist movement in Bengal?"

The answer was this :

"Any feeling of legitimate grievance on the part of the community would have that effect, so far as that community is concerned."

Then, Sir, in another place, the Honourable Sir Nripendra Sircar says this :

"At first sight, no connection may appear between the financial settlement and the terrorist movement; but looking below the surface it is fairly obvious that dyarchy failed in Bengal and general discontent and unrest increased, because the Ministers, having no available resources, were unable to achieve anything in furtherance of the beneficent activities of Government."

**The Honourable Sir Nripendra Sircar :** Quite right.

**Mr. Akhil Chandra Datta :** My Honourable friend says, it is quite right. I also have cited these passages to show that he is quite right and what is right is this that this terrorism is being developed and food is being supplied to these terrorists by what has been suggested in these questions by the Honourable Sir Nripendra Sircar, namely, the injustice done to the people.

Now, Sir, that is about Bengal. I shall not speak as to the root causes of the terrorist movement in the Punjab. I shall, however, say only this that, as in Bengal, the partition gives the explanation, so, in the Punjab, it was the Jallianwalla Bagh massacre which brought into existence the terrorist movement there. In this connection, may I call the attention of Honourable Members of this House to the attitude of Mahatma Gandhi with regard to the question of the massacre of Jallianwalla Bagh? Immediately after this massacre, that very year in the December following, there was the Amritsar Congress, and, only a few days before the Congress, the reforms had been published. The question before the Congress was whether those reforms were adequate and satisfactory and whether they should be worked. There was a controversy and difference of opinion between the leaders, and the attitude of Mahatma Gandhi was that they should be worked. He was for co-operation as he had all along been; in fact, he had been even a recruiter. That was the position of Mahatma Gandhi at Amritsar in December, 1919. The other leaders were of a different opinion. However, there was some settlement between the leaders, and a resolution was passed to the effect that the reforms were inadequate, unsatisfactory and disappointing. Mahatma Gandhi was waiting at that time for the report of the Hunter Committee about the Jallianwalla Bagh massacre. That report was published not very long after in the course of the year and that disillusioned Mahatma Gandhi, and the result was that from a co-operator he became a non-co-operator. That was the result so far as Mahatma Gandhi is concerned. His attitude was influenced by the massacre and by the official attitude with respect to this massacre. But younger people went a little further; they not only became non-co-operators, but went one step further, and some of them became terrorists. This being the true genesis of the revolutionary movement, I say with regard to this Bill that the proposed legislation is

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remedy of a quack, not that of a real physician, and it is bound to frustrate its own object. This, however, is no matter for speculation, but the very fact that this repressive legislation failed in the past for so many years to crush the terrorist movement, and the very fact that it is now proposed to have a permanent emergency legislation (if it is not a contradiction in terms), goes to show and is in fact a confession that repression will not do. Repression will not do and other measures must be adopted to meet the situation. Repression may prevent major crimes and overt acts for a time as it has prevented major crimes, for we have been told that there has been no major crime for some time past in my province, but it cannot purge the body politic of the poison.

Now, Sir, the Honourable the Home Member has told us in his speech in support of his claim that the measure should be made permanent,—that what he ardently desires is a change of heart on the part of the terrorists. I wonder, Sir, if he really and sincerely believes that the drastic measures proposed in this Bill are really calculated to bring about a change of heart on the part of the terrorists. I do not believe that he believes it. If, however, he does really and sincerely believe that these are measures which will bring about a change of heart, I must say that I cannot credit him with much of imagination and much of knowledge and insight into human nature and human character. So if really that is a *bonâ fide* excuse that, in order to fight terrorism, these measures are necessary, I say it is bound to fail and I cannot support this measure on this ground.

That, Sir, is about terrorism; then, there is the question of communalism. One word about terrorism, however, I will say here. It appears that a certain Bill has been introduced recently,—I do not remember exactly if it has been passed,—in the Bengal Legislative Council, the Bengal Public Security Extending Bill of 1935.

**The Honourable Sir Nripendra Sircar :** It has been passed without a division.

**Mr. Akhil Chandra Datta :** That is a Council from which Dr. Banerjee and myself came away after the Lahore decision, leaving the field to people whom I shall not describe or characterise. In the Statement of Objects and Reasons, it is said :

“The Act was passed to confer special powers on the Local Government to enable it in case of emergency to combat activities subversive of law and order or prejudicial to the public security for the suppression of which the ordinary powers of the Government are inadequate.”

Then follows a statement which is very significant and very important. It is said :

“That such activities may recur is by no means impossible, and the Local Government is of opinion that it would not be prudence to allow the preventive powers conferred by the Act to lapse.”

There is an admission by the Government of Bengal that the subversive movement has almost died out : but it is said in justification of that measure “that such activities may recur is by no means impossible”. That is the position.

the word is “recur”—of the activities—I say it follows by necessary implication that such activities may not also recur. That is the position with respect to the movement of terrorism. As has been admitted, times out of number, in this House, the position has improved and improved considerably. Under these improved conditions, we are asked to give our assent to the Bill to fight the movement of terrorism.

The next ground on which it is sought to justify this Bill is the third menace of communalism. To be frank, I have been requested by the Honourable the Leader of the Opposition not to dilate upon this point, because he will deal with it, and, I dare say, he will deal with it far more ably than myself; and, therefore, out of respect for him, I shall not deal with this aspect of the question. But I am anxious to prove one thing, namely, that whatever communal feuds and dissension there is—I am now speaking of my own province, Bengal,—all that had been engineered and brought into existence, fostered and fomented by a third party.

**An Honourable Member :** What is that third party?

**Mr. Akhil Chandra Datta :** You know that third party.

**Another Honourable Member :** It is before us.

**Mr. Akhil Chandra Datta :** There was a riot at Chittagong immediately after the murder of a certain police officer. Mr. J. M. Sen-Gupta, whose premature death the whole country mourns, went to Chittagong and made an inquiry. After the inquiry, he came to Calcutta, and, in a meeting held in the Town Hall in Calcutta, he declared substantially to this effect :

“I say I take the full responsibility of making this statement : the riot in Chittagong was engineered and brought about by the local authorities. Here am I. I make this statement openly. I am prepared to prove it; and if the Government like they can prosecute me and put me on trial.”

That was a challenge which was never accepted. So that we are perfectly entitled to assume and to proceed on the assumption that the Chittagong riots were the result of the intervention of a third party. Then, there was rioting at Dacca in May, 1930. With regard to that, there were two committees which made inquiries simultaneously about the causes of these riots—one an official committee which was presided over by Mr. Sachse. The report of that committee never saw the light of day. The reason for non-publication is significant and obvious. There was another committee, a Congress Committee—my humble self was the President of that Committee. We used to meet each other. The evidence that was forthcoming before us, with regard to those riots, was this : that it was brought about by that very same third party. A meeting was held on the night preceding the riots, in the house of a Muhammadan gentleman, where the local officials discussed about the coming riots, and Mr. Griffiths was there—I know that one Mr. Griffiths of the Indian Civil Service was the manager of the Dacca Nawab at that time. (Cries of “Shame, shame”.) I do not know whether the Honourable Member from Midnapore was that Mr. Griffiths. But, why, I am sure, he was the gentleman; and I thought and hoped that, while he was speaking on communalism, he would throw more light on the real state of affairs at Dacca. I do not know whether he himself was present and whether he had a share in the matter; but the evidence that I got as a

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member of that Committee, was that he was also present at that meeting ; and here he is now, after coming to the Assembly, preaching a homily on communalism and all that. It does not lie in his mouth to make this assertion....

**An Honourable Member :** Nor in the mouth of his chief !

**Mr. Akhil Chandra Datta :** With regard to these Dacca riots, I know from a reliable source that, just before the riots, two or three days before the riots, the Government officials had been told by some people, by higher officials, that they should make purchases of provisions for two or three or five days, because they were told that rioting would be going on for some days. Guns, revolvers and arms were taken away from the Hindus before the riot began. A high official, occupying the position of an additional District Judge, gave his evidence before the Sachse Committee. He deposed to the effect that looting was going on before his eyes : that the police were taking part in it, that he phoned again and again to the Superintendent of Police and Magistrate ; for three days it went on and he phoned and phoned, but without any response, and no police appeared. That is the story of the Dacca riots. There was a Hindu-Moslem riot in Comilla. There, again, I have the same story to tell. I shall tell only what I know from my own personal experience. I must admit to our shame, the shame of the Hindus as well as the shame of the Muhammadans, that there was that riot. That must be admitted. But the point that I am making is that they did not fight on their own initiative. That is the whole point. Some people were assaulted : there was one man, Baikuntha, whose head was broken : I went myself with some of my friends with that broken head to the District Magistrate. Honourable Members of this House will be staggered to hear the reply that I got from the District Magistrate : he said " Why do you come to me ? Go to Mr. Bepin Chandra Pal." (Cries of " Shame ".) Then, there was also the Divisional Commissioner who came. We wrote to him for giving us relief for preventing the whole thing. He would not take any notice of these things. Later on, some days after, there was a meeting of officials and non-officials : in the open meeting, we took the Commissioner to task for not taking any action when these things were brought to his notice. We said : " You came here from Chittagong on such and such day ; we wrote to you on that day ; but you did not take any notice." He said at first : " Oh, I did not come on that day : I was not here." Then, one of our friends got enraged and said : " You did come here on that day : you were here." After receiving that snub, he said : " Well, I might have."

Then, Sir, I do not propose to dilate at length on the Mymensingh incidents. Mr. G. S. Dutt was the District Magistrate there. He tried his best to prevent all communal riots, and what was the result ? He was soon transferred. (Cries of " Shame, shame ".) Then came another District Magistrate in his place. He went to the Bar Library and gave an assurance that there would be no Hindu-Muslim rioting. Almost immediately after that assurance was given to the Bar Library, there occurred one of the worst Hindu-Muslim riots in the district. There was one poor Sub-Divisional Magistrate, who went and controlled the rioting, and what was the result ? Like Mr. G. S. Dutt, he was also immediately transferred. (Cries of " Shame, shame " from Congress

Party Benches.) Then what followed ? A proposal was made by a certain Muhammadan gentleman, I think he was the Public Prosecutor, for the formation of a reconciliation board to meet the situation. It was proposed to Mr. Som, who is now a Member of this Assembly, that he should be a member of the reconciliation board. What was the reply of Mr. Som ? He said : " Well, I am in possession of information and evidence that the District Magistrate and the Superintendent of Police are engineering these things through and in concert with you. You ask me to be a member of a committee in which you are taking a leading part " ? That was the reply given by him in the open library. The House will be interested and pained to hear what followed the next morning. On the following morning, Mr. Som was arrested (Cries of " Shame, shame " from Congress Party Benches) on the ground that there was a meeting held there some days before in which Mr. Som had taken part and talked about picketing, and, therefore, he was arrested and put on trial. The trial went on for some time, I think it went on for some days, and he was kept in *hajāt* lock-up), and from the jail to the Court room, the House will be astonished to hear, Mr. Som used to be escorted handcuffed and roped. (Cries of " Shame, shame " !) (An Honourable Member : " Disgraceful.") (Another Honourable Member : " It is no surprise to hear it.") Sir, I am reminded of the fate that overtook Mr. Nagendra Nath Sen, the Leader of the Khulna Bar, because he was also handcuffed and roped. There is another youngman of Comilla who received the same treatment. His father is a Member of this House now,—I shall not name him. Now, Sir, all this reminds me of a certain observation of the late Swami Vivekananda. He said that some people, after creating the disease, try to cure it ; it is the habit of some people to have a lavatory just by the side of the bedroom and then call for the physician to cure typhoid. Therefore, Sir, these provisions in the Bill are no cure for communalism. On the other hand, we say : " Physician, heal thyself " ; if you heal thyself, if you refrain from fostering and fomenting communalism, communal rioting will vanish from this land in no time. (Cheers.)

Then, Sir, I need not weary the House of emphasising the importance and liberty of the press. Sir, I think it was the dictum of Lord Russell, one of the most famous Judges of England, who said that liberty of the press is nothing more or nothing less than the liberty of every subject of His Majesty. In fact, a free press is the rock of people's liberty, and, therefore, an attack on the liberty of the press is an attack on the liberty not only of the press, but on the liberty of the whole nation. The press is regarded as the fourth estate, one of the four pillars of the State, and if there is any encroachment on the rights of the press, no patriotic Indian can give his support to the measure.

It is said that responsible Government is coming. Now, responsible Government and a muzzled press are contradictory in terms. I am not here to attribute any sinister design, but who knows that this muzzling of the press is not a counterblast to the coming reforms ?

**An Honourable Member :** It is.

**Mr. Akhil Chandra Datta :** Where there is responsible Government, there must be a free press, and, without a free press, how will you educate the electorate ? 14 per cent. of the total population of this country is going to be enfranchised, and we must educate the electorate, and that

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is the function of the press. Now, what is the case of the Honourable the Home Member with regard to the press legislation? He has got a very ingenious head. His case is this. There were no repressive laws or special laws with regard to press in the years 1922 to 1930. During this period, there were no special press laws, and the result, according to the Honourable the Home Member, was,—inflammatory writings of the worst description in the press in praise of terrorism and terrorist murders and also incitement to communal dissensions. That is his case. This is one aspect. The other aspect is that in 1926 and 1927 there were communal riots,—there were communal riots in 1926 in Calcutta, and in 1927 there were communal riots in Lahore. On these two premises, he comes to the conclusion that the first Press Ordinance of the year 1930 was the result of these inflammatory writings and communal riots. Now, Sir, I am afraid the Honourable the Home Member thought that the Members of this House are what is called a common jury of shopkeepers to swallow anything that may be told to them. Are we to believe, Sir, that if the press was indulging in such inflammatory writings, not for one month or for one year, but from year to year for a period of eight years, but the Government had abdicated their functions and remained silent without taking any action whatsoever? Either his statement is true, or it is false. If it is false, then the whole case of the Honourable the Home Member goes. If, on the contrary, his case is true, namely, that for eight years all these things were going on, and the Government had taken no steps whatever to check those things, then I say that the Government were guilty of abetting by omission. The fact really is that the Press Ordinance of 1930 had nothing to do with the alleged inflammatory writings and communal riots of those days. That was obviously the result of the Civil Disobedience Movement of 1930. That is the sort of reasoning indulged in by the Honourable the Home Member in order to prop up the repressive press legislation. The whole question that the House has got to decide is this. Was the Ordinance of 1930 the result of the Civil Disobedience Movement of that year, or was that the result of the riots of 1926 and 1927? The emergency occurred in 1930, and reference is made to what happened five or six years before 1930! That is the sort of logic followed by the Honourable the Home Member. The Honourable Member, in his speech, has quoted the authority of the Local Governments; among others, and more remarkable still, he has quoted the authority of the Punjab Government. In this connection, we have to remember that at that time the Home Member was in the Punjab Government. I do not know who drafted those reports of the Punjab Government which have been quoted *in extenso* by the Honourable the Home Member in his speech. (An Honourable Member: "Himself.") I only hope that it was not a case of from Philip Drunk to Philip Sober.

**The Honourable Sir Nripendra Sircar :** Which is the drunk period and which is the sober period? (Laughter.)

**Mr. Akhil Chandra Datta :** Now, Sir, in support of his case, the Honourable the Home Member has quoted a Bihar paper. He was asked to give the name of that paper, but he would not give the name. I had always thought that Government were unwilling to give out the names of their informers and witnesses in a certain type of cases, but I never

knew that there was any difficulty in giving the name of a newspaper which has published the extract and from which publication the Honourable the Home Member was quoting in support of his contention.

**The Honourable Sir Henry Craik** (Home Member) : Is the suggestion that I invented the quotation?

**Mr. Akhil Chandra Datta :** But the fact remains that, in spite of the request from this side of the House, the name was not given.

**The Honourable Sir Henry Craik :** You really want to know the substance of the writing.

**Mr. Akhil Chandra Datta :** Sir, what is the substance of the thing that he has given us from that writing? One of the sentences which has been quoted from that unnamed, undisclosed Bihar paper is: "Burn every house." I do not know whether that is the doctrine of the civil disobedience resister, or the doctrine of the terrorist, or of the Communist, or of the communalist. (An Honourable Member: "Or of the bureaucracy.") The Honourable gentleman from Midnapore has quoted two papers, the *Mukti* and the *Swadhinata*. These are papers which are hardly known to our people. Has he quoted any daily papers, weekly papers, respectable papers commanding very large circulation all over the country in different provinces and in different cities? Has the Honourable the Home Member, or, for the matter of that, Mr. Griffiths, quoted anything from any of those papers in support of their case? One line has been quoted from the *Advance*. What is that line after all? It is said there, "Dauntless Dinesh dies before dawn". Is it seriously suggested that that is an incitement to terrorism or that it is making a martyr of him? There should be a certain sense of proportion in making such suggestion or allegation. Mahatma Gandhi has been quoted, and we are glad that he has been quoted. But Mahatma Gandhi has said this also with regard to the Midnapore murder. He said:

"I deeply deplore the assassination of the Midnapore Magistrate, but, at the same time, it is impossible not to regret that the rulers do not only not redress the wrongs that lead to such assassinations, but insist on ruling by counter-terrorism, which the Ordinances undoubtedly mean."

Will the Honourable the Home Member, who quoted Mahatma Gandhi from *Young India*, take note of this also?

As regards the press, I want to say a word about the Press Conference which was recently held in Calcutta under the presidency of no less a person than Mr. C. Y. Chintamani of Allahabad, an *ex*-Minister, and a member of the Liberal Party, and whose views are always known to be very sober and very moderate. There was the editor of the *Hindu* who was also a party to that. He was not himself present, but he sent his representative. I believe that the *Hindu* is one of the friendly papers. (Laughter.) That was mentioned by the Honourable the Home Member the other day. Then, there was that grand old man of Calcutta, Mr. Kamananda Chatterjee, who was present at that Conference. Here is the resolution passed at that Conference with respect to this legislation now before the House:

"The All-India Journalists' Conference is gravely concerned by the reported intention of the Government of India to renew the Criminal Law Amendment Act, 1932, which includes the Press (Emergency Powers) Act, 1931, in a more objectionable form. The Conference is emphatically of opinion that these Acts of 1931 and 1932 as well as the Indian States Protection Act and the Bengal Criminal Law Amendment

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Act, 1934, are utterly incompatible with the legitimate freedom of the Press and the fundamental right of free expression of opinion and strongly urges that none of these Acts should any longer be retained on the Statute Book."

It is really a pity that Government would not take any notice of such a representative opinion about the proposals which we are now discussing. As regards the grievances, particularly of the Bengal Press, my Honourable friend, Pandit Krishna Kant Malaviya, has already described them, and I should not like to repeat them. But just one word about the requisition of security. A distinguished Judge of England said :

" Liberty of the press consists in printing without previous license, subject, however, to the consequences of the law."

That should be the rule.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

As regards the abuses of the special powers under the Press Act, I am afraid, the time at my disposal does not permit me to go into details. It remains for me to make a few observations as regards the manner in which repressive legislation is administered specially in my province. The grievance is two-fold. In the first place, the law is arbitrary and, in the second place, it is arbitrarily exercised. I do not think anybody can challenge the fact that there is literally a reign of terror just now in Bengal. It is impossible to hold a meeting even for the death anniversary of Mr. C. R. Das. There is more police coming in than there is audience. Once some ladies met in my house in Comilla for offering prayers on the occasion of Mahatma's fast. That was the whole thing and would you believe it that for two or three days police came one after another and asked what was going on. After all it was nothing more than a meeting of about a dozen ladies. Life has become intolerable in these circumstances. As regards the manner in which this law is administered may I refer to an incident which happened in Sylhet. There was a peaceful procession. There was no order passed prohibiting the procession. In that procession, there was the leader of Assam, Mr. Brojendra Narayan Chowdhury. In that procession, there was another gentleman who happens now to be a Member of this Honourable House, Mr. Basanta Kumar Das. The police came in and began to assault the leading people including Mr. Chowdhury, who was then the Deputy Leader of the Congress Party in the Assam Council. My friend, Basanta Babu, was also not spared. He received his share of the beating. (*Cries of "Shame, shame!"*) I will give you another instance. There was one gentleman of the name of Girish Chandra Nag, who was an *ex*-Member of this House. He was an elected Member from the Surma Valley constituency. He was the predecessor of Basanta Babu. There was a search made in his house at Dacca on the suspicion that his gifted daughter, Miss Lila Nag, an M. A., known all over the province for her beneficent activities in the educational line, had something to do with some movement. His house was searched, and would you believe it, an old gentleman, a retired Deputy Magistrate and a Rai Bahadur, was assaulted by the police officer for no reason whatsoever in his own house in the presence of his wife and sons! His furniture, his almirah and library were broken. (*Cries of "Shame, shame!"*) He was personally assaulted, although there was no charge against him at all. Only a search was made with regard to something about his daughter.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should not go into the history of all these old cases.

Mr. Akhil Chandra Datta : I want to show, how the executive are administering the law as it stands, and how can you possibly give more power to that executive. That is the point that I want to make. As regards the manner in which notices are served, I shall give one instance as to how notice was sought to be served on a man who had died long ago. This is the statement made by Mr. Sarat Chandra Bose who communicated this to the Government when he was a State Prisoner. The incident which happened in Dacca was reported in three Calcutta papers and the report was not contradicted by the Government of Bengal. This is the statement :

" On Monday last, the police went to the house of Sreejut Harendra Kumar Ghose, retired Deputy Magistrate, living at Rajar Dewry, Dacca, and enquired of his son, Anil Kumar Ghosh. The police said that an order under the Bengal Suppression of Outrages Act was to be served on Anil. The police were, however, informed by the inmates of the house that the boy had died 15 months ago, in the month of Baisakh last year. The police then returned puzzled."

This is the way in which the Act is administered in my province. I should like to mention two other instances to prove that the information in the possession of Government is not infrequently incorrect. We are always told : " You people have got no information. We have lot of information in our possession, but we are not at liberty to disclose it like the Bihar paper." We have two cases showing the value of the information possessed by the Government and the Police Department. One is about informer Ram Chandra Bania. He planted a revolver in the house of one Ram Prasad Bhakat in Calcutta and informed the police. It led to the arrest of the inmates, and, later on, they were discharged, and that man was sent for trial for giving false information, with the result that he was convicted and given two years by the Presidency Magistrate of Calcutta for possession of a stolen six chamber revolver without license. That was only the other day in September, 1935. There was another recent case in the district of Midnapore. There were three informers who, in April, 1935, planted six bombs underneath a plantain grove in the garden of one Hari Setna and informed the police. The police came, found the bombs and arrested the inmates of the house. Later on, these informers were prosecuted for giving false information. The findings of the trying magistrate were :

- (1) that one informer purchased potassium chlorate and another purchased arsenic sulphate. These were the explosives found in the bombs ;
- (2) that the bombs were prepared by the informers themselves ; and
- (3) that a letter found with the revolver was written at the dictation of one of the informers.

These two cases have revealed a serious and disgraceful state of things.

The Honourable Sir Nripendra Sircar : Who prosecuted the informers ?

Mr. Akhil Chandra Datta : Even that much of credit for honesty the Honourable the Leader of the House does not appear to give to the execu-

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tive. I must gratefully acknowledge that in these two cases the police officers did their duty. But who knows, Sir, while you give me thanks, will you answer this question—who knows how many cases there are, undetected cases, how many people have been arrested and sent to jail on the information of such informers? Now, Sir, here is a general description of what is going on in that part of the country. "Various kinds of strange orders are passed by the District Magistrate....." Thus, some one is asked not to leave his home and a specified area, some not to enter a particular school or to associate with students, and some not to leave home from sunset to sunrise. Now, what happened? As a result of all this, students were compelled to withdraw from the schools where they were reading and to sit idly with their own parents in their own villages. As the times of sunset and sunrise were not definitely mentioned in these notices, some of the boys were easily prosecuted and convicted, and they had no watch or clock in their respective homes, so as to know the time of sunset every day. House searches and prosecutions there were many in connection with so-called objectionable literature. There have been extensive house searches from village to village, and some houses were searched half a dozen times. People were prosecuted and convicted for keeping so-called objectionable leaflets, even for keeping some pictures and even including Mr. Sen Gupta's address as the Chairman of the Reception Committee of the Calcutta Congress. Now, not only did the police commit excesses, but there came in the military also. Soldiers paraded from village to village, and so-called suspects—teachers, students, etc.—were compelled to march with them or to run for considerable distances. In many places, even old men had also to share the same fate. Sometimes boys were made to swim for hours together. (Voices: "Good! good!") In one case, a distinguished Head Master in the district of Noakhali was restrained by the District Magistrate from entering his school or associating with his students, with the result that the poor teacher lost his job. And, what was the reason for that? He was asked by Mr. Hant, the military intelligence officer of Noakhali, in his letter dated the 22nd October, 1934, to help a certain C. I. D. officer in his work which the Head Master did not like to do, and, therefore, the above strange order was passed upon the Head Master. Now this is what is going on there! This was in Noakhali, but I know all these remarks apply equally to all the districts.

Now, Sir, I am afraid I am tiring the patience of the House and should not like to continue. (Voices: "No, no, go on.") The position, therefore, at the present moment is this. There is peace on our side, but war mentality on the other. The Civil Disobedience Movement has been suspended, and, at the present moment, the situation can be described like this. There are no riots or other disorders; there is no murder, there is no campaign of a no-tax movement. Admittedly, there is no boycott of men, no social boycott, either of Government servants or of the supporters of the Government. There is no boycott of Courts, there is no picketing, there is no interference at all with the administration of law and order and the law Courts. There is no intimidation. Now, if that is the position, Sir, it is very difficult to understand why at all these provisions should be retained, much less they should remain permanent. Now, Sir, our position is this. If you want to kill the national consciousness, do it by all means, but we cannot be a party to it,

and we won't be a party to it. (Hear, hear.) You can kill us, but we cannot commit suicide ourselves. Therefore, we cannot bless your Ordinance Bill, and we won't sign our own political death warrant. Sir, I oppose the Bill. (Loud and Prolonged Cheers.)

**Mr. A. K. Fazlul Huq** (Bakargunj *cum* Faridpur : Muhammadan Rural) : Sir, I had not the privilege of listening to the speech of the Honourable the Home Member when he introduced his Bill but I have had the opportunity of reading his speech, with the added advantage that I have been able to bring my considered judgment to bear, not merely on the provisions of the Bill, but also on the speech which the Honourable Member delivered in its support. Sir, having considered the position carefully, I regret to have to say that I am constrained to oppose this Bill. (Hear, hear.) Sir, before I proceed to make my observations I wish to say something by way of a personal explanation. It is not enough to say that I have had personally nothing to do either with terrorism, communalism or Communism. No one amongst ourselves, even most distantly related, has ever been either a terrorist, a Communist or a communalist; and although I am a very insignificant Member of this Assembly (Voices: "No, no"), it has been my luck to occupy more or less responsible positions in public service and in public life. (Hear, hear.) It is, therefore, no pleasure to me to be constrained to join my voice with that of the Opposition and, if necessary, to vote against the measure that has been introduced in this House. Sir, I have been obliged to take this step from a supreme sense of responsibility. I will not indulge in quoting any facts and figures but I will illustrate the remarks I am going to make by quoting certain instances within my own personal knowledge in order to convince the House that measures of this kind not only defeat their own object but are often misused and abused in the most extraordinary manner. (Hear, hear.) No one disputes the proposition that in all civilized societies legislation is not only necessary but even desirable in order to restrict the activities of individuals so as not to interfere with the rights and privileges of others or of the society as a whole. No one, for instance, in his senses can quarrel with the Penal Code or the Criminal Procedure Code or any of the codified law of the country which is meant not merely for the protection of the individuals but for the protection of the society as a whole. But when Government wants to introduce an extraordinary measure of a more or less repressive character, the burden lies heavily on the Member who seeks to introduce that measure, not merely to prove that that legislation is desirable but that it is also necessary. I will presently show that judged from that standard, the Honourable the Home Member has failed to discharge the burden that lay on him and, therefore, the Bill that has been introduced cannot, on any account, be supported.

Now, Sir, I contend, in the first place, that this Bill is wholly useless and unnecessary. It is said that there are terrorist activities and that they have got to be suppressed and put down. But, Sir, even if there are irresponsible writings in the press, it cannot for a moment be contended that these writings of themselves generate anything like terrorism or anarchism or that they incline peaceful people to take to terrorism or anarchism. The European community in India, for instance, are most devoutly attached to the Government. Naturally they should be so. But supposing some Anglo-Indian paper were to indulge in violent writings, inciting to terrorism and sedition, I do not think the Europeans would

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a single moment waver in their loyalty or be misled by any writing of that kind. The reason is obvious. In order that seditious writings or writings encouraging terrorism or anarchism can have any effect, the ground must already be prepared and it is only when the poison falls on congenial soil that evil results are expected to ensue. Now, I contend that at the present moment there is a good deal of disaffection in India. The reason is not that there have been writings in the press but I contend that it is persistent mal-administration that has driven the non-violent people into the folds of those who are disloyal. The voice of the people never finds anything like a hearing from the bureaucrats. They go on in their own way full of the belief that they know everything and that their wisdom knows no bounds, that whatever they do is right and they take steps which generally lead them to disastrous consequences. Now, Sir, I was saying that measures of this kind are generally abused. I will cite two instances, one relating to the Criminal Law Amendment Act and the other relating to the Press Act. Some time ago a certain Subdivisional Magistrate, whom I shall not mention by name at the present moment, trespassed into a mosque with shoes on. The Muslims vehemently protested and they appealed to the Collector and to the Commissioner but without any effect. I went over to that place personally and made certain inquiries and I was personally convinced that the allegations made against the Subdivisional Magistrate were correct. I wrote to the Commissioner and I telegraphed to him asking for an inquiry or at least for an interview and I am sorry to say that he had not even the ordinary courtesy to reply to my letter or telegram. On the contrary, he went away to Darjeeling and from there the Government wrote to one of my friends, not to me who was moving in the matter, that Government are in close touch with the situation. The accident happened somewhere about 500 miles away from Calcutta, the entire Government was then at Darjeeling and we were told that the Government were in close touch with the situation. However, we had to compose ourselves to this state of affairs. Suddenly, the Subdivisional Magistrate lodged a complaint against certain persons who had published an account of those occurrences in the columns of a Calcutta paper and asked the permission of the Government to prosecute them under section 6 of the Criminal Law Amendment Act. Now, these gentlemen had only published in the newspaper an account of what had happened, and the result was that section 6 was invoked in order to prosecute those persons, one of whom happens to be a member of the Bengal Legislative Council. We asked the District Magistrate to drop the proceedings and we pointed out to him the Statement of Objects and Reasons of the Criminal Law Amendment Bill when it was introduced in 1932. He paid no heed to what we said and ultimately we moved the High Court. The matter is still *sub judice* and I cannot say anything further on that point. I am giving only one instance to show how the Criminal Law Amendment Act is sometimes used by the executive in this country.

Then, Sir, as regards the Press Act. We all know that there is a certain official called the Press Censor, whose duty it is to keep a watchful eye over the writings in the press. That may be his ordinary function but he thinks that he has got the authority and the jurisdiction to interfere in other matters as well. At one time, not very long ago, there was a proposal of the Government of Bengal to abolish a certain Muslim hostel in

Calcutta. We protested against that, because the cost to the Government was only Rs. 3,000 a year and the abolition of that hostel would have meant disaster to a large number of poor Muhammadan boys. We found that the Government would not listen to us and we arranged a public meeting to be held and we invited representatives of the press to be present there and to publish the proceedings. The House will be surprised to hear that the Press Censor immediately issued a mandate to all the newspapers not to publish the proceedings of our meeting and even forbade the representatives of the press to be present at our meeting. This is how the Press Censor carries on his duties in order to see that the Press Act is regularly acted upon and regularly obeyed. I submit that these repressive Acts may be well meant and it may be that the Honourable the Home Member, with the best of intentions, has introduced this measure in this House. But I submit that if the executive officers, with whom lies the actual working of the Act, act in this irresponsible manner, where is the guarantee that these Acts would not be abused and the purpose for which they have been passed would not ultimately be frustrated?

There is just one point to which I will refer before I finish. Since the year 1910, efforts have been made to pass various Acts in order to put down terrorism, anarchism and Communism. Has any attempt been made to find out the root cause of this anarchism, terrorism and Communism? I say no attempt has been made. A faint voice says, "yes"; but I say that no attempt has been made to find out the root cause. Sir, if there is headache, the only remedy that the Government can propose is to cut off the head in order to get rid of the headache. Is that the way to eradicate the disease?

**Mr. F. E. James** (Madras : European) : What attempts did you make to eradicate this evil of terrorism?

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**Mr. A. K. Fuzlul Huq** : I was not given a chance at all.

**Sir Abdul Halim Ghuznavi** (Dacca *cum* Mymensingh : Muhammadan Rural) : How many repressive laws did you support while you were a Minister in Bengal?

**Mr. A. K. Fuzlul Huq** : I do not think the pages of the proceedings of the Bengal Legislative Council can show a single instance where I supported any repressive measure. (Applause.)

**Mr. Sri Prakasa** : If you had done so, you would have been knighted.

**Mr. A. K. Fuzlul Huq** : Now, Sir, what I am submitting to the Honourable House is this; it is no use tinkering with the situation. I say India at the present moment is seething with discontent and that too for a very good reason. The reason is that the bureaucracy is carrying on the administration so as to impoverish the country. The Government are carrying on their work in a most irresponsible manner. They never care how they spend public money. The result is that the youths of this country become inclined to listen to writings in the press which may even distantly suggest terrorism and anarchism. The same thing would happen in any country. Supposing the Indians were to conquer England and supposing the Indians were ruling England. Supposing the Indians as the conquerors had introduced a mock parliament in England and had got hold of the treasury. Supposing the Indians were to send out all the money from England to India. Supposing in that mock Parliament, in some way or other, the Englishmen were allowed to put interpellations



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and supposing that every time when a question was put by an Englishman, some Indian Member on the Treasury Benches rose and answered : " Part (a). Yes. Part (b). No, Part (c). Does not arise and Part (d). It is not in the public interest to answer this." Supposing such answers were given by the Indian Members representing the Government in England, I would not be surprised if English youths in those conditions had had recourse to terrorism and anarchism. (Laughter.) Therefore, I submit that you should remove the root cause. You bring down the huge expenses of your administration. India is at the present time, as is well-known, the poorest country in the world and yet the Government are running an administration which is most expensive on the face of the globe. (A Voice : " Shame.") Yes, it is really a matter of shame and those who countenance this state of things are certainly to be ashamed of their conduct. I will take one instance. Here is my Honourable friend, Mr. Griffiths, from Bengal, representing the Bengal Government. He has no reason to be here. Why is he here ? For one or two reasons,—either to record his vote or to make a speech. So far as recording of vote is concerned, even a clerk from the Secretariat can do it as efficiently.

**Mr. S. Satyamurti :** A chaprassi will do.

**Mr. A. K. Fuzlul Huq :** A clerk might be sitting here, and, at the time of the division, he can go to the lobby and record his vote. His vote would be as valuable as that of Mr. Griffiths, because the clerk from the Secretariat would be as good a Member as Mr. Griffiths and we would have the satisfaction of being able to get a vote for the Government with much less expense than we can have the vote when the Government with in Mr. Griffiths here all the way from Bengal paying him his travelling expenses and a salary of Rs. 2,000 a month from the public treasury. I say with the utmost respect that any hireling would serve the purpose for which Mr. Griffiths has been brought here. As regards speeches, we do not want any from the official Members. I know that Mr. Griffiths made a very good speech, he is a very grand speaker, but all the facts stated by him are wrong. (Applause.) Those who support this Bill may think that what all Mr. Griffiths has said is correct. But I dispute his facts though I admire his speech. I dispute all the facts which he has put forward before the House. Why ? Because what does a District Magistrate ever know about the real heart of India ? How can poor District Magistrates know anything of India ? No Englishman knows Bengali. The Englishmen have got very high intellectual capacity, but they are very dull in learning languages.

**An Honourable Member :** Mr. Griffiths knows Bengali.

**Mr. A. K. Fuzlul Huq :** He knows as much Bengali as I know Japanese. He does not know it. Now, I have not come across a single Englishman except Rev. Carey of Barisal who can claim to know the vernacular of the country. Now, the difficulty is that when these District Magistrates go out into the country they suffer from a great handicap because they do not know the local vernacular. They cannot mix freely with the people and so, it cannot be expected that they would know what grievances the people have. These District Magistrates come into contact only with *chaukidars* and *panchayatdars* who generally mistranslate to them what the poor ryots have got to represent. Well, Sir, in this connection I am reminded of an old story. There was an

old Rajah who was holding his court in the jungles, and the jackals began to howl. The Raja asked, what are all these howlings about ? The courtiers said, " Your Majesty, it is very cold and the jackals are feeling the cold. They are asking for blankets ". The Raja immediately asked, " How many blankets they want ". The courtiers said, " They want blankets which would cost about two lakhs ". The Raja immediately ordered two lakhs of rupees to be paid out of the treasury for the purchase of blankets. When the Raja was holding his court the next day, the jackals again began to howl, when he asked what was the howling about. The courtiers said, " Your Majesty, the jackals are thanking your Majesty for the blankets ". (Laughter.) So when the District Magistrates go to the villages, they listen to whatever the *chaukidars* or the *panchayatdars* have to represent about the grievances of the people and after listening to those stories, the District Magistrate thinks that he has done his duty. With this kind of knowledge, my Honourable friend, Mr. Griffiths or anybody else, may go and hear the grievances of the poor masses, but they do not know the real situation. The real situation is this, that unless and until this top-heavy and most expensive administration is reduced to reasonable limits, unless the voice of the people is heard and honoured, and unless and until the Government is really broadbased on the wishes of the people, there can never be any end to terrorism or Communism or anarchism. Terrorism, anarchism and Communism all naturally grow out of discontent. Go to the root cause and adopt the Unani and Ayurvedic systems of treatment. Feel the pulse of the nation, find out the root cause and prescribe the proper medicine, not quack medicines in the shape of repressive measures which will recoil like the boomerang on those who propose to adopt such remedies. Therefore, I suggest, that you should adopt such acts which will really broadbase the Government on the willing affections of the people as well as eradicate for ever all causes of sedition, disloyalty and discontent.

**An Honourable Member :** What about the salary of the Executive Councillors ?

**Mr. A. K. Fuzlul Huq :** I am not talking here of the salary of any one individual in particular. I am talking generally of the abnormally heavy expenditure in administration. In my own Province of Bengal the expenses on the administration have gone up from five crores to eleven crores. What is the justification for that ? In the Government of India also, the expenses have been jumping higher and higher every year. When I am saying these things, I am not doing so in any carping spirit of criticism. I am saying all these things as one of the best friends of the Government, as one of the best supporters of the Government. If I vote against this measure, it is because I honestly feel that I cannot support a measure of this kind which does not appeal to my conscience. I have carefully considered the provisions of the Bill, I have also considered the various facts and circumstances which have come to my knowledge in the past. I know from personal knowledge how these provisions are being abused by the executive authorities. It is for that reason I cannot find myself able to support this Bill. There is yet time, Sir. Let the Honourable the Home Member consider if the provisions which he wants to introduce in the shape of this special enactment cannot be included in the ordinary law of the land by amending

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the Code of Criminal Procedure and the Indian Penal Code. If that is done, I do not think there can be any objection. But we have certainly got objections to extraordinary measures, because extraordinary measures really prove to be extraordinary remedies. They do nothing to bring solace to the disease, they simply irritate, they simply excite the people. In order to prevent all that, it is necessary that such steps should be taken as will achieve the object in view and at the same time disarm all possible opposition. Sir, I have heard of terrorism, anarchism and Communism and communalism. Let me say as far as communalism is concerned, these particular measures are not at all necessary nor are they justified. Communalism will go when the leaders of the various communities feel that it is enough to stick to one's own faith, that it is wrong to abuse another man's faith and another man's religion. (Hear, hear.) A good Mussalman to be a good Mussalman must have toleration for the faith of others ; so a Hindu, so a Sikh and so a Christian. When we Indians, who are educated, who are born amongst the people and are above the people in knowledge and experience, teach our own people the lessons of toleration, then and then only will communalism disappear. But if some one else intervenes in these domestic quarrels of ours, it only embitters the situation. The third party that comes in is always leaning towards one side or the other. If the first party and the second party choose to quarrel, let them quarrel for some time and everything would be quiet in the end. But if the third party intervenes, they might intervene in such a manner as to raise a suspicion of partiality either towards this party or to that.

**Captain Sardar Sher Muhammad Khan** (Nominated Non-Official) : What about your compromise in London with the Bengal Hindus ?

**Mr. A. K. Fuzlul Huq** : So far as Bengal is concerned, you can leave it to us to settle our affairs. Personally, so far as I am concerned, I have always had the most affectionate love from all my Hindu friends. I have nothing to fear personally, and I think tactfully we will be able to work in harmony with them, whatever may be the Communal Award or whatever may be the decision of Government.

Sir, I do not wish to take up the time of the House. The matter has been discussed for so many days and from many points of view. I am only asking the Honourable the Home Member to consider if even now he cannot think of amendments in the Act which may meet to a certain extent the wishes of the various groups in this House. If he is adamant I can only say that even those like us who do not wish ordinarily to embarrass Government will have no other alternative but to vote against the Bill. Government certainly will have the power to certify, but Government by certification is certainly not a thing to be desired ; and I, therefore, once more ask him to consider whether the additional powers which he wants to take cannot be introduced into the ordinary law of the land. Sir, I do not think I need take up the time of the House ; I feel that, as at present advised, I have no other alternative but to oppose this measure.

**Moharaja Kumar Vijaya Ananda Gajapatiraj** (United Provinces : Landholders) : Sir, I have carefully looked into the proposals of the

present Bill. In this Hall, we meet together to square up differences, and one can fairly presume that intolerance to a differing opinion will weigh in favour of the Bill.

I need not take up much time by pointing out that the proposal to continue some of the provisions of the Act of 1932 is in a much modified form. The Government of India have recognised that safety and execution of duties of public servants need no longer any special law for their protection, that rumours are no longer to be feared, that discipline of boys and wards have become normal, and such other activities may safely be left to themselves. In the Statement of Objects and Reasons, three matters are intended to be continued by giving them a permanent form.

The first of these is picketing. I hope it will not be out of place to narrate a little incident of my own. When in 1930, the world-renowned cricketers, Hobbs and Sutcliffe, my guests, offered to play their first innings at Benares, more than ten thousand people were glad to witness the game. I do not know how the local Congressmen had a bee in their bonnet to organise picketing against the show, and picketing commenced. I assured the local Congress authorities that no political odour should be given to the affair, and picketing was stopped. Good sense prevailed.

I recall this incident to say that there is scope for mutual understanding. I would have been glad to see section 7 of the Act of 1932 also modified. But I, rather too cautious for my age, have weighed some considerations which I beg to place before this House. I say this in the same spirit as I took up when I wrote to the Benares Congress authorities.

This Act was passed on the 7th December, 1932. The Honourable the then Home Member's last remarks contain the following words : " If the menace which is typified in the Civil Disobedience Movement is once removed—and the passing of this Bill will contribute powerfully to remove it—then we can go forward with confidence into the new era." Opinions may be widely divergent as to the dawning of the new era, but that the Act of 1932 has powerfully contributed to remove the agitation cannot for a moment be disputed. It is one of the truisms of political philosophy that " we base our legislation on the expert interpretation of our environments. . . . . The solutions proposed make their way successfully only as they represent an interpretation of experience sufficiently akin to our own to be valid for us ". Now that the environment has changed, the Government have, by repealing some of the drastic provisions, interpreted that change. I humbly submit that successful as the Government have been, can we truly interpret the present situation by saying that the Government were wrong in their legislation in 1932 ? If one can, let him dare. I cannot. For the life of me, I cannot shut my eyes to the obvious facts. From that point of view, to me the question has narrowed down into one—how much power should still remain with the Government ? For my part, I can say that clause (b) of section 7 (1) can be modified in view of the altered environment.

The second question is that of unlawful associations. I can understand those who are outside this Legislature and have no faith in evolution or constitutional progress. But it is inconsistent why my colleagues



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who do not deny the existence of terrorism and yet do not propose any alternative measure to tackle with unlawful associations. I have heard with surprise a respected and experienced legislator expressing the other day in this House that the Government is not our Government. I recall with respect an observation of the late Mr. Gokhale, of course, when I was a baby in arms, that after all this Legislature was our Legislature. There is enough scope for differing opinions trying to gain power in this Legislature, and the Government is carrying on, on the law of this Legislature. If the Government be not our own, I do not for a moment appreciate the value of thousands of questions and scores of resolutions brought up. Similarly, if the Government be not our own, why object to the legislation for unlawful associations? Is it not simply because, the Government have, as Government, found terrorism having its root in unlawful associations? We as legislators have our duty in that behalf. If we object to the present law, it is up to us to suggest an alternative.

The third set of powers are against the press, which is after all, the voice of the people. I am the last person to support stifling reports of events or fair criticism. But in this matter also, the only available remedy is to suggest amendments to modify the existing law. In the absence of such suggestions, the men in power will continue in their course.

When talking about fair criticism, I should refer you to some of the recent papers of our country. The *Bombay Sentinel* of the 4th September has pitied the mentality of the Honourable the Home Member and compared his methods to that "of the Bourbons in France and Tsarist regime in Russia". The *Searchlight* of the 1st September has an editorial on the I. C. S. men in Judicial Service and in course of that article, observes: "The truth is that the whole system of judicial administration is defective from top to bottom and a thorough overhauling is needed to put things right". The *Advance* of the 5th September has, in supporting a recent judgment of Mr. Justice Lort-Williams, criticised this present Bill trenchantly and forcefully; but historically and philosophically. The *Forward* of the same date observes that: "His Excellency was ill-advised in disallowing the adjournment motion of the Honourable Mr. Akhil Chandra Dutta". The *Daily News* of Nagpur of the 4th September, in its editorial, had hard words against the Honourable the Finance Member such as "Sir James is just putting his statistics into his pocket and talking in air". "He is not a free agent and the City of London thinks for him".

I have compiled this selection to show that fair criticism is allowed and there is a way for both sides to make up. I do not see why there should be greater desire for press comment than this by the Opposition. That is my humble submission.

I regret I have to bring in another personal sentiment into this game of politics. Sir, it is regrettable that during the Civil Disobedience Movement, the premier Cricket Tournament which is called "the Quadrangulars" was abandoned for three years in Bombay. Had it not been abandoned, much of the bad humour of the hitters and bowlers on both sides of this House would not have been in evidence, and now I

have joined in this debate, because I cannot reasonably play the role of a mere spectator. As the Honourable the Home Member is rather satisfied with the suspension of the Civil Disobedience Movement, I leave it aside. But the game played in this Movement was not cricket. One thing, I may allude to, *viz.*, the no-tax campaign. There has been too much "body-line" stuff in this political field in our country, and if a new law is necessary to prevent the corruption of the game, everybody in this House should welcome it.

Another very important question has occurred to me. Of course, it has seemed important to me. Is it not a fact that this Government is handing over these powers to a new set of men who are coming into office—whoever they may be? Has not the Government sufficient justification for recognising that differences in "political, economic or religious views" lead to annoyance? Has not the Government reason to fear "constantly recurring outbursts of communal feeling"? Facts are there, and none can blink at them.

I may be called an alarmist. But I am still in the habit of taking my lesson from those who have experience and opportunity. Recently I came across an article in the latest issue of the *Political Quarterly* from the pen of Captain the Right Honourable Wedgewood Benn, whose sympathies for Indian aspirations are well-known. I take the liberty of culling a few observations from his article "Outlook on the Indian Reforms":

"It is true to say that little has been heard of the most important of all forces—popular Hindu opinion, and that little has been ignored..... 'Working the Constitution' may mean two things. It may mean merely a willingness to stand for election, but its real meaning is willingness to form or support Indian Ministry. That Indians will be found to accept portfolios, of course, goes without saying."

Referring to Congress candidates, he observes:

"If they can succeed in shaming Indian Ministers into relinquishing their responsibilities, they will be happy. The issue which they wish to keep before the public—that of Britain *versus* India—will be most clearly presented, of course, if they can force the Governors into the use of the autocratic powers which they now possess in an unprecedented degree..... It is to be hoped that the Indian Assemblies will be willing to assume the responsibilities for safeguarding what is a prime Indian interest, the preservation of peace and quiet in their streets and fields."

In my humble opinion, the problem before the Indian politicians is whether they will start from the *status quo*, and themselves bring about a happier environment, or continue in futile methods and endless agitation. I think the Congress Party can alter the law to a workable formula, and themselves be the administrators of the future, if wisdom prevails.

No one will be happier than myself if, by our conduct, no occasion is afforded to any one to use the powers of the proposed law, and this law remains a forgotten chapter.

With these few words, I wish to resume my seat and support the Honourable the Home Member.

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, it is needless to say that I rise to oppose the motion for the consideration of the Bill. So far as the Government and some of the Honourable Members who have supported them are concerned, they may treat this Bill as a mere administrative

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device for the maintenance of order under coercion. Some of them may look upon it only in a light spirit of frolicsome frivolity. But so far as I and those of my way of thinking are concerned, it gives rise to momentous issues. It is nothing short of an outrage on the cherished acquisitions, the cherished possessions, and the cherished institutions of modern age and civilization. Take away the right of freedom of thought, take away the right of freedom of expression, take away the right of freedom of association : just ignore the achievements of science, its discoveries and inventions ; and what is left of modern civilization ? What is, above all, the greatest achievement of the modern age and how has it been attained ? Is it not only through the clash of ideas and through the impact of mind upon mind that humanity has been progressing and steadily advancing forward ? I oppose this measure, because, in its effect to maintain artificial calm, it is creating, at all events even if it succeeds, the peace of the desert as Lord Irwin once said, or a fettered and muzzled India as Lord Morley had said on a previous occasion. Sir, is it not a tragedy and an irony that in this year of Grace 1935 such a Bill should be placed before this House ? I am reminded, Sir, that it is just 100 years almost to a day that Sir Charles Metcalfe, known as the liberator of the press in India, issued orders withdrawing all restraints on the press. I would like just to read out a few sentences from the reply he gave to the deputation which waited on him in the year 1835 for the withdrawal of restraints on the press. This is what he said :

“ It rests with them ” (meaning the critics and opponents), “ to show that the communication of knowledge is a curse and not a benefit, and that the essence of good Government is to cover the land with darkness ; for otherwise it must be admitted to be one of the most imperative duties of a Government to confer the incalculable blessing of knowledge on the people, and by what means can this be done more effectively than by the unrestrained liberty of publication and by the stimulus which it gives to the powers of the mind.”

I would appeal to Honourable Members opposite to give a little thought to those words of wisdom. By what other means can you carry the torch of light in this country ? Sir, we deplore illiteracy, we deplore superstitions, we want to find out remedies for them, we want to carry on a propaganda that may turn even the man who lives in the most remote hamlet in the village into a literate man, we want even the humble dweller of the thatched hut to be an intelligent citizen. We want him to be capable of taking an active interest in the affairs of our country. How can it be done otherwise than by the extension of the activities of the press ?

Sir, before proceeding further, I should like to tell the House that whenever any restraints were imposed on the press, they retarded the growth and extension of printing presses as well as of newspapers and other periodical publications and even of books. As Honourable Members are aware, between the years 1910 and 1920, the press in India was subject to the octopus of the Press Act. In 1921, the Press Act was repealed, and, between 1921 and 1930, the press was free from fetters. The reaction was striking. Sir, between the years 1911 and 1920, when the press was under the Press Act, the rise in the number of presses was from 2,780 to 3,371 an increase of about 600 in 10 years,—or, on an average of 60 per year. When those fetters were withdrawn

in 1921, what was the result ? Between the years 1921 and 1931, the number of presses went up from 3,371 to 6,520, which shows an increase of about 3,200. The number was almost doubled. The growth in the number of presses in two years was more than in the whole of the ten preceding years. Similar was the case with newspapers. The number of newspapers and publications was 2,924 in 1911 as against 3,093 in 1920. Thus, the total increase during this decade was only 169. But, thereafter, between 1920-21 and 1930-31, the number went up to 4,500, with the result that the increase during this decade came to 1,500 in place of 169. Thus, in one single year, after the withdrawal of the fetters, there was a larger addition to the number of newspapers and publications in this country than during the whole of the preceding ten years when the press was under the repressive Press Act. (Cheers from Congress Party Benches.) Let us now look at the number of books published. The number of books published in 1911-12 came to 11,584. And what was the number in 1919-20 ? It was in reality only 11,110. There was thus an actual reduction, a shrinkage to the extent of 500 in the number of books during the period the Press Act was in force. But what was the result when the Press Act was withdrawn ? Between 1919-20 and 1930-31 the number went up from 11,100 to 17,427,—an increase of more than 6,000. Sir, can you have any doubt in your mind in the face of these figures and statistics that restraints on the press are a grave menace and a great hindrance to the diffusion of knowledge and culture, and stand in the way of all the well-wishers of the country and of all those people who are interested in promoting truth, light and learning ?

Let us look back again on the history of the last few years. Sir, as I have just said, but for two short interludes, there were no restraints on the press between 1835 and 1910, when the Press Act was introduced which remained on the Statute-book up to the year 1921. Sir, I should like to remind Honourable Members of the Report that was issued by the Press Laws Committee. I will not repeat what they said. Important extracts from their report have been brought to the notice of the House by some of the speakers who have preceded me. What I want to tell Honourable Members is this : that in July, 1921, when the Press Laws Committee issued its Report, and shortly after when the Press Act was repealed, the commotion in the country was much more grave, much more alive and much more kicking than it is today. At that time, Sir, the Civil Disobedience Movement was almost at its zenith, there were no local laws, and there was no law at all in Bengal for the control of terrorism. Besides, all the political prisoners, whether convicted for violence or for non-violence offences, who had been released in pursuance of the proclamation issued in December, 1919, on the passage of the Montford Act were at large then. Sir, the state of terrorism at that time was much worse than what is said to be today. I think the Home Member, the Government of India and the Secretary of State, all claim jointly and severally that the state of the country, so far as terrorism is concerned, is better, and has considerably improved since. May I know what is the reason for proceeding with a Bill like this at this time of the day when there is undisturbed tranquillity, when, so far as terrorism is concerned, you admit and declare that the position is much better, and when, so far as Civil Disobedience is concerned, it is at least suspended and quiescent. I ask, in all humility, what is the

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justification for proceeding with a measure of this sort today when it was considered proper, appropriate and safe to repeal the Press Act of 1910 in 1921-22. So far as terrorism is concerned, there are provisions in the Bengal Act which are most stringent and rigid. There it is open to the magistrates to issue orders to the printers and editors not to publish anything they do not like, irrespective of its being lawful or unlawful, wholesome or unwholesome. The Bengal Criminal Law Amendment Act contains provisions which do not leave any room for any free activity to any person or journalist in Bengal. Whether those laws are tolerable or not, I am not concerned with. What I am concerned with is only this, that, so far as terrorism is concerned, the remedies that you are providing in this Bill are altogether insignificant, negligible, useless and superfluous in the face of the Bengal Criminal Law Amendment Act, and there is no reason why, in the circumstances, you should plead terrorism as an excuse for putting this Bill permanently on the Statute-book. Then, Sir, may I know what, after all, has been the efficacy, the benefit, the advantage of the last three years' administration of the Criminal Law Amendment Act which is and was intended to expire in December next and will then die an unlamented death? I should like to know what has been the advantage, what has been the consequence, what has been the fruitful sequel to the passing of that measure and its administration for the last three years. It was admittedly an emergency measure. It was devised with a view to treating a passing phase, a temporary malady, and what has been its reaction, and what has been its effect? A malady that was then no more than local, transitory and incidental, has now become chronic, and a permanent, inseparable and unsavoury feature of the body politic. Is not that by itself sufficient for condemning that measure and for throwing it out? There is a proverb among us as to a disease coming on worsening with the treatment. Where the treatment has, after regular trial of three years, proved to be altogether inefficacious, and even harmful, and detrimental to the patient, is it in any way wise to persist in that wrong and erratic course? So, I submit, the Bill should be thrown out, because the parent of the Bill, the existing Act, out of which it has sprung, has proved a monster which may kill, but cannot possibly cure or heal. There is one more reason why I think there is absolutely no justification for this measure. Here I have before me the report of the speech that the late Home Member delivered, while introducing the Criminal Law Amendment Bill in 1932. I have also before me a copy of the Bill which was then introduced with its Statement of Objects and Reasons. It was repeatedly said by the Home Member then that the Government had introduced that Bill only because of the Civil Disobedience Movement. He said :

"The origin of the Bill is very plain. It can be said in two or three words, the civil disobedience movement. It is unnecessary to give a history of that movement."

Further, he went on to say :

"Those Ordinances expired after six months and as the period for their expiry approached, it became evident that we were in no position to discard the weapons with which the civil disobedience movement was being fought. Accordingly, at the end of June the Governor General issued a new consolidated Ordinance. This in its turn will expire at the end of the year. Now, Sir, the problem is, what action are the Government to take. The civil disobedience movement, though its manifestations have

been much curtailed and though I think I can claim that its supporters have lost a good deal of the impetus with which the movement was started, is still in existence and no one can prophesy when it will come to an end. It certainly will not end so long as the leaders still feel that there is any prospect of gaining their objects. Now, Sir, what stands between them and success is mainly the power conferred by the Ordinance and therefore it is the view of Government that the best method of ensuring a speedy end of this movement is to make it clear that the powers with which the movement is being fought will be continued."

As I observed a minute ago, a similar explanation is given in the Statement of Objects and Reasons. Now, the Honourable the Home Member has admitted in his Statement of Objects and Reasons here that the Civil Disobedience Movement is at present in abeyance. He has also withdrawn certain clauses which formed part of the old measure. So far as he is concerned, this Bill has not been introduced in order to provide a ready weapon to meet the menace of Civil Disobedience if it is ever revived and resumed. That is admitted by the Honourable the Home Member himself in the Statement of Objects and Reasons. Sir, in these circumstances, I submit that there is absolutely no justification for this Bill and it is but the outcome of the morbid tendency of the executive which is ever avaricious to retain such arbitrary and autocratic powers as it manages to acquire in moments of crisis. That alone is the reason for this measure. It is easy for them to invent reasons for preserving their autocratic powers, even when those powers are not needed for combating any critical situation. I submit that the reasons that have been mentioned here are merely fictions born of a fertile imagination, as, in fact and in reality, these reasons did not affect the Criminal Law Amendment Bill of 1932. There was no reference to anything of this sort in the Statement appended to the Bill or the opening speech of the then Home Member.

**The Honourable Sir Henry Craik :** No, no. That is not correct.

**Pandit Govind Ballabh Pant :** I am definite. I challenge the Honourable the Home Member to show me the contrary. I have before me the Statement of Objects and Reasons, and I have before me the speeches. I know the Honourable Member will have a right of reply. I have absolutely no doubt that, so far as published literature on the subject goes, the Government had nothing in mind except the Civil Disobedience Movement when this measure was placed on the anvil in the year 1932. Obviously, the question is this, whether, in the present circumstances, it is proper and it is reasonable that a Bill of this sort should be placed before the House. I do not care if a slip here or a word there is pounced upon by the Honourable Members opposite who seem to be helpless and confused, but the exponents of official view then made it abundantly clear that they were not actuated by any other motive except that of meeting and combating the Civil Disobedience Movement when they introduced their Bill in 1932. But, Sir, that is not all that I have to submit. I should like to know what are the reasons then for this measure. Government want it to be permanently lodged in the Statute-book. I want Honourable Members to remember that it is not an emergency measure to tide over a crisis. It is, so far as the present Government is concerned, to form, if their object can be carried out, an integral part of the Statute-book of this country for all time to come. Among the fantastic reasons advanced in support of this measure, there is one which seems to surpass all others in its amazing nature. I have not heard anything more astounding, and had it not been a hard fact, I would be loath to

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accept, even as regards the Government of India, that they were capable of such stupid audacity. They say that it is to prepare the country for responsible Government that they want to impose fetters on the press. I have not heard anything more ridiculous, more ludicrous, more perverse and more untrue in any argument in my life. Sir, what does responsible Government mean? The press provides the lungs and arteries to the body politic. Responsible Government sways and swings in the enlivening breeze which only a free press can produce and generate. Take that live force away, and what is left except blank dullness, foolish obstinacy and a nauseating sense of complaisant self-sufficiency for those who are commissioned to carry on the administration of the country. Has anybody ever heard of responsible Government with dictatorial powers in the hands of the Government, and can there be absolute powers of a more comprehensive and far-reaching type than those provided in this Bill? Assume for a moment that you form a responsible ministry in a province and arm them with this Bill. I say, if they have a little grain of sense in them, they can perpetuate their existence. I have no desire to get into those offices. They may be beyond my reach or outside the scope of my will or ambition, but I have no doubt, that a politician cannot conceive of a better weapon, and a better instrument for the perpetuation of his hold and grip than the powers which this Bill provides. What is the scope of this Bill? Government can declare any association unlawful. It may be even the European Association and, if I am in power tomorrow, perhaps Mr. James will think twice before equipping me with this power. Or it may be the Indian Civil Service Association, and I may declare it unlawful, for there is no control, no restraint, and no appeal. There is no other authority to which you can appeal against my decision. What I say is absolute: what I do is final. I can suppress any press. I can call for security. I can forfeit the security of any press on the pretext of any one of the innumerable grounds mentioned in section 4. I do not care to read out that section at this stage. I may have to do it later, but one of the things provided there is incitement to disaffection, and disaffection was defined by one of the High Court judges, Sir John Strachey, as want of affection. If I am a Minister, and if any Member on the other side says anything that, instead of promoting affection on the part of other people towards me, tends even indirectly to drain their ardour for me, it will be within my competence to crush that press and to call for security from that paper. Well, Sir, could I desire for more if I wanted to be a Hitler or a Mussolini? I think you are doing the gravest injustice to the intelligence of this country and also the cause which you seem to espouse by placing this Bill on the table of this House. Then, Sir, I do not know how you will interpret and enforce these things. Charlie Chaplin was hauled up in the divorce Court by his wife on the ground that he had been guilty of hatred towards her. Plain Charlie protested in naive earnestness that his affection for his wife was unbounded and he had never been guilty of any lapses. But it was of no avail to him and the divorce was decreed. I do not know how publicists and public men will manage to protect themselves against such charges of disaffection against them, whether by the existing Government which has never made any secret of its animosity for them or by their successors that may follow hereafter.

There is yet another aspect which seemed to me to be still more strange. Example is better than precept. The Honourable the Home Member and his fraternity want us to trust the Ministers and the Governments of the future implicitly and to surrender to them the most valued rights and privileges in advance: but how have they themselves behaved? I do not know if Mr. Griffiths is here. The safeguards, even as they appear in the Government of India Act in their final form, do not satisfy some of the members of the Indian Civil Service, at least in Bengal, who held out a veritable threat which, when the Bill was in the last stage in the House of Commons, caused a little flutter at the time, even in the ranks of the bureaucracy in this country. Sir, may I put a question to the Honourable the Home Member as well as to others in his fold. So far as the Imperial Services are concerned, they cannot trust the Ministers. The Ministers should not even touch them. The Secretary of State alone will have exclusive control of the Imperial Services. Even the Governor General cannot be trusted, leave aside the Ministers. Even the Secretary of State cannot be trusted. Unless his advisers representing the Services support a change by a majority, even the Parliament will not sanction any amendment of service rules or conditions. Sir, even in the matter of postings, the Minister has got to go to the Governor and to appeal to him. He has to pray to him to get Mr. Griffiths appointed to Midnapore or some other place, and, so far as the medical services are concerned, no Indian can be appointed to certain reserved posts even by the Governor. Well, Sir, does that indicate the confidence of the bureaucracy in the Governments of the future? Is it just on their part to ask us to trust these Governments and to place the most valued rights which alone constitute life worth living at the sweet mercy and disposal of these discredited suspects? Is it sincere? Can hypocrisy go further? Can dishonesty go further? I ask the bureaucracy now and here—what justification have they to force us to surrender to the mysterious, to the obscure, to the unknown and the unknowable Ministers of the future the most valued heritage, the most cherished fundamental rights which form the very basis of civilised existence? How dare they impose these fetters on this country, while keeping themselves strictly and meticulously and completely out of the orbit and influences of these Ministers? (Loud Applause.)

Sir, I am reminded of a story I once read. There were two fine cousins, Eve and Mary. Eve was younger, but had two divorces to her credit. They had a common friend, John, with a hare-lip and squint eyes. John wanted to marry, and Eve very seriously, very earnestly, very persuasively suggested it to Mary that she should marry John. Mary gently said: "you have greater experience of married life, you have already had two husbands. John has queer looks. Why don't you marry him?" Well, for some time, Eve beat about the bush, but ultimately she gave out the truth. "My dear Mary, your parents were married only once. Your grand-parents were married only once. You are, by nature, by heredity, faithful. So far as I am concerned, my mother was the third wife to my father, and my father was the third husband to my mother. (Laughter.) So it won't be safe for me to marry such a husband. Besides, Mary, I know you want a husband, so that you may serve him, and I want a husband so that he may serve me. So, so far as you are concerned, John will be safe and you will be happy. But if I were to enter into this alliance,

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both of us will be unhappy. But I will be prepared to help you both, and I will make full use of either or both of you on every occasion for any purpose I like and choose." (Laughter.) That, Sir, is the state of affairs that obtains in this country. It is very well to suggest to us, to the innocent Marys in this country, to marry hare-lipped and squint-eyed Johns, so that the shrewd and the astute Eve may always be able to command the services of both to her heart's content. (Laughter.) Are we really such credulous, stupid fools? And, then, Sir, what is happening today? How are the high and mighty behaving? Do you know how the constituencies are being delimited? Do you know how the Delimitation Conferences and Committees are being formed? Do you know in how many diverse ways efforts are being made to manage and manipulate things, so that the Bureaucracy may ever continue to rule, and, while the mask and figure may be of an Indian, the power may always rest and vest in the hands of the European?

**Mr. President** (The Honourable Sir Abdur Rahim): Would the Honourable Member like to stop here and resume his speech tomorrow?

**Pandit Govind Ballabh Pant**: All right, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): The House stands adjourned till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 11th September, 1935.

## LEGISLATIVE ASSEMBLY.

Wednesday, 11th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### SUPPLEMENTARY QUESTIONS AND ANSWERS.

#### REFUSAL OF PERMISSION TO MR. MOHAN LAL SAKSENA TO VISIT THE CELLULAR JAIL AT PORT BLAIR.

**Mr. Sri Prakasa**: Sir, I have got my supplementary questions to question No. 240 which you kindly allowed to be put today. May I put them now?

**Mr. President** (The Honourable Sir Abdur Rahim): Yes.

**Mr. Sri Prakasa**: It is a long list, but I have supplied a copy of these questions to the Honourable the Home Member, so he should not have any difficulty in answering them.

Do the papers laid upon the table of the House contain all the documents pertaining to the correspondence between the Home Member or his Government and Mr. Mohan Lal Saksena and the Honourable Mr. Chetti?

**The Honourable Sir Henry Craik**: The papers which were laid upon the table contain the whole of the correspondence with Diwan Bahadur G. Narayanaswami Chetti. I only laid one letter of Mr. Mohan Lal Saksena on the table, because that was all I was asked for. To the best of my recollection, the whole of the correspondence was published in the press.

**Dr. Ziauddin Ahmad**: I rise on a point of order, Sir. Other Honourable Members are handicapped, because we do not know the contents of the correspondence that was laid on the table, and, therefore, we cannot follow the supplementary questions.

**Mr. President** (The Honourable Sir Abdur Rahim): These supplementary questions are with reference to a question that was answered yesterday.

**Dr. Ziauddin Ahmad**: These supplementary questions are with reference to certain papers which were laid on the table and those papers are in possession of one Honourable Member.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair takes it that the papers which are laid on the table of the House are open to all Honourable Members.

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LEGISLATIVE ASSEMBLY.

[11TH SEP. 1935.]

**Mr. Sri Prakasa :** I should like to know from the Home Member whether he would prefer me to put one question at a time or shall I put all the questions at one time ?

**The Honourable Sir Henry Craik :** It would be convenient if the Honourable Member puts one question at a time.

**Mr. Sri Prakasa :** Did the Honourable Mr. Chetti have an interview with Mr. J. S. Smyth, the Chief Commissioner of the Andamans, at the Home Member's residence as desired in the letter of the Government of India (Home Department), No. 1316/33-Jails, dated the 30th October, 1933 ?

**The Honourable Sir Henry Craik :** As I was not Home Member or in possession of the Home Member's residence at the time, I cannot say.

**Mr. Sri Prakasa :** Did the Honourable Mr. Chetti disclose to Mr. Smyth the reason of his desire to visit the Andamans, and was Mr. Smyth satisfied that Mr. Chetti would go with an open mind, and was the right sort of person to be permitted to visit Port Blair ?

**The Honourable Sir Henry Craik :** I do not know whether the interview took place. But if it did take place, I do not know what happened.

**Mr. Sri Prakasa :** Did the Honourable Mr. Chetti avail himself of the permission given to him to visit the Andamans in the Government of India (Home Department) letter No. D-1451/33-Jails, dated the 20th November, 1933, and the advice offered to him regarding the exact steamer by which he should travel ?

**The Honourable Sir Henry Craik :** He had to postpone his visit which he had intended to make sometime in November 1933 till later for private reasons.

**Mr. Sri Prakasa :** When did Mr. Chetti actually visit the Andamans ? Did he ask for permission again before going there ? If so, will Government inform the House of the exact nature of the communication and the date thereof ?

**The Honourable Sir Henry Craik :** He visited the Andamans in April, 1935. I received no communication from him before he went there.

**Mr. Sri Prakasa :** Did Government themselves inform Mr. Chetti of the earlier permission accorded to him to visit the Andamans after receiving Mr. Saksena's requisition ? Was the advice repeated that he may visit the Andamans and was the steamer by which he might travel also prescribed ?

**The Honourable Sir Henry Craik :** Not as far as I am aware.

**Mr. Sri Prakasa :** Was the permission of 1933 of a nature that was good for all time ? Did Mr. Chetti inform the Government that he was going to the Andamans before he actually went ? Did he keep in touch with Government and their officers in the Andamans during his visit ?

**The Honourable Sir Henry Craik :** I have no information on that point.

**Mr. Sri Prakasa :** Was some official always present with Mr. Chetti when he was carrying on his investigations, and had he any opportunities of independent inquiry ?

**The Honourable Sir Henry Craik :** That, again, I have no information about.

**Mr. Sri Prakasa :** Did Mr. Chetti send a report on the results of his visit of his own initiative or was he requested by Government formally or by any official orally to send his report ?

**The Honourable Sir Henry Craik :** He sent it on his own initiative.

**Mr. Sri Prakasa :** What words of Mr. Saksena in his letter made Government fear that he was not likely to make impartial inquiries ? What words of his gave Government the idea that he accepted as true the complaints that had reached him ? Does not the very fact that he wanted to make sure of the conditions at Port Blair by a personal visit prove that he did not accept the complaints as necessarily true ? Did he not say that he only wanted to see things for himself and bring them to the notice of Government ?

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member must wait for the answer.

**The Honourable Sir Henry Craik :** (After a pause.) I am sorry, but I thought your ruling was that the question contained arguments.

In regard to that question, I have nothing to add to what I wrote in my letter which I laid on the table yesterday.

**Mr. Sri Prakasa :** Did the Honourable Member object to Mr. Saksena on the ground that he went there as a self-appointed visitor ? What was the position of Mr. Chetti when he submitted his report ?

**The Honourable Sir Henry Craik :** The same position as before.

**Mr. Sri Prakasa :** What opportunities have persons confined in the Andamans to make complaints to authority ?

**The Honourable Sir Henry Craik :** I do not think that arises, but, as a matter of fact, they have opportunities as the Deputy Commissioner is bound to visit the jail from time to time and receive complaints.

**Mr. Sri Prakasa :** Are prisoners assured of protection from all harm if they make such complaints ? Are any complaints suppressed by jail authorities ?

**The Honourable Sir Henry Craik :** I do not think so.

**Mr. Sri Prakasa :** You do not think that any protection is afforded to them ?

**The Honourable Sir Henry Craik :** Yes, protection is afforded to them ; but if the complaints are completely false, they are punished.

**Mr. Sri Prakasa :** When the Deputy Commissioner visits the jail, is he not accompanied by jail officials and is it possible for a prisoner to complain frankly when the jail official is present ?

**The Honourable Sir Henry Craik :** My experience is that prisoners are not deterred by the presence of jail officials and they make complaints freely.

**Mr. Sri Prakasa :** As one who has been a prisoner, my experience is quite different. Have any complaints reached Government about the conditions in the Andamans during the years 1933, 1934 and 1935 ? If so, how many and did Government investigate into them ?

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**The Honourable Sir Henry Craik :** Sir, does that arise in any way out of any answer that I have given ?

**Mr. T. S. Avinashilingam Chettiar :** At whose expense did Mr. Chetti travel to Andamans ?

**Mr. Sami Vencatachelam Chetty :** May I ask, Sir, if there is any time-limit fixed for permission to go to the Andamans ?

**The Honourable Sir Henry Craik :** I do not know if that question has ever arisen before. It depends upon the circumstances of each case.

**Mr. Mohan Lal Saksena :** Is it a fact that Diwan Bahadur Narayanaswami Chetti sent two letters and two reports to the Government of his visit regarding the inspection of Port Blair ?

**The Honourable Sir Henry Craik :** He wrote more than one letter as far as I remember, but he sent only one report.

**Mr. Mohan Lal Saksena :** A communiqué was issued by the Home Department giving both letters and that appeared in the Press also ?

**The Honourable Sir Henry Craik :** He sent only one report, but we have had more than one letter.

#### QUESTIONS AND ANSWERS.

##### HINDU, BUDDHIST AND MUHAMMADAN MONUMENTS IN THE SOUTHERN CIRCLE, MADRAS.

257. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will Government be pleased to place on the table a list of Hindu, Buddhist and Muhammadan monuments in the Southern Circle, Madras ?

(b) Will Government state how many of these monuments have been vested under the supervision of Government according to the Preservation of Monuments Act ?

(c) How many of such monuments are Hindu, Buddhist and Muhammadan ?

(d) What are the monuments that have not yet been taken by the Department of Archæology for conservation and protection under the said Act ?

(e) What action has been taken till now, or is proposed to be taken hereafter, by the Superintendent of Archæology, Southern Circle, Madras, in the above matter ?

(f) Is it a fact that the most important Pallava Monuments in the Seven Pagodas and Conjeevaram are going to decay, and if so, what action has been taken by the Superintendent of Archæology, Southern Circle, Madras, in the matter of their preservation ? If no action has been taken till now, why not ?

(g) Do Government now propose to take the necessary action ?

(h) Is it a fact that the inscriptions on the Pallava Monuments in the Seven Pagodas and Conjeevaram are becoming obliterated ?

(i) Has the attention of Government been called to that point ?

(j) Does the Superintendent, Archæology, Southern Circle, propose to take measures to preserve them from decay ?

**Sir Girja Shankar Bajpai :** (a) It is not possible to comply with the Honourable Member's request as Government only have a list of the monuments that they have protected.

(b) and (c). 347, of which 226 are Hindu, 19 Buddhist and 15 Muhammadan.

(d) A list of the monuments which Government think might be but have not been taken over is laid on the table.

(e) Until the financial position improves, the Department cannot assume responsibility for additional monuments.

(f) and (g). Such decay as is due to natural causes beyond human control cannot be checked. Ordinary repairs to these monuments are undertaken by the Department through the Public Works Department. The question of making certain special improvements to the Seven Pagodas is engaging attention.

(h), (i) and (j). Most of these inscriptions are protected and Government are not aware that any damage has been done to these inscriptions apart from what is due to such exposure as cannot be prevented.

*List of Ancient Monuments selected for Conservation in the Madras Presidency, not yet declared protected*

| No. | District.    | Locality.       | Name of Monuments.                                                  |
|-----|--------------|-----------------|---------------------------------------------------------------------|
| 1   | Guntur .. .. | Santaravuru ..  | Ramalinga and Chennakesava temple.                                  |
| 2   | Do. .. ..    | Chinnaganjam .. | Chidambara temple.                                                  |
| 3   | Do. .. ..    | Do. .. ..       | Buddhist remains in a mound.                                        |
| 4   | Do. .. ..    | Peddaganjam ..  | Bogandani Dibba with Buddhist remains.                              |
| 5   | Do. .. ..    | Malkapuram ..   | Nandi slab with inscriptions in front of Visvesvara temple.         |
| 6   | Do. .. ..    | Chejerla .. ..  | Kapotesvara temple with a chaitya as shrine and sculptures.         |
| 7   | Do. .. ..    | Kondavidu .. .. | The hill fort and buildings therein.                                |
| 8   | Do. .. ..    | Do. .. ..       | Gopinatha temple and inscribed pillar at the foot of the hill fort. |
| 9   | Do. .. ..    | Kanuparti .. .. | Hindu sculptures in white and black stones.                         |
| 10  | Do. .. ..    | Do. .. ..       | Isvara temple.                                                      |
| 11  | Do. .. ..    | Amaravati .. .. | Amarasvara temple.                                                  |



| No. | District.       | Locality.             | Name of Monuments.                                                                                                              |
|-----|-----------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------|
| 12  | Guntur .. ..    | Garikapadu ..         | Buddhist remains in a mound.                                                                                                    |
| 13  | Anantapur ..    | Uravakonda ..         | Mallikarjuna temple.                                                                                                            |
| 14  | Chingleput ..   | Conjeevaram ..        | Kamatchi Amman temple.                                                                                                          |
| 15  | Do. .. ..       | Do. .. ..             | Varadaraja Perumal temple.                                                                                                      |
| 16  | Madura .. ..    | Kilakudi .. ..        | Jain statues and rock inscriptions on Sattipoduvu caves on the Usmanamalai Hill.                                                |
| 17  | Do. .. ..       | Do. .. ..             | Similar statues and inscriptions on the top of the same hill at Pechipallam above Aiyar temple.                                 |
| 18  | Do. .. ..       | Madura .. ..          | Meenatchi Amman temple.                                                                                                         |
| 19  | Do. .. ..       | Do. .. ..             | Teppakulam.                                                                                                                     |
| 20  | Do. .. ..       | Do. .. ..             | Gudal Alagar Perumal temple.                                                                                                    |
| 21  | Do. .. ..       | Do. .. ..             | Nanmaithruvar koil, western gateway containing works of art both in and outside including the carving of a tank on the ceiling. |
| 22  | Do. .. ..       | Do. .. ..             | Annakuli mandapam containing big statues buried under the ground.                                                               |
| 23  | Madras .. ..    | Yanamalai ..          | Jain cave with inscriptions and other remains.                                                                                  |
| 24  | Do. .. ..       | Do. .. ..             | Narasimha temple with inscriptions.                                                                                             |
| 25  | Do. .. ..       | Alagarkoil ..         | Fort enclosing the temple.                                                                                                      |
| 26  | Do. .. ..       | Do. .. ..             | Remains of Tiramal Naick's Palace.                                                                                              |
| 27  | Do. .. ..       | Do. .. ..             | Temple with Hanuma-tirtham tank.                                                                                                |
| 28  | Do. .. ..       | Palni .. ..           | Temple on the Idumbarmalai.                                                                                                     |
| 29  | Do. .. ..       | Kongarapuli-yangulam. | Panchapandava beds and Brahmi inscriptions in the cavern on the hill.                                                           |
| 30  | Do. .. ..       | Kuppalanattam ..      | Jain sculptures on the hillock.                                                                                                 |
| 31  | Do. .. ..       | Vikramangalam ..      | Temple at Koilpatti.                                                                                                            |
| 32  | Trichinopoly .. | Samayapuram ..        | Sojesvara temple.                                                                                                               |
| 33  | North Arcot ..  | Devikapuram ..        | Brinadambal temple.                                                                                                             |
| 34  | Do. .. ..       | Do. .. ..             | Kanakagirisvara temple.                                                                                                         |
| 35  | Do. .. ..       | Brahmadesan ..        | Chandramouleavara temple.                                                                                                       |
| 36  | Do. .. ..       | Do. .. ..             | Rudrakotesvara temple.                                                                                                          |

| No. | District.      | Locality.      | Name of Monuments.                                      |
|-----|----------------|----------------|---------------------------------------------------------|
| 37  | North Arcot .. | Ukkal .. ..    | Vishnu temple.                                          |
| 38  | Do. .. ..      | Padavedu ..    | Hanuman temple.                                         |
| 39  | Do. .. ..      | Nelvoy .. ..   | Rama temple.                                            |
| 40  | Do. .. ..      | Sholavaram ..  | Siva temple.                                            |
| 41  | Do. .. ..      | Pudupadi ..    | Bharadwajesvara temple.                                 |
| 42  | Do. .. ..      | Sholinghur ..  | Padampuram temple.                                      |
| 43  | Do. .. ..      | Tirakkol .. .. | Boulder stone containing inscriptions and Jaina images. |

**Prof. N. G. Ranga :** Are Government aware that Amaravati and Bhattiprolle monuments which are supposed to be protected under this Act are really in a very bad condition because of official neglect ?

**Sir Girja Shankar Bajpai :** I do not admit the suggestion that there has been official neglect. I have really no information regarding these two monuments, but I shall make enquiries.

**Prof. N. G. Ranga :** Are Government bringing any more monuments within the purview of the Ancient Monuments Preservation Act ?

**Sir Girja Shankar Bajpai :** I have already answered that question. I have said that until the financial position improves, Government do not propose to assume responsibility for any additional monuments.

#### DISCOVERY OF PAINTINGS AT CERTAIN TEMPLES AT CONJEEVARAM AND TANJORE.

258. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Are Government aware of the fact that some old and interesting paintings have been discovered in the Kailasanathar Temple at Conjeevaram, the Brihadiswara Temple at Tanjore and the Jain temple at Tirupparuttikundram near Conjeevaram ?

(b) Is the Superintendent of Archaeology, Southern Circle, making any attempts to preserve them from decay ? If not, why not ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) Of the three temples mentioned by the Honourable Member only the Kailasanathar Temple is a protected monument. But as it is privately owned and in religious use, the scope of any measures for the preservation of the paintings thereon is necessarily limited. Negotiations for making the other two temples protected monuments are in progress.

**Mr. C. N. Muthuranga Mudaliar :** Has any negotiation been carried on with the trustees of Kailasanathar Temple so as to give greater scope for preservation of the inscriptions ?

**Sir Girja Shankar Bajpai :** I understand that the Superintendent of the Circle concerned is in negotiation with the Trustees ?

**Mr. M. Ananthasayanam Ayyangar :** What is the amount spent per year on the preservation of all the monuments in the Madras Presidency ?

**Sir Girja Shankar Bajpai :** I want notice of the question.

#### DISCOVERY OF BUDDHIST IMAGES AT NEGAPATAM.

259. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Are Government aware of the fact that a fresh find of a large number of Buddhist images was recently discovered at Negapatam ?

(b) Does the Superintendent of Archæology propose to explore the site fully ? If not, why not ?

(c) Do Government propose to acquire the site and carry on excavations ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) and (c). No, as further digging of the site after the finds referred to did not reveal anything of archæological interest.

#### RESULTS OF EXCAVATIONS AT NAGARJUNAKONDA IN THE GUNTUR DISTRICT.

260. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will Government be pleased to state the action taken by the Superintendent of Archæology, Southern Circle, Madras, in placing before the public the results of the excavations that were carried on at Nagarjunakonda in the Guntur District ? If no action has been taken, what are the reasons for not doing so ?

(b) Will Government be pleased to lay on the table a list of the various publications of the present Superintendent of Archæology, Southern Circle, Madras, on Hindu, Buddhist and Muslim archæology and architecture ?

(c) Do Government consider such publications as an essential qualification and integral part of the official routine of the various officers in the Department of Archæology ?

**Sir Girja Shankar Bajpai :** (a) A preliminary account of the excavations at Nagarjunakonda was published by the Director General of Archaeology in India in the principal Indian newspapers in 1930. The question of entrusting the preparation of a full report of the excavations to Mr. A. H. Longhurst, formerly Superintendent, Archæological Survey, Southern Circle, who himself conducted the excavation and the distinguished archæologist, Dr. J. Ph. Vogel of Leiden has been under the consideration of the Director General of Archæology in India for some time past.

(b) No separate publications have been issued by the present Superintendent but he has regularly contributed to the Annual Reports of the Archæological Department.

(c) Every officer of the Department is expected to be able to write about the subject in which he is a specialist.

**Prof. N. G. Ranga :** Is it a fact that some of the finds are proposed to be sent to the Madras Museum and the London Museum ?

**Sir Girja Shankar Bajpai :** I am not aware of any proposal for sending any of the finds to the London Museum, but, so far as the allocation to the Madras Museum is concerned, I shall supply my Honourable friend with a copy of Government orders on the subject which indicate the principles on which such allocation takes place.

**Mr. C. N. Muthuranga Mudaliar :** With regard to the answer to part (a), for how long has this been under the consideration of the Government and when it will materialise ?

**Sir Girja Shankar Bajpai :** The finds, or rather the process of finding, was completed in 1931, and, inasmuch as it has not been possible to arrange for the bringing out of a book because the terms have not yet been settled with Dr. Vogel, I cannot say how long it will take.

**Prof. N. G. Ranga :** In view of the fact that these finds are of special interest to the Andhras in the Andhra country, will Government consider the advisability of keeping as many of these finds as possible in the Bezvada museum and the rest of them preserved at Nagarjunakonda alone ?

**Sir Girja Shankar Bajpai :** I have already explained to my Honourable friend that there are regular orders indicating the principles on which distribution takes place. I cannot give my Honourable friend an undertaking about keeping these finds in the Bezvada Museum, but I will have the suggestion considered.

**Prof. N. G. Ranga :** Are proper steps being taken for the preservation of these finds at Nagarjunakonda ?

**Sir Girja Shankar Bajpai :** Of course.

**Mr. C. N. Muthuranga Mudaliar :** Are these annual reports referred to in answer to part (b) available in the Library ?

**Sir Girja Shankar Bajpai :** No separate publications have been issued by the present Superintendent, but he has regularly contributed to the annual reports of the Archæological Department.

**Mr. C. N. Muthuranga Mudaliar :** Are these annual reports available in the Library of the House ?

**Sir Girja Shankar Bajpai :** I should think so.

**Mr. C. N. Muthuranga Mudaliar :** With regard to the answer to part (c) that you expect every officer of the Department to write about the subject in which he is a specialist, may I ask whether the officers have been doing so, so far ?

**Sir Girja Shankar Bajpai :** I have already answered that in reply to part (b) that the Superintendent of Archæology has been regularly contributing to the annual reports.

#### TECHNICAL QUALIFICATIONS OF THE SUPERINTENDENT OF ARCHÆOLOGY, SOUTHERN CIRCLE, MADRAS.

261. **\*Mr. C. N. Muthuranga Mudaliar :** (a) With reference to answer to part (c) of question No. 1537, answered on Friday, the 5th

April, 1935, will Government be pleased to state whether Indians qualified both in archæology and architecture are available for the post of the Superintendent of Archæology, Southern Circle, Madras ?

(b) If so, are Government prepared to appoint such a person to the Southern Circle and utilize the services of the present Superintendent in a place where an architect alone will be useful ?

**Sir Girja Shankar Bajpai :** (a) and (b). Government do not accept the suggestion that the officer referred to by the Honourable Member has only architectural qualifications. They regret that no officer better suited for the charge of the Southern Circle is available for posting to this circle at present.

**Mr. C. N. Muthuranga Mudaliar :** Will the Honourable Member refresh his memory by referring to the answer which he gave to question No. 1537 referred to in this part ?

**Sir Girja Shankar Bajpai :** I took particular care to refresh my memory not once, but a dozen times before giving my answer to the present question. I do not think that anything that I said in the previous question is inconsistent with the reply that I have given to the present question.

**Mr. C. N. Muthuranga Mudaliar :** Will the Honourable Member state.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question. The Chair does not think the House is very much interested in that.

#### CONFIRMATION OF A FOREIGN EXPERT IN THE ARCHÆOLOGICAL DEPARTMENT.

262. \***Mr. C. N. Muthuranga Mudaliar :** (a) Has the attention of Government been drawn to the last paragraph of the Simla Correspondent's letter of the 14th June, to the *Hindu*, regarding the confirmation of a foreign expert in the Archæological Department ?

(b) Is it a fact that Government are contemplating the appointment of a non-British foreign scholar, now on special duty, to the post of Superintendent of Archæology, which was recently advertised for ?

(c) Are qualified Indians not available for the place ? If Indians are available, do Government propose to consider their claims before making the appointment ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) and (c). The recommendations of the Public Service Commission for filling the vacant post of an Assistant Superintendent in the Archæological Survey of India are under consideration.

**Mr. C. N. Muthuranga Mudaliar :** Is it not a fact that a knowledge of Indian languages and Indian conditions is a pre-requisite for the appointment of anybody to this post ?

**Sir Girja Shankar Bajpai :** That fact was actually advertised.

**Mr. C. N. Muthuranga Mudaliar :** Did the Public Service Commission select this particular foreign scholar referred to in this clause ?

**Sir Girja Shankar Bajpai :** I have not suggested anything to that effect in my reply.

**Mr. C. N. Muthuranga Mudaliar :** In making this appointment, will Government take into consideration the extra cost involved in appointing a foreign scholar by means of overseas allowance, etc. ?

**Sir Girja Shankar Bajpai :** My Honourable friend is not quite correct in assuming that merely, because the person appointed is a foreign scholar, he is automatically entitled to overseas allowance. The answer I have given is that the question is under consideration.

**Mr. M. Ananthasayanam Ayyangar :** How many persons appeared before the Public Service Commission ? How many Indians and how many Europeans ?

**Sir Girja Shankar Bajpai :** Twelve people appeared before the Public Service Commission of whom one was a European.

#### USE OF THE ARMY LANDING GROUNDS AT AGRA AND AHMEDABAD BY HIS HIGHNESS THE MAHARAJA OF KASHMIR AND PRINCE MIDWANI.

263. \***Mr. M. Asaf Ali :** (a) Is it a fact that landing grounds belonging to the Army are not open to civil machines in normal times ? If so, why ?

(b) Is it a fact that despite this general restriction, His Highness the Maharaja of Kashmir and Prince Midwani were allowed to use Army landing grounds at Agra and Ahmedabad ? For what reasons were these exceptions made ?

**Mr. G. R. F. Tottenham :** (a) Yes, because they are required for Army purposes, but exceptions are allowed in special cases.

(b) In February, 1935, permission was accorded by His Excellency the Commander-in-Chief, as a special case, to the use of the military landing ground at Ahmedabad by His Highness the Maharaja of Kashmir on his journey to and from Bombay. Prince Midwani was refused permission to use the military landing ground at Agra.

**Mr. M. Asaf Ali :** How many such landing grounds are owned by the Army ?

**Mr. G. R. F. Tottenham :** I could not say off-hand.

**Mr. M. Asaf Ali :** A rough idea.

**Mr. G. R. F. Tottenham :** I could not give even a rough idea, without being inaccurate.

**Mr. M. Asaf Ali :** May I know if these landing grounds are ever likely to be thrown open to civil aviation ?

**Mr. G. R. F. Tottenham :** The whole question is at present under consideration.

**Mr. M. Asaf Ali :** How far have you proceeded in your consideration ?

**Mr. G. R. F. Tottenham :** At present we are discussing the conditions under which particular military areas may be used for civil aviation.

**AEROPLANE FORMERLY IN THE USE OF HIS EXCELLENCY THE VICEROY.**

264. \***Mr. M. Asaf Ali :** (a) On what terms has the aeroplane, formerly in the Viceroy's use, been given to the Indian National Airways ?

(b) Do the Indian National Airways get Rs. 9,000 annually for keeping it in good trim ?

(c) If so, was this plane available for the evacuation of refugees from Quetta, immediately after the earthquake and was it so used ? If not, why not ?

(d) Was this machine requisitioned for the purpose mentioned above, and did it return to the Delhi Aerodrome after reaching some place in the Punjab, because it was not found airworthy ?

**The Honourable Mr. D. G. Mitchell :** (a) and (b). A copy of the heads of the agreement is laid on the table. I would refer the Honourable Member to head (5).

(c) and (d). The machine was available for the evacuation of refugees from Quetta. It was requisitioned for the purpose and started on the flight to Multan on the morning of the 9th June. The pilot was obliged to return to Delhi owing to strong head winds and on inspection it was found that one engine was defective. On the following day the particular emergency (the evacuation of certain infectious cases from Quetta) for which the machine had been requisitioned had passed, and the machine was not requisitioned again.

*Heads of agreement between the Government of India and Indian National Airways for operation of Aircraft VT-ACT.*

(1) Indian National Airways, Limited, will take delivery of the machine together with all log books and relevant certificates at the Royal Air Force Aircraft Park, Lahore, on or about the 6th October and will give to the Officer Commanding the Aircraft Park a signed receipt for the aeroplane and all items of equipment taken over.

(2) Such airframe spares for the Avro X as may now be held by the Royal Air Force will be handed over to the charge of Indian National Airways, Limited, for use on VT-ACT only. Any balance of spares unused and not recorded as used in the aircraft and engine log books will be returned with the aeroplane on the termination of this agreement.

(3) Indian National Airways, Limited, will throughout the year always maintain a flying and maintenance crew in Delhi of such numbers and qualifications as may be approved by the Director of Civil Aviation.

(4) Indian National Airways, Limited, will provide one Armstrong Siddeley Lynx IVC engine as a spare for VT-ACT, together with the requisite stock of engine spares, and such airframe spares as may be necessary in addition to those handed over by Government. This spare engine and such spare parts as have not been fitted into the aircraft or engines will remain the property of Indian National Airways, Limited.

(5) The Government of India undertake to pay Indian National Airways, Limited, Rs. 1,800 per month in advance for the first 6 months of the year as a contribution towards the cost of the maintenance of the necessary staff to be kept as required in paragraph 3 above. Although during the second six months Government will not be paying contribution the obligation of the Company to maintain the staff will remain.

(6) The Avro X will be made available for Government use complete with crew whenever required, provided that not less than 7 days' notice is given to Indian

National Airways, Limited, that the aeroplane is required. When being so used, no payment will be made to Indian National Airways, Limited, other than the detention charge provided in paragraph 8 up to a total of 15 hours in any one calendar month or up to a total of 90 hours flying in any one year, but Government will bear the expenditure actually incurred in the course of the flight, including petrol and oil, landing and housing fees and the outstation allowances of the crew. In respect of any flying on Government service over and above 15 hours in any one calendar month or over and above 90 hours in any one year, Indian National Airways, Limited, will be paid at the rate of Rs. 120 an hour in addition to the detention charge and actual expenses as referred to above.

(7) If the Avro X is required for the conveyance of His Excellency the Viceroy or Her Excellency the Countess of Willingdon, Indian National Airways, Limited, will provide a second pilot, a wireless operator and such other crew as may be approved by the Director of Civil Aviation. The actual expenses incurred in bringing such additional crew to Delhi will be repaid to Indian National Airways, Limited.

(8) When the aeroplane is used on Government service including that of Their Excellencies away from Delhi, Indian National Airways, Limited, will be paid a detention allowance for the crew of Rs. 50 for each 24 hours they are absent from Delhi, subject to a deduction of Rs. 50 for each four hours of flight on any particular tour.

(9) Indian National Airways, Limited, will be permitted to use the aeroplane on their own business, subject to the requirements of Government as set out above. If in the course of this commercial flying, it is intended that the aeroplane shall be absent from Delhi for a period longer than 48 hours, prior intimation will be given by the Company to the Director of Civil Aviation to ensure that any projected use of the machine for Government service is not interfered with.

(10) No charge will be made by Government to Indian National Airways for use of the aeroplane on their own business up to a maximum of 60 flying hours a month, which free allowance shall be cumulative up to three months. In respect of any flying on the Company's business in excess of this total the Company will pay Government at the rate of Rs. 30 per flying hour.

(11) While being flown on the Company's business, Indian National Airways, Limited, will insure the Avro X against all risks when not in Government service including flying risk, third party risk and risk of damage on the ground for the value of ₹3,000, and they will indemnify the Government of India against all claims arising out of such use of the aeroplane. Indian National Airways, Limited, are not required to insure the Avro X against risks incurred while she is being flown or is away from Delhi on Government service, nor against risks incurred while the aeroplane is housed in Government hangar at Delhi.

(12) No charge will be made by Government for housing the aeroplane in the Government hangar at Delhi nor for landing and housing charges incurred while the Avro X is being used on Government service. Indian National Airways, Limited, will be required to pay the normal landing charges while the aeroplane is flying on the Company's business and the normal charges for housing in hangars including Government hangars other than at Delhi, while the aeroplane is being used on the Company's business.

(13) This agreement will have effect in the first instance for a period of 12 months.

**Mr. M. Asaf Ali :** I understood the Honourable Member to say that one of the engines was found to be out of order. Does it mean that the machine was available for evacuation on that day ?

**The Honourable Mr. D. G. Mitchell :** That was discovered after the pilot had gone some distance against strong head winds. He then realised that his machine was not up to full strength, and very wisely returned and had a further examination carried out. On the ordinary morning tests the machine had run up to normal revolutions and appeared to be all right when it left the aerodrome.

**Mr. M. Asaf Ali :** With reference to the agreement that has been laid on the table, may I know if any tenders were invited from other companies before the agreement was entered into, for the maintenance of this aeroplane ?

**The Honourable Mr. D. G. Mitchell :** So far as I am aware, no.

**Mr. M. Asaf Ali :** Why not ?

**The Honourable Mr. D. G. Mitchell :** It is not the sort of matter for which tenders are ordinarily called, and I doubt very seriously if anybody else would have tendered.

**Mr. M. Asaf Ali :** Are there any other companies in existence or are there not ?

**The Honourable Mr. D. G. Mitchell :** Not operating in Delhi, so far as I know.

**Mr. M. Asaf Ali :** What about the Himalayan Transport Company ?

**The Honourable Mr. D. G. Mitchell :** The Himalayan Transport Company was not at that time operating in Delhi.

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.

**Mr. M. Asaf Ali :** Sir, may I ask another supplementary question ?

**Mr. President (The Honourable Sir Abdur Rahim) :** At this rate we will never finish these questions of which already there are more than one thousand, and it will be unfair to other Honourable Members who have put down questions if they do not get a chance at all.

**Mr. M. Asaf Ali :** I will ask only one more question, Sir. Are Government contemplating another agreement with the National Airways for maintaining both the old and the new aeroplanes of the Viceroy ?

**The Honourable Mr. D. G. Mitchell :** Yes, Sir.

**Mr. M. Asaf Ali :** Have they invited any tenders now ?

**The Honourable Mr. D. G. Mitchell :** No, Sir.

**Mr. M. Asaf Ali :** Why not ?

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.

**Mr. M. Asaf Ali :** May I have the answer to my last question, Sir ?

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair thinks sufficient has been answered already.

#### CENSUS OF THE UNEMPLOYED PERSONS IN BRITISH INDIA.

265. \***Mr. M. Asaf Ali :** (a) Will Government be pleased to state the actual number of the unemployed among (i) educated middle classes, (ii) agricultural labourers, (iii) other labourers ?

(b) Are Government prepared to consider the desirability of ordering an accurate census of the unemployed in British India ?

**The Honourable Mr. D. G. Mitchell :** (a) and (b). I propose, with your permission, Sir, to answer both parts together. As the second part of the Honourable Member's question indicates, no statistics of the kind mentioned in the first part are available. The question of

collecting statistics is primarily one for Local Governments but, as has been explained on more than one occasion in this House, the Government of India do not believe that figures of any value could be collected in the absence of a system of financial benefits for the unemployed. An attempt was made at the 1931 census to collect figures of unemployed graduates but even this limited attempt to collect figures relating to educated person gave no satisfactory results.

**Prof. N. G. Ranga :** Have Government studied the report of Sir Tej Bahadur Sapru's Committee on middle class unemployment in the United Provinces ?

**The Honourable Mr. D. G. Mitchell :** I understand Sir Tej Bahadur Sapru's report has not yet been published.

**Prof. N. G. Ranga :** Will Government consider the advisability of making a preliminary inquiry at least into the unemployment that is prevailing in Centrally administered areas ?

**The Honourable Mr. D. G. Mitchell :** I do not see that an inquiry limited to such a narrow area will be of any great value.

**Mr. M. S. Aney :** Will the Honourable Member explain what he means by saying that a limited inquiry will not give any satisfactory results ? Was he unable to collect the figures ?

**The Honourable Mr. D. G. Mitchell :** If the Honourable Member will read the Census Report for 1931, he will find there all the information that he requires.

**Mr. N. M. Joshi :** May I ask if Government propose to provide financial benefits for the unemployed ?

**The Honourable Mr. D. G. Mitchell :** There is at present no such scheme in contemplation.

#### PROHIBITION OF RELIEF PARTIES IN QUETTA AND BALUCHISTAN AFTER THE EARTHQUAKE.

266. \***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state why relief parties were not allowed in Quetta and Baluchistan soon after the earthquake which recently took place on that side ?

(b) Will Government be pleased to state what prevented them from recruiting men of the labour class from Sukkur, Shikarpur, Multan, Lyallpur, etc., forthwith, for saving the lives of thousands of people ?

(c) Was it not suggested at the very outset to begin digging work at Quetta for the benefit of the sufferers ?

**Mr. G. R. F. Tottenham :** (a) to (c). I think the Honourable Member will find answers to all parts of this question in the pamphlet "The Quetta Earthquake, 1935", copies of which have been sent to all Members of the House.

#### DISTRIBUTION OF PROPERTIES TO THEIR OWNERS IN QUETTA.

267. \***Seth Haji Abdoola Haroon :** (a) In connection with the recent Quetta earthquake, will Government be pleased to state in what way they propose to hand over properties to the individuals of Quetta.

who have lodged their statements of losses with the District Collectors and Commissioners for securing their properties ?

(b) Do Government propose to form a Committee of officials and non-officials, without delay, with the co-operation of certain Quetta residents to undertake the task of handing over the said properties to the owners ?

**Mr. J. G. Acheson :** (a) The Honourable Member is referred to Chapter VI of the pamphlet "The Quetta Earthquake, 1935", a copy of which has been sent to him.

(b) In view of the arrangements already made the answer is in the negative.

#### EARTHQUAKE RELIEF MEASURES IN BALUCHISTAN.

268. **\*Seth Haji Abdoola Haroon :** Will Government lay on the table a statement showing the relief measures extended by Government in the earthquake smitten villages of Baluchistan up till now ?

**Mr. J. G. Acheson :** I would refer the Honourable Member to Chapters V and VI of the pamphlet "The Quetta Earthquake, 1935", a copy of which has been supplied to him.

#### GRIEVANCES OF THE PILGRIMS TO THE HEDJAZ.

269. **\*Sir Muhammad Yakub :** (a) Has the attention of Government been drawn to a printed report by Khan Bahadur Alhaj Muhammad Habibullah Khan, a retired Deputy Collector of the United Provinces and a prominent member of the Court of the Aligarh Muslim University, and others, dated the 16th April, 1935, addressed to the Chairman, Port Haj Committee, Bombay, with reference to "some grievances of pilgrims to the Hedjaz" ?

(b) Have Government taken any steps to ascertain and redress the grievances of the pilgrims to the Hedjaz, contained in the pamphlet mentioned in part (a) ? If not, why not ?

(c) Is it a fact that during the last Haj season, no dates of sailings were advertised at Jeddah ? If so, what steps were taken against the person or persons responsible for the negligence ?

(d) Is it a fact that there was no one to supervise the embarkation of the pilgrims at Jeddah during the last pilgrimage season ? If so, what action was taken by Government in this connection ?

**Sir Girja Shankar Bajpai :** Sir, with your permission, I shall answer questions Nos. 269 and 270 together. Government have seen the report referred to by the Honourable Member. The points arising out of this and other reports received by Government on the working of the arrangements for the Haj Pilgrimage during the last pilgrim season are under examination. Government propose to refer these to the Standing Haj Committee of the Central Legislature as soon as possible and hope that as a result of their own examination and with the advice of the Committee, it may be possible to remove defects that come to light.

**Sir Muhammad Yakub :** Will this investigation and consideration by Government result in some practical scheme before the next Haj season comes ?

**Sir Girja Shankar Bajpai :** We propose to hold a meeting of the Standing Haj Committee on the 21st of this month, and it will certainly be our endeavour to get the results out by the beginning of October which is well in advance of the next Haj season.

**Dr. Ziauddin Ahmad :** Will their findings be circulated amongst the Members of the Assembly ?

**Sir Girja Shankar Bajpai :** I shall consider that suggestion.

#### COMPLAINTS AGAINST THE OFFICERS ON S. S. "RAHMANI".

†270. **\*Sir Muhammad Yakub :** (a) Is it a fact that S.S. "Rahmani" cannot accommodate one thousand six hundred and one deck, 20 second class and 30 first class passengers allotted to it ? Do Government propose to reduce the number of passengers sanctioned for this boat ?

(b) Considering the grave complaints about the discourtesy and bad treatment on board the S.S. "Rahmani", do Government propose to order the shipping company concerned to remove all the officers against whom complaints are made ?

#### SCHEMES FOR RURAL DEVELOPMENT WORK.

271. **\*Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

(a) Whether he has received the proposals from the Local Governments about the manner of spending the Government of India grant for rural development work ;

(b) whether those schemes have been examined by the Government of India and they satisfy the tests laid down by the Honourable the Finance Member in his speech ; and

(c) whether Government have issued or propose to issue any instructions to the effect that no expenditure is to be incurred by the Local Governments out of this grant, unless the schemes have been sent up to and approved by the Government of India ?

**The Honourable Sir James Grigg :** (a), (b) and (c). I would refer the Honourable Member to parts (a) and (b) of my reply to Mr. Basanta Kumar Das's question No. 162 and to the statement referred to therein.

**Mr. S. Satyamurti :** Sir, I will put only part (c) of this question, and not the other parts.

**The Honourable Sir James Grigg :** As regards (c), I think it is clear from the White Paper which has been laid on the table that every single scheme has been approved by the Government of India.

†For answer to this question, see answer to question No. 269.

**Mr. S. Satyamurti :** May I ask what steps Government have taken or propose to take to see that provincial Ministries do not use this money for electioneering purposes, in view of the elections next year ?

**The Honourable Sir James Grigg :** I may say, if it is necessary to answer a question of that sort at all, that in the case which my Honourable friend has in view, I made special inquiries from the Government concerned and that Government extremely resents that I should have even dared to pass on such a malicious insinuation ; for the rest we can rely on the sense of decency of Provincial Governments.

**Prof. N. G. Ranga :** In view of the fact that in the report circulated by the Government of India on this particular grant, special mention is made of the depressed classes for water facilities only in Bihar and Orissa and Madras, will Government consider the advisability of instructing the other Provincial Governments also to see that suitable provision is made for the provision of water supply facilities for depressed classes ?

**The Honourable Sir James Grigg :** I have not the slightest doubt that those Governments which are embarking upon water supply schemes,—which are practically all of them,—are fully aware of their responsibilities to the depressed classes in this matter.

#### ACCOMMODATION ALLOWED TO A DECK PASSENGER IN THE COASTAL PASSENGER STEAMERS.

272. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they are aware that the rule providing a minimum space of six square feet for a deck passenger in the coastal passenger steamers causes great hardship ;
- (b) whether they have examined the actual working of the rule ; and
- (c) whether they propose to alter the rule so as to provide at least twelve square feet as minimum accommodation for deck passengers ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) There is no such rule in force.

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

**Mr. S. Satyamurti :** Is there any practice at all like that, actually providing only six square feet as the minimum space for passengers ?

**The Honourable Sir Muhammad Zafrullah Khan :** The rules actually lay down the minimum requirements but they are not as stated in the question.

**Mr. S. Satyamurti :** What is the minimum prescribed by the rules ?

**The Honourable Sir Muhammad Zafrullah Khan :** The minimum prescribed is from eight square feet to 15 square feet per passenger according to the length of the voyage and the season during which

the voyage is made. The ordinary prescribed minimum is now eight square feet per passenger, but for certain very short voyages the minimum is  $7\frac{1}{2}$  square feet.

**Mr. S. Satyamurti :** What is the answer to clause (b) ? Have they examined the actual working of the rule, and, are they satisfied that these minima are always provided in these voyages ?

**The Honourable Sir Muhammad Zafrullah Khan :** Since the introduction of these rules the purport of which I have already submitted, Government are satisfied that they are on the whole being adhered to.

**Mr. S. Satyamurti :** Not merely on the whole, Sir, but are they observed in each case, and does the Honourable Member know that even the exceptions might cause great hardship to the unfortunate passengers ?

**The Honourable Sir Muhammad Zafrullah Khan :** So far as the allotment of space is concerned, Government are satisfied that they are being observed : when I used the expression “ on the whole ”, I merely wanted to safeguard against any charge being made that each individual passenger's case had not been examined with regard to each voyage ; that was the meaning of “ on the whole ” : occasionally there is restricted space, not because proper space has not been allotted but because some passengers are in the habit of taking too much baggage along with them in the space allotted to them ; but that is not a contravention of the rule on the part of the company ; and too great a restriction with regard to this matter might result in hardship to the deck passengers.

**Mr. S. Satyamurti :** What is the answer to clause (c) ? Will Government consider the suggestion of providing 12 square feet as minimum accommodation ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government do not at present think that the rules do not provide for sufficient accommodation.

#### RESOLUTIONS PASSED AT THE INDIAN DECK PASSENGERS CONFERENCE HELD AT VIZAGAPATAM.

273. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have received copies of resolutions Nos. 8 and 9, passed at the Indian Deck Passengers Conference held at Vizagapatam on the 17th June, 1935 ;
- (b) whether they propose to take steps to improve the conditions of travel on the lines suggested in the resolution, and if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) The suggestions made in the resolutions in question are under consideration.

**Prof. N. G. Ranga :** Are Government aware that conditions of supply of food for deck passengers are very bad indeed ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not think there is anything with regard to the supply of food in the resolutions referred to in the question.



**Prof. N. G. Ranga :** Are Government aware that there is no protection at all for deck passengers from rain or sun ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Government are not aware that there is no protection whatever from sun or rain.

**Prof. N. G. Ranga :** Are Government aware that the kitchens are situated close to the latrines there and are in a very unhealthy condition ?

**The Honourable Sir Muhammad Zafrullah Khan :** If that refers to all steamers with respect to third class accommodation, Government do not accept the allegation as correct.

**Prof. N. G. Ranga :** Will Government try to ascertain facts with regard to this in view of the fact that I myself had been a deck passenger and have had personal experience of this inconvenience ?

**The Honourable Sir Muhammad Zafrullah Khan :** If the Honourable Member will supply definite information on that point, Government will be only too happy to look into the question.

**BILL IN CONNECTION WITH THE FEDERAL RAILWAY AUTHORITY AND  
SETTING UP OF PROVINCIAL PUBLIC SERVICE COMMISSIONS.**

274. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they are considering any proposal for a Bill in connection with the Federal Railway Authority to be placed before this House ;
- (b) if so, when the Bill is expected to be brought before this House ; and
- (c) whether there is any similar proposal with regard to setting up Public Service Commissions in all the Provinces ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) Possibly during 1936.

(c) No legislation other than that contained in sections 265 and 266 of the Government of India Act, 1935, is, I believe, required for the establishment of provincial Public Service Commissions.

**Mr. S. Satyamurti :** May I know if this Bill is going to be introduced during the cold weather Session or the autumn Session of next year ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am at present unable to specify during which Session it will be possible for Government to introduce this legislation.

**Mr. Lalchand Navalrai :** May I know when these Public Service Commissions in the provinces will be set up ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is for the provinces to say.

**Mr. S. Satyamurti :** May I take the answer to (c) to mean that, so far as all-India legislation is concerned, there is no need for all-India legislation ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is the meaning.

**REPORT OF MR. K. P. S. MENON ON THE EFFECT OF THE MARKETING  
ORDINANCES ON INDIAN SETTLERS IN EAST AFRICA.**

275. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the reasons why the report of Mr. K. P. S. Menon on the effect of the marketing ordinances on Indian settlers in East Africa was not published before the end of June ;
- (b) whether Government have made representations to the Kenya Government on the Kenya Bill ;
- (c) whether Government's attention has been drawn to the leading article in the *Hindu*, dated the 25th of June, 1935, on this subject ;
- (d) what steps, if any, Government propose to take to protect Indian interests in Kenya ; and
- (e) whether Government propose to consult this House on the question ?

**Sir Girja Shankar Bajpai :** (a) As in the case of Mr. Menon's report on Zanzibar, Government waited for the publication of the Report until the views of the Governments of Tanganyika, Uganda and Kenya were available.

(b) Yes.

(c) Government have seen the article referred to by the Honourable Member.

(d) and (e). As a result of representations already made by the Government of India, several important amendments have been made in the Bill that was first published. The Secretary of State for the Colonies has agreed that the provisions of the Bill, as passed by the Kenya Legislative Council, should not be brought into operation until he has considered it further. The Government of India will examine the Bill, as passed, and will then decide whether any further action on their part is called for. Government do not think at present that it will be necessary to consult the House.

**Mr. S. Satyamurti :** At a later stage, before Government make their final recommendations on this matter to the Governments concerned, will they be good enough to consult this House ?

**Sir Girja Shankar Bajpai :** I cannot give any undertaking on that point, because I do not know whether the House will be sitting.

**GRIEVANCES OF INDIANS DOMICILED IN SOUTH AFRICA.**

276. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the latest position of Indians domiciled in South Africa ;
- (b) the grievances from which they are still suffering ; and
- (c) what steps, if any, they propose to take to redress these grievances ?

**Sir Girja Shankar Bajpai :** (a) For a comprehensive account of matters of comparatively recent interest relating to Indians resident in South Africa, the Honourable Member is referred to the annual reports of the Agent of the Government of India in the Union, copies of which will be found in the Library.

(b) and (c). The most pressing grievance of Indians arises out of disabilities connected with the occupation and ownership of land in the mining areas of the Transvaal. This subject is under investigation by a special commission which the Government of the Union of South Africa appointed on the 4th October, 1932, in pursuance of representations made by the Government of India. Administration of the licensing laws has also been the subject of complaints from time to time. The Government of India delegation to the first Cape Town Conference suggested an overhauling of these laws but this has not been found possible so far. Other grievances, primarily of an administrative character and local or individual in scope, are dealt with, as they arise, by the Agent of the Government of India in South Africa whenever his intercession is invoked or considered necessary by himself. The Honourable Member is, I am sure, aware of the efforts made by the Government of India on behalf of Indians in South Africa in the past. Their present and continuing contribution to this cause is the maintenance of an Agency in South Africa to watch over and assist in the solution of day to day problems and to promote, by all possible methods, that sympathetic understanding of Indian difficulties and Indian aspirations by the Government and people of the Union on which the redress of Indian grievances ultimately depends.

**Mr. B. Das :** Have Government not received so far the Feetham Commission's report, an extract of which has been published in the Indian press ?

**Sir Girja Shankar Bajpai :** Two parts of the Feetham Commission's report have been published, and I think copies have been placed in the Library of the House ; but those two parts do not complete the story : the third part is still awaited.

**Mr. B. Das :** Have Government examined these two parts and have they addressed the South African Government on these two parts ?

**Sir Girja Shankar Bajpai :** I think it will be premature for the Government of India to address the Government of the Union until the result of investigation of the whole problem has been published by the Commission.

**Mr. B. Das :** Has the attention of the Honourable Member been drawn to the press report which appeared in the *Statesman* and the *Hindustan Times* that the third part of the report will take time to be published and it will take a year or more ?

**Sir Girja Shankar Bajpai :** Not only do I take some interest in newspaper cuttings appearing on this subject, but the Agent in South Africa has instructions to report to us as occasion arises, regarding the progress of the Commission : and, as regards the information which my Honourable friend has imparted to me, I may enlighten him by saying that the completion of the third part of the report is shortly awaited.

**Prof. N. G. Ranga :** Are suitable facilities being provided to those repatriated Indians who wish to go back to South Africa because South India does not suit them ?

**Sir Girja Shankar Bajpai :** I do not think that that arises out of the answer that I have given.

#### ALLOCATION OF ASSETS AND LIABILITIES BETWEEN THE NEW ORISSA PROVINCE AND THE GOVERNMENT OF MADRAS.

277. \***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether there was any difference of opinion between the Madras Government and the Government of India on the question of the allocation of assets and liabilities between the new Orissa Province and the Government of Madras ;

(b) what is the claim of the Madras Government ; and

(c) what is the position of the Government of India ?

**The Honourable Sir James Grigg :** The Government of India have not yet formally considered these questions.

**Mr. S. Satyamurti :** I want to ask what is the claim of the Madras Government ?

**The Honourable Sir James Grigg :** I am not prepared to disclose that.

**Mr. S. Satyamurti :** May I know the reasons why ?

**The Honourable Sir James Grigg :** Because the matter is still under consideration.

**Mr. B. Das :** Is it not a fact that the Madras Government has been very grabbing in this matter ?

**The Honourable Sir James Grigg :** I will leave it to the two Honourable Members to settle between themselves.

**Mr. S. Satyamurti :** But neither Mr. Das nor I am the Finance Member of the Government of India.

**The Honourable Sir James Grigg :** I saw a good many accounts from Madras sources of what the view of the Government of Madras was, and I suspect the Honourable Member knows pretty well what it is.

**Mr. S. Satyamurti :** But what is the position of the Government of India ?

**The Honourable Sir James Grigg :** As I say, the Government of India cannot have a view yet, because the question has not yet been formally considered.

**Mr. B. Das :** I hope the Government of India will be just.

**Mr. S. Satyamurti :** To Madras also!

# FACILITIES ASKED FOR FROM GOVERNMENT BY AN AUTOMOBILE FACTORY IN INDIA.

278. \*Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether they have been approached by the promoters of an automobile factory in India to raise the import duties to a higher figure on motor cars and bodies ;
- (b) whether they have been requested to agree to the purchase of cars and lorries required for the army from the factory ; and
- (c) what other facilities Government were asked to provide and what the answer of Government was ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c). Government have received no such representations.

# DELAY IN THE PUBLICATION OF THE REPORT OF THE TARIFF BOARD ON THE GLASS INDUSTRY.

279. \*Mr. S. Satyamurti : Will Government be pleased to state :

- (a) the reasons for the delay of three years in publishing the report of the Tariff Board on the glass industry ;
- (b) what the advice was which Government acted upon in turning down the Board's recommendation for protection to the industry ; and
- (c) whether they are prepared to obtain and act on the advice of this House in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I would invite the Honourable Member's attention to paragraph 4 of Government of India, Department of Commerce, Resolution No. 458-T. (14), dated the 22nd June, 1935.

(b) The Government of India were guided by the principles laid down in paragraph 1 (c) of the Resolution adopted by this House on February 16, 1923.

(c) No.

Mr. S. Satyamurti : If the Government say that in deciding this, they acted on the opinion of this House, may I know the reasons why they are not prepared to obtain and act on the advice of this House in this specific matter ?

The Honourable Sir Muhammad Zafrullah Khan : I did not say that, in deciding this matter, the Government of India acted on the advice of this House.

Mr. S. Satyamurti : The Honourable Member said on the Resolution of this House.

The Honourable Sir Muhammad Zafrullah Khan : On the principles contained in that Resolution.

Mr. S. Satyamurti : Is there any difference between the Resolution and the principles contained in the Resolution ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir ; there is a difference between the principles contained in that Resolution and the application of those principles to cases in actual practice.

Mr. S. Satyamurti : May I take it that in applying the principles they have departed from the decision of this House ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir ; Government claim that they are willing to accept the principles laid down in that Resolution, but they must be left to decide how to apply those principles to any particular cases, as it would be extremely embarrassing and would practically bring the administration to an end if whenever a question of the application of principles to particular cases arises the opinion of the whole House has to be taken rather than that the matter should be decided by the Executive Government.

Mr. S. Satyamurti : Will Government place the matter before the House for its opinion, and consider a change in their decision if the opinion of the House is against the decision of the Government ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. S. Satyamurti : Why not ?

The Honourable Sir Muhammad Zafrullah Khan : I have already given the reason.

Mr. S. Satyamurti : Because he wants to keep up the autocracy of Government ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that the Tariff Board Report is unanimous.....

Mr. President (The Honourable Sir Abdur Rahim) : Next question please.

# NEGOTIATIONS FOR TRADE AGREEMENTS WITH THE IRISH FREE STATE, CANADA AND ITALY.

280. \*Mr. S. Satyamurti : Will Government be pleased to state :

- (a) at what stage the negotiations for trade agreements with the Irish Free State, Canada and Italy stand ;
- (b) when their agreements are expected to be concluded ; and
- (c) whether they will be placed before this House and if so, when ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Honourable Member's attention is invited to the replies given to his starred questions Nos. 138, 139 and 209.

(c) Copies of such of the agreements as are eventually concluded with any of these countries will be laid on the table in due course.

Prof. N. G. Ranga : Is it not a fact, Sir, that we have an adverse balance of trade with Canada ?

Mr. President (The Honourable Sir Abdur Rahim) : That question does not arise.

**DIFFERENCES BETWEEN EUROPEAN AND INDIAN MEMBERS OF THE INDIAN MEDICAL SERVICE IN THE MATTER OF PAYMENT OF RAILWAY FARES.**

281. \***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether it is a fact that a Junior Indian Major of the Indian Medical Service travels first class on payment of full first class fare ;
- (b) whether a senior British Captain of the same service travels first class on payment of only a second class fare ; and
- (c) whether there are other such differences between Indian and European Members of this service, and if so, the reasons therefor ?

**Mr. G. R. F. Tottenham** : (a) and (b). I would refer the Honourable Member to the answer I gave on the 4th September, 1935, to Mr. V. V. Giri's starred question No. 116.

(c) The distinction is not one of race.

**Mr. S. Satyamurti** : I think, Sir, parts (a) and (b) have been answered. What is the answer to part (c) ? Are there Indian members of the service having this privilege, that is, of travelling first class on payment of second class fare ?

**Mr. G. R. F. Tottenham** : Certainly, Sir.

**INDIA'S BALANCE OF TRADE.**

282. \***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether they have noted that the balance of trade in recent years is not as favourable to India as it was before ;
- (b) whether they have examined this question, and if so, what their conclusions are ; and
- (c) what steps, if any, they propose to take to bring the balance of trade in India's favour ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) and (b). The Government of India have examined the question and they are of opinion that India's total balance of trade has not deteriorated in the past few years. If the Honourable Member has in mind the balance of trade in merchandise only, I would point out that the decrease in value of that balance may be entirely attributed to the fall in world commodity prices since 1929, but that measured in terms of the quantum of trade, the position in 1934-35 is comparatively better than the average of the three pre-depression years 1926-27, 1927-28 and 1928-29.

(c) In view of the fact that India's balance of trade is a favourable one, I presume that the Honourable Member wishes to know what steps are contemplated to increase that balance. The Government of India are at all times watchful of the interests of India's export trade and are prepared to take any steps which, in their opinion, are to its ultimate advantage. The Honourable Member will, however, realise that it is not within the power of the Government of India alone or of any other single Government to raise the world prices of primary commodities.

**Mr. S. Satyamurti** : I think I heard the Honourable Member say that the fall in the value of the trade may be due to the fall in world prices. What is the actual position, Sir ? Have Government examined the question, and have they come to any conclusion that this fall in prices is due to the fall in world prices, and not due to any other causes ?

**The Honourable Sir Muhammad Zafrullah Khan** : The Government of India have examined the position, and if the Honourable Member desires, and if you, Sir, will permit me, I am prepared to give him figures which would bear out what I say. Assuming that I have your permission, I shall proceed to give the figures. I am afraid the matter is a little bit complicated, but I shall try to make it as clear as possible. The average price levels of exports as measured by the Calcutta Index No. was 139 for the three year period 1926-29. The figure now stands at 76. There has thus been a fall of 45.3 per cent. in the value of exports. Corresponding indices for imports are 150 and 111. These figures represent duty paid prices, and after making adjustments on the average for 10 per cent. duties for the pre-depression period and 25 per cent. for 1934-35, the ex-duty indices will work out at 136.3 and 88.8. The result would be a fall, so far as the imports are concerned in the index prices of 34.8 per cent. That being so, without wearying the House too much with figures, if these falls are applied to the figures for exports and imports, the result would be as follows. The average of exports for these three years is 325.37 crores. If the fall in prices is applied, to this figure, (the fall is 45.3 per cent., and therefore if one has to work out the 55.47 per cent. of this figure), should have been 177.9 crores. The average imports for those years were 242.73 crores. That worked out with a fall of 34.8 per cent. in the imports, would give the figure of 158.2 crores. On these figures the balance in the quantum of trade should have been a favourable balance valued at 19.7 crores. Actually the balance of merchandise in 1934-35 was valued at 23 crores.

**Mr. S. Satyamurti** : Have the Government considered that this favourable balance of trade,—I am trespassing on the Honourable the Finance Member's portfolio perhaps,—but since the Honourable the Commerce Member is answering this question, I want to know, if the Government have considered that this balance of trade, such as it is, is kept up largely by the export of gold ?

**The Honourable Sir Muhammad Zafrullah Khan** : The figures I have given relate to merchandise alone.

**Mr. S. Satyamurti** : I am talking of the entire balance of trade. Has the attention of the Honourable the Commerce Member been drawn to the fact that that favourable balance of trade, such as it is, is kept up by the export of gold ?

**The Honourable Sir Muhammad Zafrullah Khan** : The entire favourable balance of trade is composed of merchandise and gold. If the Honourable Member means if I have seen the figures ; I have seen them.

**Mr. S. Satyamurti** : Will he take steps to see that, excluding gold, the favourable balance of trade, which is not certainly anything like what it was some time ago, is kept up ?

**The Honourable Sir Muhammad Zafrullah Khan :** In Rupees not. In the quantum of trade, yes.

**Mr. S. Satyamurti :** Do Government consider for their purposes quantum of trade is more important than rupees ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, but I am giving the position as it stands. I do not wish it to be implied from my answers that Government consider that no efforts should be made to improve the balance of trade.

**Mr. S. Satyamurti :** May I know what are the steps they are taking.....

**Mr. President (The Honourable Sir Abdur Rahim) :** A question like this cannot be satisfactorily discussed by means of a supplementary question.

**Mr. M. Ananthasayanam Ayyangar :** One supplementary question, Sir ?

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member cannot discuss this question in a supplementary question.

#### REFUSAL OF PERMISSION TO VISIT QUETTA FOR EARTHQUAKE RELIEF WORK.

253. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the names of the persons and the institutions who applied for permission to visit Quetta for earthquake relief work ;
- (b) whether any of them was permitted to visit Quetta ; and
- (c) the reasons why permission was refused to them to visit Quetta for this purpose ?

**Mr. G. R. F. Tottenham :** (a) I lay on the table a list of applications made between June 3rd, and July 23rd. Having regard to the conditions which prevailed after the earthquake it is not certain that this list is complete.

(b) In addition to medical parties from Lahore, Amritsar and Karachi which worked at Quetta for a short time at the beginning of June, Mr. Hogg and fifty Rover Scouts from Lahore, were permitted to enter Quetta. More recently the Memon Relief Society (Calcutta) which had been doing good work in Karachi were offered permission to work in the rural areas near Quetta, but expressed their inability to under take further relief work. Special facilities have also been given to religious bodies, as far as the state of the buildings warrant, to remove their books and other sacred objects and also to collect ashes.

(c) I refer the Honourable Member to Chapter IV of the pamphlet "The Quetta Earthquake. 1935".

*Names of persons and institutions who applied for permission to visit Quetta for relief work.*

1. Ghanshamal, Karachi, for several representatives of Dera Ghazi Khan District.
2. 12 Sikh volunteers c/o Guru Singh Sabha, Karachi.
3. Dr. Hiralal, Meerut.

4. Amritsar Congress, 100 persons.
5. Sevasamiti Volunteers, Lahore, 20 persons.
6. Mr. H. Beal, Calcutta.
7. Vice-Chancellor, Aligarh University, party, no number.
8. 30 scouts from Sevasamiti, Jammu.
9. Punjab Congress Committee, no numbers.
10. Khan Bahadur A. A. Khan, Superintendent, Transportation, Railway, Allahabad.
11. N. W. Railway Accounts Union, Lahore, 2 members.
12. Relief Committee, Hyderabad (S.), 5 members.
13. Relief Committee, Hyderabad (S.), 20 members.
14. Relief Party, Nagpur, if services needed (no numbers).
15. Delhi Muslim Quetta Relief Committee (no numbers).
16. Sevasamiti, Delhi (no numbers).
17. Captain A. E. Fitzpatrick, Murree.
18. Punjab Provincial Congress Committee, 20 volunteers.
19. Dr. Rajeshwar Singh, Ghaziabad, U. P.
20. Mr. Hogg and 50 Boy Scouts, Lahore.
21. Public of Phularwan (no numbers).
22. Karachi Indian Brokers Association (no numbers).
23. Baba Kartar Singh, Lahore (500 volunteers).
24. Hindu Seva Sadan, Hardwar, (20 volunteers).
25. Mr. Niranjare Lall, Gangab, Salicupur.
26. Jamiatulamai Hind, Delhi, 3 volunteers.
27. Major T. C. H. Shaw, Fern House, Murzapur Road, Ahmedabad.
28. Mr. Sewa Singh, Overseer, B. and N.W. Railway, Muzaffarpur.
29. Mr. S. M. G. Abbas Ali Khan, Alwar, Rajputana.
30. Mr. Nand Lal, Rangamahar, Ujjain.
31. The Kasht Nirawak Samiti, Agra, 10 volunteers.
32. Dr. Mehta Nandlal, Patna (party of doctors and engineers).
33. Vaish Orphanage, Meerut (3 persons).
34. Mr. P. Bharthi, Dinapore.
35. Mr. C. Franklin, Ex-Services' Association, Ajmer.
36. Mr. V. P. Chatterji, Calcutta.
37. President, Orphanage, Patiala.
38. Mr. R. F. Hunter, Khanpur Road, Ahmedabad.
39. The Delhi Territorial Troop (India).
40. Mr. E. A. Richards, Kurunegala, Ceylon.
41. Rohri Panchayat.
42. Mr. Rabindranath Mukerji, Benares.
43. 10 Boy Scouts from Bahraich.
44. Mr. Nanath Chand Ratra, Indore.
45. Baba Kartar Singh Bedi, Saharanpur (500 volunteers).
46. Sir Pheroze Sethna, Bombay, on behalf of Karachi Parsia.
47. Pribnidhi Maha Sabha, Rawalpindi (30 persons).

48. Sewa Samiti, Mardan (2 doctors and 15 boy scouts).
49. Mr. H. B. Maiske, Sindi (G. I. P. Railway), District Wardha.
50. Dr. M. N. Sen, 93½, Bakul Bagan Road, Bhowanipur, Calcutta.
51. Assistant Secretary, Ramkrishna Mission, Belur, Howrah District, Bengal.
52. Mr. Mohamed Afzal, Jagir Lambardar, Mozang, Lahore, with 200 men and a qualified doctor.
53. Thakurdas Pribhdas Manghirmalani, B.A., LL.B., Advocate, Hyderabad (Sind).
54. Messrs. P. K. Mukherji and B. K. Chandra, C/o Mr. D. K. Roy, Main Hostel, Hindu College, Delhi.
55. Mr. P. N. Barhanpurey, C/o Yamunabai, Potfode, Dhantoli, Nagpur.
56. Memon Relief Society (Calcutta), Baluchistan Earthquake Relief Camp, Karachi.
57. Chaudhri Bansi Lal, M.L.C., Masti Gate, Lahore.
58. Mr. D. N. Nandanwar, Kostipura, Nagpur.
59. Mr. S. F. Lakhani, Narain Mahal, Hirabad, Hyderabad (Sind).

**Pandit Krishna Kant Malaviya :** May I know why the All-India Seva Samiti organisation of Allahabad was refused permission ?

**Mr. G. R. F. Tottenham :** The reasons are explained in the pamphlet. There were no special reasons that were applied to special parties or special people. The reasons were the same for all.

**Seth Haji Abdoola Haroon :** May I ask why, in the beginning of June, two or three days after the earthquake, a Karachi party was allowed to go to Quetta and that party was then returned by the authorities back to Karachi ?

**Mr. G. R. F. Tottenham :** I do not know exactly which party the Honourable Member refers to, but I have stated in reply to part (b) of the question that a medical party from Karachi did go and work in Quetta for a short time.

**Seth Haji Abdoola Haroon :** But they were asked to return to Karachi and not to remain in Quetta.

**Mr. G. R. F. Tottenham :** I do not know whether they were asked to return to Karachi or whether they returned of their own accord.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if parties are now freely allowed to go to Quetta for doing relief work ?

**Mr. J. G. Acheson :** I have no information, but I believe no parties have recently gone up in addition to those already present.

**Mr. Lalchand Navalrai :** But if any party wishes to go there ?

**Mr. J. G. Acheson :** It is a hypothetical question. All requests will be considered on their individual merits.

**Seth Haji Abdoola Haroon :** Is it a fact that the Memon Relief Party was permitted to go to Quetta after three months when their funds had been exhausted ? They had already finished their funds in Karachi and then the Government permitted them to go to Quetta.

**Mr. G. R. F. Tottenham :** I do not know.

**Seth Haji Abdoola Haroon :** Is it not a fact that, on account of barring the entry of people into Quetta for relief work, there have been heavy losses in the matter of both life and property in Quetta ?

**Mr. G. R. F. Tottenham :** No, Sir.

#### EXCISE DUTY ON STEEL.

284. **Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the report of the speech of the Chairman of the Tata Iron Steel Company at its last annual meeting, regarding excise duty on steel ;

(b) whether they propose to remove the excise duty as early as possible ; and

(c) if not, why not ?

**The Honourable Sir James Grigg :** (a) Yes.

(b) and (c). I would refer the Honourable Member to the record of the debates on the Iron and Steel Duties Bill in July and August, 1934.

**Mr. S. Satyamurti :** Do not Government make any progress ? We are referred back for years. I want to know the present position !

**The Honourable Sir James Grigg :** The present position is precisely what it was in 1934. I have got all the extracts here, and with your permission, Sir, I will read a short one :

"The Commerce Member (Sir Joseph Bhore) and myself (I was speaking) have both made our position in this matter absolutely clear, and if we went on paraphrasing and reiterating our views on that matter for a month I do not think we could make our position any clearer. Neither of us contemplate that this particular excise should form a permanent part of the fiscal system of this country. As to the time and circumstances in which it can be removed nobody can prophesy, but our desire and intention is that it should not be kept on a moment longer than it is necessary."

**Mr. S. Satyamurti :** It is now one year. This was said in 1934, and has nothing happened in this one year for the Finance Member to give serious consideration to this question ?

**The Honourable Sir James Grigg :** In the first place, in matters of taxation, it is not usual to give advance notice of your intentions, and in the second place, the question of necessity is in the last resort one for the Government to determine.

**Mr. S. Satyamurti :** This excise duty is maintained merely for revenue purposes.

**The Honourable Sir James Grigg :** I have never heard of any excise duty being a protective duty before now. Quite the opposite.

**Prof. N. G. Ranga :** Is it not a fact that a very high dividend was declared last year ?

**The Honourable Sir James Grigg :** Does the Honourable Member want to increase the excise duty ?

**Prof. N. G. Ranga :** Is it not a fact that a very high dividend was declared by the Tatas at the last meeting ?

**The Honourable Sir James Grigg :** That seems to indicate that the excise duty is not felt as a hardship.

**Pandit Nilakantha Das :** Do Government contemplate the abolition of this excise duty when it will be financially possible for them to abolish the revenue duty ?

**The Honourable Sir James Grigg :** I meant precisely what I have said.

**Mr. M. Ananthasayanam Ayyangar :** What is the amount of excise duty recovered year after year for the last two years ?

**The Honourable Sir James Grigg :** I cannot say offhand, but I believe it was Rs. 11 lakhs in the partial period of last year.

**RESULT OF THE IMPOSITION OF AN IMPORT DUTY ON BROKEN RICE AND PROHIBITION OF IMPORTS OF RICE FROM SIAM, INDO-CHINA, ETC.**

285. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the result of the imposition of an import duty of 12 annas per maund on broken rice ;
- (b) whether it has resulted in any appreciable increase of prices ; and
- (c) whether Government are considering the prohibition of imports of rice from Siam and Indo-China, and fixing of quota from Burma ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). The Honourable Member is referred to the reply given by me to parts (a) and (b) of his question No. 194.

(c) No, Sir.

**Mr. S. Satyamurti :** Then the Government are not considering this question ?

**The Honourable Sir Muhammad Zafrullah Khan :** I believe I have explained the whole position in answer to the supplementary questions to the question referred to in my answer to parts (a) and (b) of the question. I gave reasons to show that the position was not such as to justify the kind of action suggested by the Honourable Member.

**Mr. C. N. Muthuranga Mudaliar :** With regard to the answer to part (b) of the question, may I ask the Honourable Member if the prices have not slightly fallen owing to the import of Siam rice during the month of August ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have answered that question in the supplementaries. I laid on the table of the House a statement showing the prices up to the end of July, and then this question was put and my reply was that the figures with regard to the month of August had not become available and my reply is still the same.

**Dr. T. S. S. Rajan :** What about part (c) of the question, the fixing of a quota from Burma ? What is the answer to that question ?

**The Honourable Sir Muhammad Zafrullah Khan :** The answer was "No".

**Mr. S. Satyamurti :** With regard to the fixing of a quota from Burma, are Government considering it ?

**The Honourable Sir Muhammad Zafrullah Khan :** No.

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.

**TERMS OFFERED FOR THE TRANSFER OF BRITISH SERVICE OFFICERS TO THE INDIAN ARMY.**

286. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the reasons why they have offered attractive terms for the transfer of British Service Officers to the Indian Army ;
- (b) whether these terms are offered by the Army Council without consulting the Government of India ; and
- (c) if they were consulted, what their opinion in the matter was ?

**Mr. G. R. F. Tottenham :** (a) The Honourable Member's attention is invited to the reply I gave the other day to Mr. Ananthasayanam Ayyangar's starred question No. 170. It is true that, in order to increase the area of selection, certain conditions, which are normally imposed in the case of transfers, have been relaxed, *e.g.*, the age limit and the time within which officers must qualify at certain examinations, but financially the terms are exactly the same as they have always been.

(b) No. The terms were formulated by the Government of India, and sanctioned by the Secretary of State. The Army Council had considerable difficulty in sparing the officers and went out of their way to do so in order to meet Indian requirements.

(c) Does not arise.

**DAMAGE BY EARTHQUAKE AND RE-BUILDING OF QUETTA.**

287. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have considered, or are considering, the question of the continuance of Quetta as a civil and military station either on the present scale or on a reduced scale ;
- (b) the actual extent of damage to Government in the Civil and Military Department by the earthquake ; and
- (c) the expenditure proposed to be met by the Government of India for re-building Quetta either at the present or on some other site ?

**Mr. G. R. F. Tottenham :** (a) The Honourable Member's attention is invited to Chapter VIII of the pamphlet "The Quetta Earthquake, 1935". The matter is under consideration.

(b) and (c). The Honourable Member's attention is invited to my reply to Seth Haji Abdoola Haroon's starred question No. 163 on the 6th September, 1935.

**Mr. S. Satyamurti :** Was an estimate of expenditure given then ?

L200LAD



**Mr. G. R. F. Tottenham :** If the Honourable Member would read the reply that I gave on the 6th September, the answer was :

“ The present estimate of the cost of reconstruction, which must necessarily be extremely rough, is between Rs. 7 and 8 crores.”

**Mr. S. Satyamurti :** May I know whether Government have considered, or are considering the means of finding this money ? Are they going to raise a loan ?

**Mr. G. R. F. Tottenham :** I think that question should be addressed to the Honourable the Finance Member.

**Mr. S. Satyamurti :** Have Government considered the question of the site ? Have they come to a conclusion on that point ?

**Mr. G. R. F. Tottenham :** No. The matter is still under consideration.

**Seth Haji Abdoola Haroon :** Is it possible, in the present state of the Government's finances, for this amount of Rs. 7 or 8 crores being spent on the reconstruction of Quetta ?

**Mr. G. R. F. Tottenham :** I think that question ought to be addressed to the Honourable the Finance Member and not to me.

**Seth Haji Abdoola Haroon :** Are Government aware that I read day before yesterday an article in the *Statesman* that Karachi is a more suitable place for the Western Command than Quetta. Is not Karachi a more suitable place for the purpose ?

**Mr. G. R. F. Tottenham :** I do not know what the Honourable Member read in the paper the day before yesterday.

**Mr. S. Satyamurti :** May I ask the Honourable the Finance Member how he proposes to get this amount of Rs. 7 or 8 crores ? Does he propose to consult this House on the need for spending, and the means of raising this money ?

**The Honourable Sir James Grigg :** I would repudiate the suggestion that the question of the future policy regarding Quetta is a matter for me to bring before this House. The question of raising money will, in so far the expenditure is votable, be brought before this House, and, in so far as it is non-votable, it will not.

**Mr. S. Satyamurti :** May I ask whether the policy of re-building Quetta either on the present site or on the neighbouring site will be placed before this House at any time before the Government make up their mind ?

**The Honourable Sir James Grigg :** That is not for me.

**Mr. S. Satyamurti :** May I ask the Honourable Member, Mr. Tottenham, whether Government propose to consult the opinion of this House on the important and costly proposition of re-building Quetta, either on the present site or on the neighbouring site, which, I understand, is going to cost eight crores of rupees ?

**Mr. G. R. F. Tottenham :** There is a Resolution on the paper on this subject ; and if Honourable Members opposite would agree to allow that Resolution to be discussed instead of the one they have themselves put

down for the 19th, the House would have an opportunity of expressing its opinion on that point.

**Mr. S. Satyamurti :** What Resolution ? Is it a Government Resolution ?

**Mr. G. R. F. Tottenham :** There is a Resolution tabled by my Honourable friend, Seth Haji Abdoola Haroon, recommending that Government should not re-build on the existing site.

**Mr. S. Satyamurti :** What is Government's position ? Are they going to consult this House by means of a motion of their own on the question of re-building Quetta, either on the present or on the neighbouring site ?

**Mr. G. R. F. Tottenham :** I have nothing to add to what the Honourable the Finance Member said about that.

**Mr. S. Satyamurti :** When I ask the Army Secretary, he refers me to the Finance Member, and when I put the question to the Finance Member, I am told that the question should be put to the Army Secretary. I don't care who answers it. Somebody must answer it. Let the Home Member answer that. I don't mind.

**The Honourable Sir Henry Craik :** The question is under consideration.

**Mr. S. Satyamurti :** Is the question of consulting the House also under consideration ?

(No answer.)

**Mr. S. Satyamurti :** Silence is the best answer ?

## SHORT NOTICE QUESTION AND ANSWER.

### ALLEGATIONS AGAINST BRITISH SOLDIERS STATIONED AT JUBBULPORE.

**Mr. Satya Narayan Sinha :** Are Government aware whether the remark of the Honourable the Law Member in the Assembly the other day, while objecting to Mr. Satyamurti's motion for adjournment, regarding Benda incident, that the Court might hold that the soldiers acted in “ self-defence ”, is likely to prejudice the course of justice, because the remark has emanated from a responsible person like the Honourable the Law Member ? Is it not a direction to the Court as to its findings in the case which it is trying at present ? If so, how do Government propose to make amends for it ?

**The Honourable Sir Nripendra Sircar :** Attention of Government has been drawn to an article in the *Hindustan Times*, which ended with a desire on its part that this matter should be taken up on the floor of the House by some M.L.A. and the arguments and language of which article including the wholly unjustified expression “ indiscreet ” have been reproduced in the question.

“ The expression ‘ indiscreet ’ has since been deleted under the orders of the Honourable the President.”  
L200LAD

The remark attributed to the Law Member is wholly misleading by reason of part of a sentence being reproduced after omitting what precedes and follows it.

The entire sentence is as follows :

" We must take all theoretical objections and supposing that the Court finds, as a matter of fact, there was justification for the exercise of right of self-defence, and so on, it may not be a fact ultimately proved, etc."

The remark as actually made is not capable of being perverted into a direction or even a hint to the Court as to its findings in the case.

The argument expressly stated to be based on a theory which may not be the fact as ultimately proved was necessary for showing that the matter was *sub judice*—a contention which was upheld by the Honourable the President.

**Mr. S. Satyamurti** : May I take it that the Law Member now categorically says that his statement is neither a direction, nor a hint, nor anything else to the Court ?

**The Honourable Sir Nripendra Sircar** : I see that my Honourable friend uses the word " now ". The question of " now " does not arise.

**Mr. Satyamurti** : Does he again ?

**The Honourable Sir Nripendra Sircar** : What is the question ? I am quite prepared to answer it.

**Mr. S. Satyamurti** : I am prepared to put the supplementary question, if you will permit me. Does the Honourable the Law Member say that again—that his speech that day was not to be construed by the Court as either a direction, or a hint, or suggestion of any kind ?

**The Honourable Sir Nripendra Sircar** : I have nothing to add. I said that the grossest perversion which may be applied to it does not lead to that conclusion.

#### MOTION FOR ADJOURNMENT.

##### APPOINTMENT OF AN EUROPEAN BUSINESSMAN AS THE PRESIDENT OF THE INDIAN TARIFF BOARD.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have received notice of a motion for the adjournment of the business of the House from Seth Govind Das, as follows : " The appointment of an European (Sir Alexander Murray) businessman as the President of the Indian Tariff Board ". I understand that the Honourable Member is not going to move it.

**Seth Govind Das** (Central Provinces Hindi Divisions : Non-Muhammadan) : I said that I am not going to move it.

##### ELECTION OF MEMBERS TO THE CENTRAL ADVISORY BOARD OF EDUCATION.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that Dr. Ziauddin Ahmad and Dr. Bhagavan Das have been elected to the Central Advisory Board of Education constituted by the Government of India.

#### THE CRIMINAL LAW AMENDMENT BILL—contd.

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved by the Honourable the Home Member on the 5th September, 1935.

" That the Bill to amend the Criminal Law be taken into consideration."

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, the case for this Bill rests mainly, if not exclusively, on the two pamphlets that have been supplied by the Home Department, one containing extracts from newspapers and other publications and the other containing the statements that were furnished by the Honourable the Home Member in reply to the Short Notice Questions put by Seth Govind Das. I submit that if anybody had ever a fantastic idea of raising a sky scraper on an arch of straw, he could not have hit upon anything better. Sir, look at the extracts that have been placed in this pamphlet which is headed " A few selections from press articles made in connection with Press legislation ". Sir, I reminded Honourable Members yesterday that there was no Press Act in force in this country between the years 1921 and 1931. I assume that the Government with their infinite resources, after making a microscopic examination of all the publications that have issued during this interval of ten years, have been able to cull together all that appears in this pamphlet.

**The Honourable Sir Henry Craik** (Home Member) : There are thousands.

**Pandit Govind Ballabh Pant** : Well, I do not know if they have anything up their sleeves. If there is anything secret in the dark which they dare not expose lest it should burn and evaporate in the light we cannot take notice of it. If they have anything else in their possession we do not know. What they have considered deserving and worthy of being placed before us is contained in this pamphlet. Sir, this pamphlet does not contain anything for the years 1922, 1923, 1924, 1925, 1927 and 1929. It does not contain anything for the Presidencies of Bombay and Madras or for the Provinces of the United Provinces, Bihar and Orissa, Assam, Central Provinces and the North-West Frontier Province. The extracts that have been given here are confined to the Provinces of Bengal and the Punjab and to the years 1926, 1929 and 1930 only. Sir, this general survey can lead only to one conclusion, namely, that the state of the press was never really as lamentable, scandalous and dangerous, ominous and disastrous as is now sought to be made out. Sir, what do these extracts contain, even as they are ? Before I do so I may tell the Honourable Members that so far as the United Provinces are concerned, I have read the Administration Reports issued by the Local Government and it is definitely, positively and unambiguously mentioned in those reports in the year 1923 and again in the year 1924 that the tone as well as the language of public press in the province improved considerably after the withdrawal and repeal of the Press Act. Sir, these stray extracts containing only a part of the article and being for the most part indifferent translations cannot be a safe guide ; but even if we take them at their face value, what do they indicate, and what do they prove ? The first nine extracts relate to the single district of Pabna in Bengal and were all published in the month of July 1926. When we proceed further, we find a number of descriptive articles. I have examined every article and I am satisfied that if this pamphlet is placed before any judicial

[Pandit Govind Ballabh Pant.]

tribunal, at least half of them will be declared to be perfectly innocent ; and that demonstrates unmistakably the mentality of those who have put them before us as the exemplars in support of this repressive piece of legislation. This pamphlet contains not only extracts from newspaper articles but also reprints from pamphlets, books, and cyclostyled and other posters. Well, Sir, I do not know how this Bill is intended or expected to reach cyclostyled posters, unless the Government have the intention of introducing an amendment at a later stage. Otherwise, so far as the present Bill goes, I do not see their relevancy. We find no jot or tittle smacking of Communism anywhere in it except in the cyclostyled poster or pamphlet. There is nothing in it that could amount to a direct incitement to violence, except one or two sentences from two articles from certain obscure papers which have revealed their existence for the first time in this pamphlet : and so far as communal dissensions are concerned, Sir, as I observed as many as nine concerning Pabna District were shot off within a week. We do not know what happened there at the time. Perhaps there was an immense excitement in those districts in Bengal then. I would like to know, Sir, whether, on the basis of these extracts, any responsible Government would dare to approach the Legislature for such a piece of legislation as they have placed before us after a lapse of nearly ten years. We were told the other day, Sir, that there were 4,600 newspapers and publications in this country. We are here making a survey of everything that emanated from the press, whether in the form of newspapers, or pamphlets, or posters or books or otherwise during the period of ten years. Remembering that some of these papers might be dailies, some weeklies, some bi-weeklies, some monthlies and so on, the number of publications must have amounted to millions if not to billions. Of these, the selections come to about thirty, and on those thirty, we are asked to penalize the press of this country for ever !

**The Honourable Sir Henry Craik :** There were hundreds more.

**Pandit Govind Ballabh Pant :** I do not know whether the "hundreds more" are merely in the brain or imagination of the Honourable the Home Member.

**The Honourable Sir Henry Craik :** No.

**Pandit Govind Ballabh Pant :** So far as the published papers go, he has placed before us only these. I presume that these are the worst samples that he could lay his hands upon, and I would ask Honourable Members to read them and to see what they are like. I have a definite impression, Sir, of the articles that I used to read in newspapers in 1908, 1909 and 1910 and I dare say from the recollections I retain very distinctly to this day that some of the papers then published had more objectionable stuff in one issue than what is contained in the whole of this pamphlet today. Well, Sir, this is the comparative state of affairs. I could like to know from the Honourable the Home Member the true state of affairs. He has told us that communalism has never been so acute in this country as it is today. Well what measures has he taken to put an end to that ? And if *this* is the result of three years' administration of the Criminal Law Amendment Act—namely, that communalism today is in its worst phase—then, I ask, why should he prolong and perpetuate the tortuous course which has resulted in this calamity ?

Then I would ask the Honourable the Home Member if he ever took action under section 153A in respect of these papers mentioned here, and whether he took any action under section 108 against the printer or the publisher of any of these ?

**The Honourable Sir Henry Craik :** If the Honourable Member refers to my speech in introducing the Bill, he would have found that repeated action was taken.

**Pandit Govind Ballabh Pant :** So far as I am aware, none of these persons were prosecuted for any of these writings.

**The Honourable Sir Henry Craik :** We cannot get at them.

**Pandit Govind Ballabh Pant :** That is an untenable proposition which I cannot accept. Sir, if the police are really so inefficient that you cannot get at the culprits, then you have no business to continue to employ them (Loud Applause), then you should disband your staff. Why do you engage this police force and impose taxation on us in order to keep them going, if you and they cannot get at the culprits ? (Hear, hear.) Sir, if your police force is designed only to get at innocent people, and if that is the purpose for which you are here, if your object merely is to frame these weapons and engines of oppression for innocent people, so that you may have some sort of fun and your police a ready handle and something by way of bait to book the innocent. The cat is out of the bag and I concede that this Bill will eminently and fully fulfil that object. Sir, I was just telling you that this bogey of communalism is a curious figment of the imagination : it has been sprung upon us with a view to frightening us. Sir, when I hear Members of the Government talking of a communal crash, I feel as though the chauffeur is losing hold of the brake and the crash is imminent. Perhaps, in some cases—I do not attribute any malice or malignancy—the wish may be the mother to the thought. (Hear, hear.) But, whatever it be, I say, Sir, that if the Government feel that communalism is in its worst form, then we must be prepared for the crop which must ensue out of such open declarations from the most responsible quarters. (Hear, hear.) They may not want their prophecies to turn true, yet we must be on our guard. Sir, we had once a good, old sturdy gentleman as Commissioner in the place where I live. In 1924-25, as Honourable Members are aware, there was a recrudescence of communal trouble. Once he was having a talk with me and he told me : " Well, Pandit, there is too much of communalism these days. Why is it so ? " I said there are many reasons. He said : " No, no. It is very easy to put an end to it ". I said how ? He asserted : " Well, put me in charge of the worst district and I will see that communalism will come to an end ". I asked him how he would manage it ? He gave me a story. He said that in his younger days while he was the District Magistrate at a certain place, a Tahsildar approached him and told him that his Tahsil was on fire and that a communal outburst was inevitable. He told the Tahsildar that that was the first time when he had ever heard such a report and while directing him to see him the next day with the latest information, warned him in the following words : " If you repeat tomorrow that your Tahsil is still in a combustible state, then I will make an entry in your service book and report you for transfer from this Tahsil ". He told me that the Tahsildar approached him the next day and told him : " Give me time : things are improving ". He replied : " Very well, you can have some more

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time". The man went back to him the next day and said : " Everything is all right ' *Sub Khairiyat* '." That is how communalism can be put an end to. I say if you are determined to put a stop to it, you can do it. I do not want to make remarks of an unpalatable and unpleasant type. But I would ask the Honourable Members opposite to read of some of the letters published by Lady Minto that passed between Lord Minto and Lord Morley. I ask them to ponder over what Lord Olivier wrote in the article that appeared in the *Times* soon after he retired from the office of the Secretary of State for India. I ask them to read what Wedgwood Benn observed some time ago and I ask them to read what the Earl of Salisbury has said only recently. I would not say more. But, Sir, I would remind them that communalism is not the monopoly of this land. Wherever you have foreign domination, there is a natural tendency to foster all those forces which contribute towards the perpetuation of that domination. It is but natural. That does not, however, absolve us from the responsibility that we owe to our country. I am one of those who feel that if our enemies can outwit us, we are fools. If our enemies can beat us, they must be abler. But I do not want to be beaten by them in any way and on any score whatsoever. I am not putting this forward as an apology or defence for any failure or lukewarmness on our part. but I am stating only a fact because it is a fact. In this connection, I would remind the Honourable Members that only recently there was an outburst in Belfast. Belfast is not Dublin which is the capital of the Sinn Fein or Irish Free State; but it is Belfast, the capital of the favourite province of the superb Lord Carson. I will just read out to you what happened in Belfast from an extract that appeared in the *New Statesman and Nation* recently. It says :

" More than the usual political significance underlies the rioting which has developed in Belfast from the annual celebrations on July 12th of the Battle of the.....better known in Northern Ireland as the glorious twelfth. The newspaper reports which have reached England tell us only of this great fighting, the rioting, the looting, the burning out of a dozen Government homes, the deaths of five persons and the wounding of well over a hundred, the use of rifles, revolvers and machine guns by the police and finally the calling out of the military who were patrolling the streets with fixed bayonets and steel helmets returning the desultory fire of the snipers who lie hidden in the network of poverty-stricken slum streets of the York Street area."

This is what happened in Belfast last month. Belfast is the place where the catholics are in very small number and where the protestants dominate. So, let not our people be entrapped by any insinuations about communalism being worse today than it has ever been before. I, for one, honestly believe—and I claim to possess some knowledge of the people and some experience of the affairs of this country and it is certainly more intimate and reliable than what any Honourable Member opposite can acquire as none of them has a direct approach to the hearts, to the sentiments and to the convictions of people,—that the worst phase of communalism has passed. There is more of harmony today than there was at any time before, at least during the last ten years. But for a few self-seekers and those who can always be incited to promote hatred between communities, the heart of the country is sounder today than it has ever been before, and I am convinced that if artificial restraints are not devised which must tend to cause greater distrust and mistrust in the future, the present rate of progress will continue until we have reached the millennium and the haven which we all desire.

Sir, I would like to refer to some of the extracts which have appeared in other places. I do not know if the Honourable the Home Member is aware of the sort of literature that is published in England. Has he ever seen the extracts that appear in the pamphlets or articles there ? I do not know if he has been reading the *Workers' Daily* or whether he has been reading the *Labour Leader* or whether he has been reading such like other papers. I see that there is more of Communism in a single issue of these papers than in all that you can collect here during the last ten years and yet they are not proscribed here and I am occasionally reading them. I will read out to you a few extracts from some of the pamphlets that have been published in England. These pamphlets have been published almost continuously and regularly by people who have taken pretty good care to keep themselves in the back-ground just as the imaginary dummy editors are supposed to be doing here. Well, Sir, now I propose to read from the Hansard and it is part of the speech delivered by the Attorney General of England in the last autumn session. He says :

" There is a corresponding leaflet with reference to the Navy, entitled ' The Red Signal ', which claims to be the organ of Communist sailors. I will trouble the House with a few illustrations, in order that Honourable Members may have in their minds the sort of incitements which are offered to members of His Majesty's Forces in this secret, underground fashion. *The Soldier's Voice* of October, 1931, invited its readers who were soldiers to understand that : ' The way to victory lies, not through voting, but through mass struggle. What is needed is a repetition of the general strike.' The issue of May, 1932, contained this passage : ' Let us use the knowledge of arms which they give us, when the opportunity presents itself, to overthrow their rule, and, in unity with our fellow-workers, to establish a free Socialist Britain.' In November, 1932, the same production said : ' We suggest that you, comrade reader, should make a beginning now in your unit. Get in touch with that other fellow in your lot who thinks like you. And then start in to convert the rest of your mates to your ideas. If you don't quite know how to begin, what about writing for advice to that Communist or member of the Unemployed Movement you used to know at home ? ' These are incitements addressed to and intended for members of His Majesty's Forces. *The Red Signal*, the organ of Communist Sailors, in October, 1932, said :

' They will put a gun in your hands. Take it and study the art of war. This knowledge is essential for workers in order to fight against the capitalists of their own countries, in order to put an end to capitalism.'

In May, 1933, it said :

' If war does come, then it must be turned into a civil war against the capitalist warmongers and their bankrupt system. We urge our comrades of the lower deck to get into touch with this great movement wherever possible.' "

Sir, I ask the Honourable the Home Member whether he has seen anything approaching this even within a hundred miles in this country. Has he seen such pamphlets being distributed in the Army anywhere in this country ? Has he seen people taking any interest of this wicked and malicious sort ? The Attorney General says in another place :

" The effect of the two or three prosecutions which have taken place in the last year or so has been to drive the chief offenders underground. A somewhat sly and almost skulking breed of inciter has come into existence. They are too shy or too cowardly to put their names and addresses to the literature which they are in the habit of producing."

The Attorney General again quotes from another paper :

" They say in the *Soldier's Voice* of May, 1932 :

' Leaflets were printed in English, French and Japanese and careful plans were laid for their distributions. They were strewn on parade grounds.

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stuck on walls and fences, put in the dance halls and cabarets frequented by men of the Forces, and many soldiers and sailors alike were surprised to find leaflets in their pockets or thrust into their hands.

As I say, they are published anonymously by people who prefer to employ comparatively harmless and ill-paid persons to distribute them. The persons responsible for them have taken very good care to keep well in the background since the prosecutions of two or three years ago, when some of the offenders were properly dealt with under the existing law."

He says further :

"Some one may ask : How much of it is there ? During the year 1932, there were 17 different subversive pamphlets. I do not mean 17 issues, but 17 different pamphlets of different titles—*The Soldier's Voice* is the one and the *Red Signal* another—containing such incitements as I have mentioned ; and in that year there were 20 places of distribution. In 1933 there were 11 different subversive pamphlets and 14 places of distribution. The pamphlets are distributed among members of His Majesty's Forces by methods such as I have described. They are thrown over the barrack railings, or pushed into the hands of soldiers or sailors in places of refreshment or in music halls ; and it is estimated that in each of the last two years something like 50,000 copies of these subversive pamphlets have been produced and attempted to be distributed for circulation among members of His Majesty's Forces."

Sir, I have no desire to tax the patience of the Honourable the Home Member or those sitting opposite. I am not reading these passages because I approve of them or because I approve of the methods. What I want to impress on this House is this, that there is much more vitriolic, poisonous and combustible matter in circulation in England than here. Yet do the English people ever think of putting restraints like these on their Press ? Has it ever occurred to them that they should do anything of this sort ? The other day I was surprised to hear from Mr. Griffiths that there is no difference between the censorship of the cinema and the control of the Press. So far as my Honourable friend, Mr. Morgan is concerned, if he had said so, it did not very much matter, but when a gentleman in the position of a District Magistrate, one belonging to the Indian Civil Service, who has to try and dispose of cases of this sort shows such a confusion of thought, that is a conclusive argument as to why the executive should not be vested with these powers. (Hear, hear.) Does he not know, Sir, that the cinema is regulated and controlled all over the world ? Does he not know that in England, in France, in Canada, in Australia, in the United States and everywhere the cinema is subject to censorship ? Does he not know along with it that it will be against the Habeas Corpus Act, it will be against the Bill of Rights, it would be against the Magna Charta, if any Bill of this nature were introduced in the British House of Commons or the House of Lords for restraining the liberty of the Press ? Does he not know that it is against the fundamentals of the American constitution, and the House of Representatives or the Senate cannot pass any law that would interfere with the liberty of expression or freedom of association. (Hear, hear.) Does he not know that the Free State constitution contains laws of that type ? Does he not know that even in the Canadian constitution, you have laws of this nature ? Does he not know that these are fundamental rights to which greater value is attached than to anything else ? Does he not know that in the case of the cinema the criterion is simple—if the thing is obscene and vulgar, one can at once notice it ? If there is an objective standard of measurement and scrutiny, it is easy

for people to arrive at right conclusions. I admit, that so far as India is concerned, even the regulation of the cinema is governed by political considerations. We know that here even the cinema is used or abused for political propaganda and as an aid towards the perpetuation of foreign rule. The cinema containing the pictures of the Bombay Congress was actually proscribed ! I ask the Honourable the Home Member, I ask those sitting on that side under which law, whether local or international, it is permissible. What was obscene, demoralising or vulgar in the pictures of the Bombay Congress ? Can anybody justify it ? Is that not proof positive of the fact that the executive at least in this land as it is constituted today does not deserve any exceptional powers ?

Sir, I am aware even at this very moment of how the executive are behaving against the rules that they have themselves framed although they find a solemn place in their own manuals of Government orders. In my province, the elections for the district and municipal boards are in progress and the Congress has set up candidates. There is a rule in the manual of Government orders that no Government servant should take any interest in the elections so much so that none should even indicate his preference for any particular candidate. In flagrant contravention of this rule there is a regular conspiracy and crusade on the part of officials all over the province to shut out Congressmen and to put up and extend support to rival candidates. I know, Sir, even today efforts are being made to organise all the reactionary forces in almost all the provinces and certainly in mine and to recruit to the bureaucratic army the lame, the blind, the halting and the cripple, whose docility and subservience is not open to any doubt. Sir, that is what is going on under our very eyes today ; and yet we are asked by the self same executive to have implicit confidence in them, so much so, as to surrender all our liberties to them.

Sir, let us look at the other pamphlet now. It contains the statements that were given in reply to Seth Govind Das' question. We find from this that security was forfeited in 17 cases, and Mr. Griffiths laid great stress on this. Well, Sir, what does it prove ? Out of 4,600 publications security was forfeited in 17 cases. May I know what is the proportion ? I think it comes to about 1.7 for 500 or about 1 for 300. Now, Sir, is there any profession anywhere in the world, is there any community, is there any class however noble and faultless it may be in which the number of defaulters and delinquents does not come at least to that limit ? Look at the Honourable Members opposite ; let them recall to their minds the Back Bay muddle of Bombay, the Lloyd Barrage scandal of Bombay, the Munitions Board scandal, the Mesopotamia muddle, and the like ? Is it not a fact that even amongst the holiest of the holy there are people who have been found to be guilty, in a much higher proportion, of offences much more reprehensible ? Then, Sir, why should not there be a law requiring every member of the Indian Civil Service to deposit a security of Rs. 10,000 for good behaviour and honesty ? We have just before us the Benda incident which happened but recently and we know other cases in which the soldiers of the army have been held to be guilty of violent offences of a very serious type, and their proportion is much higher again than that of the newspapers whose securities have been forfeited. Why should not there be a law then requiring every soldier

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who is imported into this country to give a security of his pay at least for a year so that he may be kept in good behaviour? Sir, I think it is implicit in the terms of the engagement of the Indian Civil Service and other Imperial Services that they will be faithful to the interests of this country. Yet many of us do not believe that all of them always behave accordingly. Then, Sir, if difference of views does not matter, why not appoint a Standing Commission consisting, for the matter of that, of Sir Zafullah Khan, Kunwar Jagdish Prasad and Sir Nripendra Sircar, who will impose a fine or forfeit the security of those members of the Indian Civil Service who, in their opinion, are definitely proved to have been unfaithful to the interests of this country? Just as members of the Indian Civil Service and other services are free to determine whether their critics have or have not excited disaffection or hatred towards them and will sit in judgment on us, why should not they trust their own colleagues of tried loyalty in the services and in Government to decide matters pertaining to them in relation to their loyalty to this country? Are they prepared to do that? If they agree I will be prepared to reconsider my position. But even the suggestion is giving offence to the Honourable the Home Member. He is tolerating it because he is in this House; otherwise, the idea that three Indians, brown in colour and belonging to those races about which a very apt description was given by another fellow European, Mussolini, it is intolerable to him that we should ever think of these people sitting in judgment over him. Then, Sir, what can they expect from us? After all, are we not human beings? Have we no sentiments? Sir, the Honourable the Home Member told us the other day that all murders were alike. I do not know, Sir, but does he exercise the power of reprieve? Does he grant pardon in some cases? If he does, does he make any distinction between one class of murder and another? Otherwise how are these petitions of mercy disposed of? And does he after all see no distinction between Kharag Bahadur murdering a rake with a view to protect the honour of a family and a rake murdering another person with a view to ravish his wife? Would both stand on the same footing? So far as my attitude towards terrorism is concerned, I do not want to make any declaration of faith, specially after the vulgar manner in which the statement of Mr. Asaf Ali was received by some of the Members opposite. I belong to the Congress: I have signed its creed, and those who do not believe my word receive from me nothing but contempt and I do not worry about what they think of me. But I should stress that there should be a sense of proportion, there should be a sense of proper perspective, which should never be lost. After all, even in the eye of the law, are all culprits alike? Is there the same procedure for the trial of Europeans and Americans as for the trial of Indians? Have we all forgotten the scandals that occurred about the rupture of spleen cases in the old days till the electric fan came to our rescue? And I remember a typical case, a case which, whenever I think of it, causes me immense mortification. Sir, in 1924 there was a case of rape in Tundla. Some Anglo-Indian lads belonging to the Railway Department ravished some Indian girls. They were convicted and sentenced to whipping. Sir Henry Gidney, who is unfortunately not here today, then made a representation to Government, and to what purpose and with what end? Not with a view to obtain their release, but his representation was to the effect that these meanest and most wretched

miscreants should not be whipped by the Indian who normally performed that duty but by a non-Indian. (*Cries of "Shame" from the Congress Party Benches.*) And what happened? That representation was accepted and accepted by whom? By one who had been the Lord Chief Justice and Lord Chancellor of England, the Viscount of Reading who was the then Viceroy of India. (*Cries of "Shame" from the Congress Party Benches.*) Sir, with this attitude of the head of the executive towards these matters, to dangle before us these things and to tell us that there is no danger of discrimination, that there is nothing but unadulterated justice to be the guide of their conduct, is to tell us something which our experience belies and which we know is not true. Now, Sir, with these experiences, when even a man of that position, with that training, with that knowledge of law and justice can behave like that, how can you ask us to surrender our liberties and our cherished and valued rights to the minions of law who do not know law and who indulge and revel in lawlessness? Sir, how can that be done by us or with our consent? How can we voluntarily commit suicide?

I have given you 17 as the number of cases in which securities have been forfeited. Along with that I will give you the other side of the picture. Even in this year, according to these figures, security was demanded from 71; and out of these only 15 could find security and 56 papers had to go out of publication. Similarly we find that 448 other papers went out of publication. What do we infer from this? That this is a most repressive and oppressive law. And how? Even according to the executive judgment, of those who had been running the presses, only 17 were found to be guilty: but there were more than 500 who were throttled, practically strangled at the outset and were not even allowed a trial. That is the greatest mischief of the repressive law. It falls more heavily on the innocent than on the guilty. There is no doubt that most, if not every one, of these 500 would have been helpful to themselves and to others had the road not been blocked against them at the very beginning. The other day, the Honourable Member from Midnapore told us that the methods of the Government were humane and that they wanted to protect the young men from the snare and the net of terrorism. Is this the way to achieve that end? Just see. You have deprived 500 men who were going to adopt an independent vocation for earning their livelihood of what was perfectly legitimate. If these 500 persons had been allowed to work, there would have been work for at least five more in each press and you would have encouraged the employment of at least 3,000 men if these presses had not been proscribed and if security had not been demanded. I remember what I read some days ago and again something over which my heart wept. There were seven vacancies in the cadre of constables in Patna and there were 2,000 applicants: and how were they treated? There was such a scramble that the crowd of applicants were subjected to a *lathi* charge. That is the state of unemployment in this country. Seven posts of constables draw 2,000 applications, and instead of giving them bread you give them stone and something worse than that—*lathis*. On the other hand people try to find out careers for themselves and where 2,000 men would have been engaged and would have been in a position to earn their living for themselves, you stand in their way and these 2,000 are thrown on the streets and on the lanes and on the by-lanes. Is it a surprise that some



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of them should take to methods that are desperate, howsoever harmful, howsoever injurious they may be to the larger interests of the country ? I am one of those who feel that methods of violence should not be encouraged directly or indirectly, not because I have any tenderness for this Government, which if I could I would break to pieces this moment, but because I feel that in the interests of my country, situated as we are, if the cult of violence spreads, we will be nowhere, and there will be no end to it and things will go on from bad to worse and from worse to worst. Therefore I would not be a party to anything that encourages such a thing directly or indirectly. But the etiology of the disease should be dispassionately studied in a detached spirit and if you want to root it out effectively.

The Honourable Mr. Griffiths told us that he was anxious to help the youth of the country. I do not at all doubt the sincerity of his declaration ; he also told us that his methods and the methods of this Government were humane. I was reminded of what I read the other day, that an internee had been sentenced to five years' rigorous imprisonment for having written an innocent letter which contained nothing objectionable, but because he had not obtained permission of the jailor for writing it. These methods are humane par excellence : but we on our part are unable to appreciate their humaneness. Has it ever occurred to Mr. Griffiths as to why there is so much of discontent in this country ? He must be knowing what Bacon said about the cure of sedition : he said " the cure of sedition lies in taking the matter out of it, and the matter consists of much poverty and too much of discontentment ". I think he knows that. Has it ever occurred to him why he is there ? Has it ever occurred to him as to what had been the role of the service to which he belongs ? Does he not know that more than 40 years ago a resolution was passed in the House of Commons in favour of simultaneous examinations for the Indian Civil Service in India and England ? But why was it not put into practice ? Does he not know that even today out of 2,500 in the superior Civil Services occupying the higher posts, and 5,000 holding the King's Commissions, the Indian is not one in five or one in six ? Does he not know that if foreign recruitment were stopped even today, many of those who find a blind alley facing them wherever they go will take heart again and be restored to the ways of peace and prosperity for themselves as well as for this country ? I would appeal to him to work towards that end and join hands at least with those who want to put an end to foreign recruitment to all the services in this country. Even if that much is done and it alone, which does not ensure Swaraj, I assure him that he will be providing an effective remedy towards ending terrorism in this country.

Mr. Griffiths has a fine name : it reminds me of Mr. Arthur Griffith, the founder, the father of Sinn Féinism, the first president of the Sinn Féin Republic, the leader of the deputation that went to Downing Street to hammer out the Irish Treaty in collaboration with Michael Collins, with persons as proud as Lord Birkenhead and persons as powerful, mighty and celebrated at that date as Lloyd George ; and Griffith succeeded in doing wonders. I hope Mr. Griffiths will take a

lesson from the name which has much to inspire and will do something to help the lot of the people in this country in reality ; and for that we will ever be grateful and thankful to him.

Sir, Mr. Griffiths told us that it was but logical that when an association is declared unlawful, then its funds must be forfeited. Well, Sir, I was reminded of the logic

1 P.M. of some of those pastimes with which Nero used to beguile himself in olden times. There were people known as gladiators in those days. Sometimes Nero used to apply a fixed number of lashes to the gladiators. If he died, the logical end was to throw him to the wolves ; if he did not die but blood came out of his nose, it was to set the wolves on him, but if neither of these two things happened but only his skin was split, then the logical treatment accorded to him was to strip off the skin with the knife, and Mr. Griffiths wants to see things to their logical perfection. But has it not occurred to him that even an unlawful association may have lawful activities ? Has it not occurred to him that there were and are Congress institutions like the hospital at the Swaraj Bhawan in Allahabad and the Prem Maha Vidyalaya in Muttra and Brindaban and various other useful institutions which did no more than humanitarian and constructive service ? So, it is not inconceivable that even unlawful associations may have activities which are beneficial to all classes and devoid of political taint.

Sir, I have taken much longer time, than I had intended and I shall now make only a few remarks as to the provisions of this Bill. As Sir Lawrence Jenkins said, human ingenuity has never hit upon anything more comprehensive than this, and he said that, Sir, about the Bill of 1910, and not about this Bill, which is much more wide and much more comprehensive in scope than the Bill of 1910. This is what Sir Lawrence Jenkins said about that Bill :

" The provisions of section 4 are very comprehensive, and its language is as wide as human ingenuity could make it. Indeed, it appears to me to embrace the whole range of varying degrees of assurance from certainty on one side to the very limits of impossibility on the other. It is difficult to see to what lengths the operation of the section might not be plausibly extended by an ingenious mind. They would certainly extend to writings that may even command approval. An attack on that degraded section of the public which lives on the misery and shame of others would come within their widespread net. The praise of a class might not be free from risks. Much that is regarded as standard literature might undoubtedly be caught."

Sir, the other day Mr. Morgan told us that we were irresponsible and lacking in a sense of responsibility, because we do not always see eye to eye with the Government. May I remind him, and may I also remind the Honourable Members belonging to the celestial service, as to what attitude they and the press they patronise adopted towards Lord Ripon's Government, when Sir Courtney Ilbert's Bill was on the anvil ? May I know what was their attitude when Sir Bamfylde Fuller submitted his resignation and when it was accepted by Lords Morley and Minto ? May I ask them what was their attitude when Mr. Montagu censored General Dyer for what he had done in Jallianwalla Bagh ? May I ask them what was their attitude even when Lord Irwin was conducting negotiations with Mahatma Gandhi which culminated in what is known as the Gandhi-Irwin Pact ? But, Sir, we are small men. I will not depend on myself, but I shall read out for the benefit of



[Pandit Govind Ballabh Pant.]

Members opposite the opinion of one who has been for seven or eight years the foremost man in the British Cabinet either singly or jointly or in the alternative, with Mr. Baldwin, I mean the Right Honourable Ramsay Macdonald. This is what he said :

“ The English-owned papers in varying degrees of aggressiveness are pro-English in the sense that they maintain the British ascendancy with all its privileges and are vigilantly anti-Nationalist.”

Mr. F. E. James (Madras : European) : What is the date ?

Pandit Govind Ballabh Pant : Of course, before he became the Premier of England. Has wisdom dawned on Europeans since ? Then I congratulate my friend and I hope he will support us :

“ They attack the administration with candour when it seems to be yielding to Nationalistic claims, and carry on an anti-Indian propaganda which causes much offence and which frequently, in the case of some papers, oversteps the bounds of public policy. In a land subject to severe press law, these papers ought to have been dealt with, for their tone and temper have undoubtedly added to that feeling of resentment which has been played upon by the agents of disorder and political crime. Their criticism too often takes the form of insults, and Indian papers pursuing the same recklessly mischievous course would undoubtedly have had the law applied to them.”

Sir, we are said to be irresponsible men. I will again venture to bring to the notice of responsible Members opposite, whether official or non-official, the unambiguous opinion of the same great man who was Prime Minister for a series of years and is now holding a position second only to that of Mr. Baldwin about the Press Law and Criminal Law Amendment Act :

“ Here lies the fault of the Indian Government. Its Press Act of 1910 and its Criminal Law (Amendment) Acts of 1919 are contrary to freedom of peoples and responsibility of Governments, and ought to appear on the Statute-books of no country.

In the first place a power of repression habitually enjoyed tends to develop a habit of mind in the Government which regards all effectively troublesome criticism as sedition, and it allows a Government which is always partly responsible itself for seditious conspiracy to avoid its own share of the blame and impose the whole upon the shoulders of its opponents.....The power and policy of repression do not make for tranquillity, but for repression and nothing more.....Every foolish Government would like to be able to exercise absolute authority when, in its own opinion, it thinks it ought to do so, but no people with any regard for liberty will give its Government such power.”—*I wish to bring the last few words to the notice of the non-official Members of this House*—“ but no people with any regard for liberty will give its Government such power ”—“ Governments should be compelled to meet the growth of sedition by political wisdom and not allowed to burden other people with their mistakes, as the Indian Government does when it seeks to maintain order by its Press Laws and Rowlatt Acts.”

I will now read just two or three sentences from a speech delivered by Mr. Sheridan in the House of Commons as to the potency of the Press. He said :

“ Give me but the liberty of the Press, and I will give to the Minister a Venal House of Peers. I will give him a corrupt and servile House of Commons, I will give him the full swing of the patronage of office. I will give him the whole host of ministerial influence, I will give him all the power that place can confer upon him, to purchase up submission and overawe resistance ; and yet, armed with the liberty of the Press, I will go forth to meet him undismayed—I will attack the mighty fabric he has raised with that mightier engine. I will shake down from its height corruption, and bury it beneath the ruins of the abuse it was meant to shelter.”

Sir, one word more and I have done. These are the last two sentences from the Chapter on the Press from Mr. Ramsay Macdonald's book.

“ The last chapter in the history of bureaucracies is repression. They pass away like an old monarch driven from his throne, hurling accusations of sedition against his approaching successor.” (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 Abdur Rahim) in the Chair.

#### MEMBER SWORN.

Maulvi Badrul Hasan, M.L.A. (Tirhut Division : Muhammadan).

#### THE CRIMINAL LAW AMENDMENT BILL—*contd.*

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Sir, since the commencement of the discussion of this motion, the House has experienced a good deal of eloquence which has been expended in trying to establish that the measure with regard to the consideration of which the House is discussing this motion is so repressive, is so restrictive of the liberty of the subject, is so abhorrent to all notions of a liberal, representative and a civilised government that the House should throw this measure out at this stage. Sir, there was one sentiment expressed by the Honourable Member who spoke immediately before me with which I find myself in entire agreement and that sentiment was that he was afraid that on occasions there was a danger of a sense of proportion being disregarded. My object in intervening at this stage of the debate is to attempt, if possible, to bring the House back to a consideration of the merits of the measure itself divorced as far as possible from questions of sentiment and of passion. One is aware that one cannot rule sentiment and passion out of one's life altogether. They have their place but even there a sense of proportion would be extremely useful in keeping these matters within their due bounds. Sir, when I listened to the eloquent and impassioned speeches made by Honourable Members opposite in condemnation of this measure, I must confess that I was occasionally bewildered, as I could not discover the springs of that eloquence. During the course of the debate, however, there were two or three very illuminating flashes which did reveal some at least of the sources of all this flood of eloquence. For instance, one Honourable Member, I believe it was the Honourable Member who exhibits a limitless curiosity with regard to the actions and the intentions and the proposals and the designs of Government.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : They are so mysterious !

The Honourable Sir Muhammad Zafrullah Khan : Possibly to you. He for once exhibited an amount of curiosity which let one into the secret of a great deal of what has been said on the other side and the curiosity was this. The Honourable Member anxiously wanted to dis-

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cover from the Honourable the Home Member as to whether the Ministers of the Madras Government had or had not supported this proposed Bill.

**Mr. S. Satyamurti :** What is the answer ?

**The Honourable Sir Muhammad Zafrullah Khan :** As I have already said, the question was addressed to the Honourable the Home Member but whatever the answer to that question may be it certainly did supply—I might inform the Honourable Member that I do not know what the answer is—a clue to all the anxiety and to all the sentiment under which certain sections of the House opposite worked. Then, Sir, there was another illuminating flash and this time it was the Honourable Member against whom I had the honour to appear in the Delhi Conspiracy Case who said : “ how dare any elected Member vote in support of this Bill because elected Honourable Members dare vote in support of it only at the price of their seats ”. And then at a subsequent stage of his speech he informed the House that when that Honourable Member and his colleagues have walked across the floor of this House and are occupying the Benches now occupied by Honourable Members not one of whose actions can be attributed to any but a dishonest motive, those Honourable Members would then be able to dispense, not only with this particular measure in case it is placed on the Statute-book in spite of their vehement and concerted opposition, but also with all similar kinds of laws and enactments. That, Sir, revealed a very touching and pathetic degree of pessimism on the part of my Honourable friend and a great and immeasurable gulf of which he appeared to be conscious between his desire to walk over to this side of the House and occupy these seats and his estimate of any chance of his being able to do so, for it is perfectly obvious that no responsible Member would with regard to the future have made a declaration of that kind if he had the slightest hope that on some occasion or the other he may be called upon to give effect to that declaration. Before I go on to draw the attention of the House to the general features of this Bill, to which the Honourable the Home Member did draw the attention of the House in his opening speech but some of which have become rather obscure during the course of the debate.....

**Mr. S. Satyamurti :** They were obscure at the beginning.

**The Honourable Sir Muhammad Zafrullah Khan :** I may be permitted to deal with some—it would be impossible, within the limits of the time available, in spite of there being no time-limit, admissible to Honourable Members for their speeches, to deal with all of them—I said I might be permitted to go on and deal with some of the general objections raised on the other side to the enactment of this measure. One Honourable Member's objection was—at any rate that was the only one that I was able to discover, as his speech proceeded, more particularly when it drew towards its close—his objection was that he did not object so much—he did object to the terms of the measure—but he did not object so much to them as to the proposal to enact this measure permanently as a separate measure by itself. I believe it was the Honourable Member who told us stories about kings and jackals. But he will, I am sure, forgive me if I was entirely unable to follow that line of argument. He said : “ why don't you amend

the Penal Code ? Why don't you amend the Criminal Procedure Code ? Why do you bring this bunch of provisions in a separate Bill by itself ? ” Well, I do not know whether it would be any greater satisfaction to the Honourable Member to see these provisions incorporated into the Indian Penal Code and the Criminal Procedure Code rather than being enacted separately.....

**Mr. A. K. Fuzlul Huq** (Bakarganj cum Faridpur : Muhammadan Rural) : Sir, I have not been correctly quoted.

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, at this stage I can but rely upon my recollection, and I do assure the House that, if I have not correctly quoted the Honourable Member's criticism of this part of the Bill, it is because I could not correctly follow him ; but, so far as I was able to follow him—and I venture to think the record of his speech, especially the last portion of it would bear me out—that was the criticism that he advanced. If he now withdraws that criticism, I need not pursue it any further, except only to say this, that there are certain provisions in this measure which are, though of a permanent character, proposed to be left in a state of suspended animation till they are called to life by Local Governments, having regard to the needs of any situations that might develop. That is one out of several reasons why it has been considered necessary that, although this measure proposes to make certain changes in the permanent criminal law of the country, they are not proposed to be incorporated in the permanent codes. Another reason of course is that if, at any time, a situation arose when the then Government—whether it is constituted by Honourable Members opposite or by any other party or combination of parties—came to the conclusion that the circumstances justified such a course, they might be able to repeal this Act as an Act by itself, without having to seek for its provisions in the various parts of the Indian Penal Code or the Criminal Procedure Code.

**An Honourable Member :** How very clever !

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, may I for a moment revert to the Honourable gentleman who has just paid me the compliment of telling me that I am proving very clever in advancing this reason. He made an appeal to me in the course of his speech with regard to certain experiences gained by me and a certain insight obtained by me into the methods of terrorists and certain other matters connected therewith in the course of the case in which we were engaged on opposite sides. He said that the experience gained by me in the course of that case would confirm his assertion that terrorists were not wont to carry on their activities, apart from their final manifestations—in offices which were labelled as such,—but that they worked in secret places. Sir, to that extent I am happy to be able to confirm the view of the Honourable Member. But there were certain other experiences and insights that I also gained in the course of the prosecution of that case. One of the pieces of information that I obtained, during the course of that case which was being tried during 1931-32, was that, in that one single case, the police were able to capture and to produce in Court as an exhibit a quantity of explosives that would have been sufficient to manufacture 360,000 bombs ! But apart from this terrifying knowledge that I obtained in the course of that case, there was another experience gained in the course of that case which has stood me in good stead in the course of this debate, and that experience was this. When my Honourable friend opposed me in that case—a very able and

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astute lawyer as he is—in the course of that case also, as he has done in the course of this debate, he was sometimes in the habit of expressing himself with great indignation and with a great exhibition of contempt for the position of the other side; and at first I confess that on one or two occasions that attitude rather frightened me; and, being in charge of the case on behalf of the Crown, I was afraid during those early exhibitions of indignation and contempt by my Honourable friend, that I had, probably, committed some unpardonable wrong which had been the cause of all this indignation. But, as our association proceeded, in the course of that case, experience forced me to the conclusion that, the more indignant my learned friend was and the more contemptuous he was towards the opposite side, the less conviction he had in his own mind that he had a good point to make.

**Mr. M. Asaf Ali (Delhi : General) :** That was a law Court.

**The Honourable Sir Muhammad Zafrullah Khan :** My Honourable friend says that that was a law Court. Sir, habits have a way of sticking on, once they have been formed (Laughter) : and, therefore, I rather drew comfort from the speech that my Honourable friend made condemning this Bill the other day, because, as his speech proceeded, the greater was his indignation, and the greater was his contempt for the opposite side, the less and less grew my fear that we were doing something which was so repressive as to negative all the canons of civilized government.

**Mr. M. Asaf Ali :** Habits stick on, don't they ?

**The Honourable Sir Muhammad Zafrullah Khan :** If I may refer to some of the general criticisms of the Bill, one of the criticisms advanced has been that when the Criminal Law Amendment Act, 1932, was introduced into this House by the then Home Member, he based the necessity for a measure of this kind entirely upon the existence of the Civil Disobedience Movement, that somehow or other the present Home Member and the Government of India are guilty of some kind of a Machiavellian design in trying to support the necessity of a measure like this on the ground of the triple threat to which the Honourable the Home Member made reference in his opening speech, namely, Communism, terrorism and communalism. As a matter of fact, one Honourable Member challenged the Home Member to show anything which was said on that occasion which would warrant the suggestion that even then this triple threat was in the mind of the then Home Member and that the Bill which subsequently became an Act was designed to meet that kind of threat. Now, in the first place, I would beg leave to observe that if during the course of the last three years Government have found that fresh threats have arisen and that a measure of this kind is useful for meeting those threats and that, therefore, it is necessary to enact it in a permanent form, it is no valid criticism of the provisions of the Bill to say that Government was not then conscious of the dangers to which a reference has now been made. But, apart from that, if it were necessary for the satisfaction of consciences of Honourable Members opposite to be assured that even on that occasion this triple threat was in existence and that it was contemplated that the measure would be helpful and useful in meeting that threat, I am able to assure them that that was so.

**Pandit Govind Ballabh Pant :** Was the Bill introduced on that account ?

**The Honourable Sir Muhammad Zafrullah Khan :** In the speech which the Honourable the then Home Member delivered in making the motion for reference of the Bill to a Select Committee, this is what he said: The speech was made on the 21st September, 1932 :

“ We have had in India a triple threat to peaceful progress,—Civil Disobedience, Communism and terrorism ; and though the main provisions of this Bill are directed against the first of these, I hope the House will not forget that the provisions relating to the Press will exercise a strong controlling influence over the movements of Communism and terrorism. Discontented elements will always tend to coalesce. Though on the surface these three are very different movements, behind the scenes there are certain contacts. Terrorism threatens Government by open force. The other two, Civil Disobedience and Communism, are more subtle in their methods, but possibly even more disastrous in their results, for their object is to destroy the whole basis of respect for authority and the traditional institutions on which society is founded. Thomas Carlyle, the historian of the French Revolution, spoke of our whole being as an infinite abyss over-arched by habit. That image seems to me to be vividly true in the conditions of India, where a crust has been formed—and at times we seem to see in a flash how thin that crust is—a crust has been formed over a great abyss by the labours of many generations which have found expression in the instinctive beliefs and habits of the people. Let us beware, Sir, lest the crust give way and we find ourselves precipitated into the abyss.”

To this has been added the danger that arises from acute communal friction. One Honourable Member was pleased to remark that communalism had at no stage been at so low an ebb as it was today. All that I can say is that my own experience unfortunately shows that that statement is not justified. I need not go further into the matter at this stage. One argument was put forward and it was repeated several times and statistics were quoted in support of it, that the Act had not been effective in stamping out the dangers which it was designed to meet and that consequently it ought to be allowed to lapse. He came to a certain stage when I was expecting that the logical conclusion of the argument, which was being developed by the Honourable Member, who put forward this contention, would be that he would ask for the repeal of the whole of the Penal Code. I was disappointed that he did not go on to press that logical conclusion.

**Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) :** How is it a logical conclusion ?

**The Honourable Sir Muhammad Zafrullah Khan :** We were told by that particular Honourable Member that out of—I did not note the figures and, therefore, I can only give them roughly—62,800 murders committed in this country in a particular year, convictions had been obtained only in 17,000 odd cases. I was rather afraid that an argument might be put forward that that being so and the death penalty provided in the Penal Code for murder and the procedure for the trial of criminal cases provided for in the Criminal Procedure Code and the rules of evidence laid down in the Evidence Act not having proved equal to the situation which was created by this large number of murders and because of such a large number of cases having ended in acquittal, all these three Codes should be repealed as having failed in their object. But, Sir, that argument was not developed and it is a novel argument to me that if you enact a measure to meet a particular situation and if that situation is not completely met by that measure within the space of three years, it is undeniably established that there is no justification for continuing that measure. The application of such a principle to the great body of law that governs all civilized societies would leave us with very little law indeed.

[Sir Muhammad Zafrullah Khan.]

Now, Sir, may I go on to stress certain features of this Bill which I have said have been in danger of becoming rather obscure during the course of the debate. Government have been charged with a hunger for executive power, executive power which they would then misuse for the purpose of repression and oppression and all the other 'tions' to which reference has been made. Now, Sir, does an examination of the Bill now put forward reveal a mentality of that description? As has been stressed by Honourable Members opposite and as also appears from the quotation that I made only a few minutes ago from the speech of the then Home Member, the Criminal Law Amendment Act of 1932, although designed to meet all these dangers, was directed principally against the Civil Disobedience Movement which was then rife in the country. We have been assured by Honourable Members from the Opposite Benches that the Civil Disobedience Movement, though not ended—and they have been at pains to make it clear that it can never end or die—is for the moment, if I might again use the expression—in a State of suspended animation. Now, Sir, what were the provisions in that Act which were designed principally, almost entirely, to meet the dangers which the Civil Disobedience Movement threatened to create in the country? Those were sections 2, 3, 4, 6, 7 and 8.

**An Honourable Member :** Unlawful associations.

**The Honourable Sir Muhammad Zafrullah Khan :** The provisions with regard to unlawful associations were only complementary to the provisions contained in the Act of 1908. The substantive provisions that were then brought into force for the first time to meet the Civil Disobedience Movement were, as I have submitted, sections 2, 3, 4, 6, 7 and 8. Out of these sections, this Government thirsting for unlimited executive power which they want to use for the purpose of oppression propose to repeal sections 2, 3, 4, 6 and 8.

**An Honourable Member :** Eye-wash.

**The Honourable Sir Muhammad Zafrullah Khan :** It was not the view of Honourable Members when this Act was passed that these provisions were merely an eye-wash,.....

**Mr. S. Satyamurti :** They are all ugly.

**The Honourable Sir Muhammad Zafrullah Khan :**.....and were so harmless that the Government thirsting for executive power might throw them away without suffering any diminution in their power. Now, it is proposed to repeal those sections. Does that show that the Government is acting with the kind of motives that have been ascribed to it?

**Mr. S. Satyamurti :** Yes.

**The Honourable Sir Muhammad Zafrullah Khan :** Or that it wants to accumulate into its hands as much power as possible and then to hold on to that power once it has obtained it. Here is an instance where power which has been obtained is voluntarily sought to be discarded because the circumstances which it was designed to meet have for the moment at least disappeared or at least lost the greater part of their force.

**Mr. M. Asaf Ali :** So it was intended as a sop.

**Mr. S. Satyamurti :** A very great abdication.

**The Honourable Sir Muhammad Zafrullah Khan :** Honourable Members must give Government credit for being able to gauge the opinion in this House pretty accurately. (Hear, hear.) That being so, Government were under no delusion as to any sop with regard to these sections being thrown to the other section of the House. Government took this decision because they felt that at the present moment circumstances did not justify the continuance of these sections. They did it in the hope that at no time would it be necessary to re-enact provisions of this description. (Hear, hear.) If, unfortunately, it becomes necessary to revive provisions of this description Government would then be ready to discharge its duty.

**Mr. S. Satyamurti :** You will not be there then.

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, my presence as a Member of the Government or my absence from the Government, I am sure would not make any difference.

**Mr. S. Satyamurti :** I am talking of the Government as a whole.

**The Honourable Sir Muhammad Zafrullah Khan :** I have already made observations with regard to the duty and the hopes of the Government which might be formed by Members opposite when their turn comes.

**Mr. S. Satyamurti :** Wait and see.

**The Honourable Sir Muhammad Zafrullah Khan :** That is what has been discarded from the old Act. Has anything been added? Not a line. Has any fresh power been sought to be taken in this Bill which has been presented to the House?

**Mr. S. Satyamurti :** Permanent measure.

**The Honourable Sir Muhammad Zafrullah Khan :** I am fully conscious of that. Have I betrayed any indication that I do not realise either the character or the scope of this measure?

**Sardar Sant Singh (West Punjab : Sikh) :** Does the Honourable Member approve of substituting executive judgment for judicial judgment? That is the main question.

**Mr. President (The Honourable Sir Abdur Rahim) :** Honourable Members will please show the courtesy of listening without interrupting.

**The Honourable Sir Muhammad Zafrullah Khan :** That was one general observation which I was anxious to make and that was one feature of the Bill which I was anxious to stress, namely, that that action of Government is a complete reply to this part of the criticism that Government are anxious to accumulate power of this description into their own hands. Now, Sir, I may be permitted to make some observations with regard to the various provisions which are sought to be made permanent without going of course into the details of those provisions. As Honourable Members are aware section 5 is designed to check, to stop the repetition of matters which have been considered obnoxious and the publication of which has been proscribed.

**Mr. S. Satyamurti :** By the executive.

**The Honourable Sir Muhammad Zafrullah Khan :** Section 5 itself is only complementary to the various provisions of the law which give the executive power to proscribe literature that may be obnoxious.

**Mr. M. Asaf Ali :** Whether it is obnoxious or not, it is proscribed.

**The Honourable Sir Muhammad Zafrullah Khan :** The question under discussion is not with regard to the power of the executive to proscribe literature. The question is whether conditions have arisen which require that in case the power of proscription is to be retained and is to be effectively exercised some further provision has become necessary. Now, Sir, it may be the experience of Honourable Members even on the Opposite Benches, it certainly must be the experience of a very large number of Members on that side that recently it has become the habit with a certain class of offenders to evade and to bring into contempt the provisions designed to stop the publication of offending literature by committing to memory portions of such proscribed poems or proscribed books or proscribed articles and then to repeat them from memory to large audiences and thus not only entirely to frustrate the object of the provisions designed to check the spread of such literature, but to cause a great deal more annoyance, a great deal more suffering than even the publication of the original book or poem or article. It has, therefore, become necessary that if Government are to discharge the duty laid upon them as a civilized government to protect cherished sentiments and ideals, the veneration felt for religious leaders and doctrines that the other provisions shall be supplemented by a provision of the description contained in section 5. As a matter of fact from various sections of the population there have been complaints, and grievances have been felt that during the last three years the powers given by section 5 of the Criminal Law Amendment Act have not been used oftener.

**Mr. S. Satyamurti :** Oh ! Oh ! How many instances.

**Mr. Mohan Lal Saksena** (Lucknow Division · Non-Muhammadan Rural) : Perhaps you were one of those who made a complaint to that effect.

**The Honourable Sir Muhammad Zafrullah Khan :** Another objection taken was to sub-section (2) of section 5. Sub-section (2), says that no prosecution shall be launched under subsection (1) of section 5 :

“ unless the Local Government has certified that the passage published, circulated or repeated contains, in the opinion of the Local Government, seditious or other matter of the nature referred to in sub-section (1) of section 99-A of the Criminal Procedure Code or sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act.”

And a grievance was made that here again it is a certificate from the executive that is required.

**Mr. S. Satyamurti :** That is the point.

**The Honourable Sir Muhammad Zafrullah Khan :** That, I am assured, was the point. I am glad that in this instance at least I did not misapprehend the point sought to be made. Now the criticism could have only two aspects ; either that no certificate should be required of this description, whatever may be the view of the Honourable Members with regard to sub-section (1), with regard to this point of procedure the criticism would be either that there is no need of a certificate and the Court before whom the case goes should decide whether the person who is

being proceeded against has or has not offended the provisions of sub-section (1) ; or,—and this I apprehend was the real point,—that it should not be the executive who should grant that certificate but it should be a Court of law.

**Mr. S. Satyamurti :** Sir, on a point of personal explanation, my point was that the decision whether the passage was seditious, or otherwise offended against the various other provisions should be vested exclusively in the judiciary and not in the executive. That is the only point.

**The Honourable Sir Muhammad Zafrullah Khan :** The criticism that I was trying to meet was with regard to sub-section (2), and not the general criticism that there should be no provision giving power to the executive to proceed against a person on the ground that he has offended in this respect. It was specifically against sub-section (2) and my reply is that the second aspect of the criticism is out of the question. You cannot say that the Court should first certify that this is an offending passage before the Court can try whether such passage has been offensive or not. The first criticism that there should be no such restriction has not much force for this reason that after all sub-section (2) is a restrictive section. All that it does,—and Honourable Members may not agree that it is very useful,—but all that it does is to check indiscriminate prosecutions. Honourable Members may think that that was not enough of a check or that it was not much of a check. But whenever the provisions of this sub-section are used they will be used to check the number of prosecutions.

**Mr. S. Satyamurti :** What is the function of the Court left then ? Has the Court any judicial function at all ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already explained that the object of this section is that once the powers have been used which are contained in other enactments and which are not at present under discussion, those powers shall be effectively used.

**Mr. S. Satyamurti :** By the executive.

**The Honourable Sir Muhammad Zafrullah Khan :** Even at the risk of repetition I will try to make that clear which Honourable Members opposite refuse to admit is clear, that whatever the justification for these provisions once a certain publication is sought to be checked the law shall not be evaded by other means which might cause far greater harm than the publication of the original offending document.

**Mr. S. Satyamurti :** Even if there is no offence committed.

**The Honourable Sir Muhammad Zafrullah Khan :** Then, Sir, before going on to the provisions relating to picketing, may I make one brief reference to the provisions, although they occur later in the Act, designed to meet certain kinds of activities of associations that have been declared unlawful ? I have said I shall make only a brief reference to these provisions for the reason that they have come in only for a brief criticism from the Opposition. I do not wish to imply that they are acceptable to them ; but I did apprehend during the course of the debate that their objection was far greater to the provisions with regard to picketing and the press than to those that are directed against unlawful associations. These provisions again are supplementary to the main provisions of the Act of 1908. Section 11 I am sure could not be objected to, not because



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I consider that Honourable Members think that the executive should rightly have the power to declare associations unlawful,—I know they object to that,—and the objection would naturally be directed against the main provisions which enable the executive to declare associations unlawful at all. All that this section does is that powers which up to a certain date the Governor General did possess of declaring associations unlawful, powers which all the Governors do possess at the present moment and which under the Devolution Rules were conferred upon the Local Governments and of which the Governor General was deprived, shall again be vested in the Governor General. Section 12 only concerns procedure. Section 13 is the section which made substantive provisions supplementing the provisions of the Act of 1908 and this section provides by its various sub-sections that once an association has been declared unlawful the executive shall have the power to take possession of the headquarters or the offices of the association, to seize and forfeit their moveables and to seize and forfeit the monies and securities belonging to them.

**Sardar Sant Singh :** You want to legalise dacoity.

**The Honourable Sir Muhammad Zafrullah Khan :** Now, Sir, here again whatever may be the criticism against the power to declare associations unlawful, so far as that stage is concerned with which this measure deals, that is to say, that you shall further have the power of seizing these funds and properties, the only question of a judicial nature that could arise, assuming that the Act of 1908 continued as it does continue in operation,.....

**Mr. S. Satyamurti :** Subject to repeal.

**The Honourable Sir Muhammad Zafrullah Khan :** .....the only question that could arise would be whether the property that was sought to be confiscated, the funds and securities that were sought to be confiscated, the building of which possession was sought to be taken as being the office of the unlawful association do or do not belong to the association and, therefore, are or are not liable to forfeiture. Before I go on to this aspect of the case, may I say one word with regard to the general nature of the activities of these associations? Once an association has been declared unlawful one of three results might follow. One is that that particular association might suspend or give up altogether the activities which have brought it within the mischief of the provisions of the Act of 1908. In that case the only action, provided that were established, that would follow would be a cancellation of the declaration of the unlawfulness of the association. Another result that might follow is that such a declaration might result in the association being dissolved in which case also the declaration would be cancelled,.....

**Mr. S. Satyamurti :** No, there is section 18 of the Act.

**The Honourable Sir Muhammad Zafrullah Khan :** .....and, in any case, its operation by the action of the members of the association would have been nullified in the sense that it has no association to operate upon or a third result may follow and has very often followed; that the association's activities might be driven underground, with possibilities of greater mischief even than when the association operated in the open. If that happens and assuming that its activities were such as were of destructiv

of the liberties of the population or a section of the population, it admittedly becomes the duty of the Government to see that the aspect that they have now taken on is dealt with and that the association is rendered harmless as was the object of the original declaration; and the only provisions that the Government could consider as possibly conducing towards that result—and in the case of underground societies not always achieving their object, but the only provisions that could conduce towards that result—are provisions that are contained in section 13. As I have said, the only question that would then arise would be, are Government misusing their powers to take possession of the premises or to seize and confiscate the property of individuals or associations who have no connection with the association that has been declared unlawful: and with regard to that, the Act contains provisions that that matter can be settled on a representation being lodged before the principal civil Court of the district in which the seizure or the proposed forfeiture is likely to take place.....

**Prof. N. G. Ranga** (*Guntur cum Nellore : Non-Muhammadan Rural*) : In most cases these representations are not successful.

**The Honourable Sir Muhammad Zafrullah Khan :** That would be the result of the findings of the judiciary in which Honourable Members opposite have as great a confidence as the rest of the population has.

Before I pass on to picketing and the press, may I make another brief allusion to sections 9 and 10 which deal with matters of procedure: they have not been criticised in the House much, but there was some criticism of them by Mr. Satyamurti during the course of his speech. He said, here is something very oppressive in sections 9 and 10—certain offences have been made cognisable and non-bailable. Section 9 related to offences created by sections 2, 3, 4, 5, 6, 7 and 8; and as sections 2, 3, 4, 6 and 8 have disappeared, its scope has been limited to offences created by sections 5 and 7. As I have said, section 7, when it is enacted as a permanent measure, would not always be operative: it will be brought into operation only where circumstances justify it. Section 5 would continue in operation. In the case of section 5, the offence has not been made non-bailable, although it has been made cognisable; and rightly so. For after all, when a reproduction of the publication of offensive matter takes place in the manner which the section is designed to meet, which particular individual is expected to go and lodge a complaint? If such publication is to be made an offence, it follows as of necessity that it should be made cognisable. The offence, as Honourable Members will observe, has not been made non-bailable. Section 7 when it does constitute an offence, that is to say, when it has been brought into operation, circumstances having arisen justifying its bringing into operation, does make the offence both cognisable and non-bailable: cognisable for this particular reason that the offence contemplated by this section, that is to say, picketing, is directed against mostly, but not always, interference with business people.....

**Mr. M. Asaf Ali :** Who can always lodge a complaint!

**The Honourable Sir Muhammad Zafrullah Khan :** I am just coming to that. It might be said that there is no difficulty here: here is the individual who is annoyed and molested, whose business is being interfered with and who can go and lodge his complaint. But experience shows that

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picketing is a form of overawing people and forcing them into submission to proposals which they intensively dislike at heart ; for after all, if a man is willing to come into line with the proposals which are being forced upon him, there is no necessity for picketing. Picketing arises only where by subjecting the individual or a section of society to a peculiar form of annoyance and molestation, it is hoped that he or they may be coerced into taking a line of action which they would not otherwise adopt. That being so, that being the object of picketing, it is useless to expect that a victim of this kind of annoyance and molestation, which often continues through days and weeks, should incur the risk of greater annoyance and molestation, by going and making a complaint against the persons who are subjecting him to this kind of annoyance. It is, therefore, necessary, that an offence of this kind should be made cognisable.

Now, Sir, may I be permitted to make some reference to the two main provisions of the Act which are sought to be revived by this Bill, to which objection has been taken ? The first of these is, as I have said, picketing, which is provided for by section 7. Part of the criticism I have already sought to meet. That criticism was that Civil Disobedience, though not dead, though it can never die—I am careful to repeat this lest I should be misunderstood that the Honourable Members opposite had committed themselves to a position which might become embarrassing to them as a political party—yet it is at the present moment at a very low ebb, and that, therefore, these provisions are not necessary. My submission is that the same is the case with section 7. If the Civil Disobedience Movement is not active, section 7 is not active either, and it is not intended to make it active. When and if activities of that description are revived, Local Governments will have power to bring into operation section 7. So long as one side does not resort to activities which this section is designed to prevent, the section will not be brought into force. Another criticism was that the ordinary law is sufficient to deal with illegal picketing.....

**An Honourable Member :** Picketing by illegal means.

**The Honourable Sir Muhammad Zafrullah Khan :** Picketing by illegal means which I have briefly described as illegal picketing. That is begging the question. If picketing is resorted to by the adoption of illegal means the question begs itself : that is to say, the argument is this : there are certain provisions of the law which you can bring into operation to check certain kinds of picketing. Therefore, why do you want to take power under section 7 to check other kinds of picketing ? For the simple reason that other kinds of picketing do interfere very seriously with that cherished possession of the subject for which Honourable Members have shown such great solicitude, the liberty of the subject. It is the duty of all Governments having any pretence to civilized forms.....

**An Honourable Member :** Don't say civilized.

**The Honourable Sir Muhammad Zafrullah Khan :** .....to secure conditions which should enable all citizens to pursue their legitimate callings without being subjected to annoyances and molestations of this kind. It is all very well to say peaceful picketing.

**Mr. S. Satyamurti :** Yes.

**The Honourable Sir Muhammad Zafrullah Khan :** In the first place, however good the intention behind this kind of picketing may be, experience shows that picketing of this description soon develops into anything but peaceful picketing.....

**Mr. S. Satyamurti :** Because of rowdyism by the police.

**Mr. President** (The Honourable Sir Abdur Rahim) : Let the Honourable Member go on without interruption. It is very unfair.

**The Honourable Sir Muhammad Zafrullah Khan :** The object of this legislation is not to punish people at the later stages of this peaceful picketing when it ceases to be peaceful, but to prevent a state of affairs arising in which something will have been done upon which much graver punishment must necessarily follow, but the main object, as I have said, is to secure that every man shall be enabled to carry on his calling without interference and most obnoxious interference of the kind to which he is subjected in the name of peaceful picketing. Picketing of this kind interferes with the elementary right of the citizen, it interferes with the freedom of contract. It is said that criminal force is prohibited. So it is. It is said intimidation is prohibited, so it is, but what is not prohibited and what this section seeks to prohibit is half a dozen or a dozen men or even three or four men going and standing outside a shop, seeing a person approaching the shop to buy certain things from a shopkeeper and the shopkeeper willing to sell, and their jeering at the prospective buyer and the shopkeeper transacting the business, and this is what is described as peaceful picketing. Peaceful picketing often takes the form of jeering at and using insulting epithets both for the prospective customer and the shopkeeper, and human nature being what it is, this form of so-called peaceful picketing often develops into very much worse things. That is the experience of everybody. If you choose to shut your eyes to actual experience, I am afraid I cannot help to bring light to those who must keep the windows closed all the time round them. Sir, a quotation was made from one of Lord Morley's letters to the Earl of Minto. It was said what right have people who themselves shout from the housetops 'Buy British' to prevent other people from carrying on propaganda in favour of 'Buy Indian' ?

**Mr. S. Satyamurti :** That is Lord Irwin.

**The Honourable Sir Muhammad Zafrullah Khan :** I stand corrected. Nobody on this side of the House differs from that sentiment.

**Several Honourable Members :** Oh, oh !

**The Honourable Sir Muhammad Zafrullah Khan :** If every building in the country was placarded from top to bottom with placards saying 'Buy Indian', not the slightest objection could possibly be taken to that kind of propaganda by anyone on this side of the House.

**Mr. M. Asaf Ali :** Hundreds of prosecutions were undertaken on that ground alone.

**Mr. S. Satyamurti :** Hundreds of prosecutions have taken place.

**The Honourable Sir Muhammad Zafrullah Khan :** Honourable Members are aware.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Honourable Members had their opportunity to speak. They ought to listen to the other side with patience.



**Prof. N. G. Ranga :** On a point of personal explanation, Sir. I think it is a legitimate form of parliamentary procedure to interrupt whenever it is possible.....

**Mr. President** (The Honourable Sir Abdur Rahim) : So far as the Honourable Member is concerned, he is always interfering and making it impossible for the Chair and for most of the Members of this House to follow the proceedings, and the Chair does not think it is fair. He must accept the ruling of the Chair that it is not the proper parliamentary behaviour to be constantly interrupting.

**Prof. N. G. Ranga :** I accept your ruling, Sir.

**The Honourable Sir Muhammad Zafrullah Khan :** As Honourable Members are aware, there is an *Explanation* appended to this section. I shall read out that *Explanation*, although I am sure that even in the absence of that *Explanation* the situation would be exactly the same as if that *Explanation* had been explicitly enacted, because the section does not even by implication make that illegal, which this *Explanation* declares expressly as perfectly legal. "Encouragement of indigenous industries or advocacy of temperance without the commission of any of the acts prohibited by this section is not an offence under this section, so that legitimate forms of propaganda, however intensively carried on are not sought to be restricted by the provisions of this section."

May I, Sir, now pass on to the portion which deals with the press ? It has been said that the press is the most potent instrument for the spread of knowledge, for the spread of culture and of civilization for bringing light into the dark corners of the life of the poor and ignorant people. Sir, I subscribe in the fullest degree to that general statement. As a matter of fact, a quotation was read out by one Honourable Member from Sheridan, who has described the press as a mighty engine. I accept it. But then, Sir, power, particularly great power, engines and more particularly mighty engines are sometimes liable to abuse. I hope that that also will not be denied, and if that is so, this power which may be used for good is sometimes apt to be used for evil, and it would be the function of a wise Government to devise such checks which, without unduly interfering with the beneficent activities of such a mighty engine, should safeguard society from the baneful activities of this mighty engine. To that principle no exception can be taken. I apprehend that the criticism was that the provisions which form part of this Act which is sought to be made permanent are unduly restrictive of the legitimate liberties of the press. Now, Sir, one comparison was made and it was stated that there were instances of not only liberty but even of the licence of the press in England, yet no restrictive powers had been found necessary there, and so why should we impose restrictions on the press here. I have spoken of licence, because the Honourable Member who read those instances himself said that he had not much sympathy with what had been said, he was not necessarily approving the subject matter but he was merely citing those instances to show what liberty or licence was allowed there. I have not had time to look up those instances since the Honourable Member concluded his speech, but I understand that those were instances cited in support of a restrictive measure which was then before the House of Commons,—Incitement to Mutiny Act, and therefore they lose their point from that particular point of view. But apart from that.....

**Pandit Govind Ballabh Pant :** A word of personal explanation, Sir. I did not argue that no sort of action is necessary where wrong is committed. What I was arguing was this that no power had been given to the executive to impose restraints on the press in spite of the existence of such licence. That was my point. (Cheers from Congress Benches.) I know that the discussion was in connection with a Bill which provided a sentence of three months for maliciously circulating such pamphlets. I have no objection to that.

**The Honourable Sir Muhammad Zafrullah Khan :** The only point that I was making was that licence of the kind referred to by the Honourable Member had been made punishable in England.....

**Pandit Govind Ballabh Pant :** It is punishable here.

**Mr. S. Satyamurti :** By Courts.

**The Honourable Sir Muhammad Zafrullah Khan :** I apprehend the distinction perfectly. I hope it has not been the experience of Honourable Members opposite during the very brief period that I have been a Member of this House that I have at any time failed to understand a point that they have been seeking to make. I will come back in a moment to the point which was sought to be made and which I did not intend to ignore as the second branch of the contention, but may I first interpose a remark ? Whenever Honourable Members in the course of their speeches and in the course of the debate on this motion were reminded that in most of the European countries liberty, especially the kind of liberty which was being pleaded for here, was much more restricted than it was in India, the retort from Honourable Members opposite was, we are not talking of countries where there are dictatorships, we are not talking of countries where there are non-democratic Governments, we are talking of a country which at least claims to possess a representative form of Government. Then they went on to cite instances from England in order to show that that was the only country with which conditions can stand comparison. But do conditions here stand comparison with conditions in England ? My contention is that in considering the provisions of a Bill of this description, you will have to consider all the circumstances which such a measure is designed to meet, not merely the word of the enactment, but also the conditions, the material to which they have to be applied, the state of society to which they have to be applied. Now, Sir, there are countries,—I will not more particularly specify any, but there are countries where voluntary restraints upon freedom of speech and freedom of the press are obeyed to such an extent that either no restrictive provisions of law are required to assure to persons who may become the object of the attentions of the right of free speech and the right of free press, the enjoyment of what was described by one Honourable Member as the repose of life, where it does not become necessary to impose any restriction by law, or the minimum restrictions suffice. There are such countries. There are countries where the sense of humour of the population itself would check any mischief that might be apprehended from propaganda of this description in other countries where conditions might be entirely different. As I said, allusion has been made to conditions in England. It has been said, Communism is preached in England far more openly and to a much larger degree than it is preached or attempted to be preached in India, they do not have provisions of this description, and why do you find it necessary to have

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provisions of this description? Yes, Sir, Communism is preached in England far more openly and to a far greater extent than it is done in India. It is generally done in the neighbourhood of the marble arch on Sunday afternoons in Hyde Park by preachers whose stock-in-trade generally consists of black flag and a stool to stand upon.

**An Honourable Member :** Red flag.

**The Honourable Sir Muhammad Zafrullah Khan :** Red flag, I stand corrected. Sir, I confess to an ignorance of the details of the insignia of associations and organisations which carry on propaganda of this description.

**Mr. S. Satyamurti :** Except the Union Jack!

**The Honourable Sir Muhammad Zafrullah Khan :** Certainly. It is preached openly, but what happens? When that kind of inflammatory speech is applied to the material which is available what is the result? People come on, they listen to this kind of language for a few minutes or longer, and in the end they laugh the speaker down in scorn. That is the safeguard.

**An Honourable Member :** Not always.

**The Honourable Sir Muhammad Zafrullah Khan :** People there make it unnecessary that laws of this description should be enacted. (Interruption.) Then, Sir, I believe it was my Honourable friend, Pandit Krishna Kanta Malaviya, who unfolded before the House a long tale of suffering, suffering inflicted upon the journalists and newspapermen by measures of this description. He seemed to be supremely unconscious of the suffering inflicted upon sections of the populace by the license of the press, by reputations destroyed or attempted to be destroyed, by peace of mind killed or attempted to be killed, and Government owe a duty both to the journalists and those who read the effusions of journalists. And their duty is to see that, whereas the press shall not be unduly restricted, no man's peace of mind shall be unduly constrained or interfered with by the publication of seditious or scurrilous literature in the form of newspapers and journals.

**An Honourable Member :** Prosecute them.

**The Honourable Sir Muhammad Zafrullah Khan :** Experience has shown very often that when prosecutions are undertaken for this purpose there is far greater publicity, there is far greater suffering that is inflicted as a result of the prosecution than is likely to result from executive action being taken to check the evil. (Interruption.) I am rather glad to find that my speech is troubling Honourable Members opposite to such an extent, because, after all, that is only proof of the fact that the arguments are going home. (Cheers from Official Benches.) That sometimes the exercise of liberty might degenerate into the exercise of license has only been too manifest more especially in recent years in this country. Sentiments are openly expressed, not that there is a desire to change this form of Government—that has been recognised and nobody can have any possible objection to that, it is a legitimate and laudable desire,—sentiments have been openly expressed that if it were possible for the speaker he would break this form of Government this moment.....

**An Honourable Member :** Why not?

**The Honourable Sir Muhammad Zafrullah Khan :** .....breakage always involves violence. (Interruption.) Then a judgment was quoted of a very eminent Chief Justice, the Chief Justice both of Bombay and of Calcutta, in support of the condemnation of this measure. May I be permitted to make a very brief quotation from that very judgment of that learned Judge? He said:

“ Courts of law can only move on defined lines and act on information brought before them under limited conditions. It is not so with the executive authority. It would be paralysed if it had to observe the restrictions placed on the Courts. Its action can be prompted by information derived from sources not open to the Courts and based on considerations forbidden to them; it can be moved by impressions and personal experience to which no expression can be given in a Court but which may be a very potent incentive to executive action. Government may be in possession of information which it would be impossible to disclose in a Court of law and yet obviously requiring immediate action. Therefore a jurisdiction to pronounce on the wisdom or unwisdom of the executive action has been withheld.”

Later on the same Honourable Judge observes:

“ Political conditions and reasons of State are the life blood of executive action but they have no place in a Court of law.”

I do hope that Honourable Members who made quotations from this judgment in support of the argument that the provisions of the Act, designed to check the activities of a certain kind of press were unduly restrictive, will be convinced by the arguments of the same Honourable Judge, for it very often becomes the imperative duty of Government to take executive action without submitting their action to the scrutiny of a Court of law.

Sir, one word more and I have done. One Honourable Member told us, whatever he meant by it—you want to establish peace and tranquillity. He said sometimes tranquillity may be the tranquillity of death but that what he wanted was the repose of life. As I said, whatever he might have meant by the repose of life, it is because Government are anxious to secure to all sections of the population the repose to which they are entitled—protection against unwarranted attacks, whether against their reputation or against their cherished beliefs or traditions or the ideals which they hold sacred, that Government have been forced to the conclusion that it is necessary to continue those sections of the present Criminal Law Amendment Act with regard to which there is a motion for consideration before the House now. Sir, Government by this measure seek to guard the repose of life and to check the turbulence of license. I support the motion.

**Mr. F. E. James :** After the speech of the Honourable the Commerce Member, I do not propose to do more than examine a few general principles on which we on this side of the House support the Bill and a few of the general objections that have been raised by Members of the Opposition. In the first place, I would lay down four general propositions in regard to the relation between the State and the public order and private liberty on which I believe we shall find common ground with the Members of the Opposition. The first proposition is that any State is justified in assuming to itself powers to deal with movements which are directed against the stability of the State, public security and the liberty of the individual. All the movements we have been discussing during these past few days are

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essentially movements directed against these three objects. The second proposition is that the State is justified in taking special powers, if the ordinary law cannot deal with those movements. I take it that even my Honourable friends on the other side would accept,—and it has been demonstrated amply during the course of the debate—that these movements are such as cannot be dealt with under the ordinary law. Those friends of mine who are lawyers know that the Indian Evidence Act itself has no parallel in the world.....

**Mr. S. Satyamurti :** It is one of the finest Acts.

**Mr. F. E. James :** ..... as an obstacle to the obtaining of convictions of palpable and known criminals. Perhaps that is the reason why my friend, Mr. Satyamurti, praises that amazing Statute. Now, the third proposition is that the State is justified in curtailing the liberty of the individual for the sake of the liberty of the community. My Honourable friend, the Commerce Member, has already referred to the existence of the Indian Penal Code which itself is a restriction upon the liberty of the individual for the sake of the liberty of the community. The final proposition which I would ask my Honourable friends to accept is that such special powers should not be of such a character as to stifle reasonable expression of opinion or to hinder the liberty of the individual to pursue his normal avocation. My Honourable friend, the Commerce Member, has already demonstrated that the system of picketing, which was part of the Civil Disobedience Movement and has now, as a result of that movement, come to stay in this country for social and economic purposes, is a system which aims directly at the liberty of the individual to pursue his normal avocation in life. If you look at these propositions from the point of view of the press, I suggest that there is no Honourable Member of this House who can affirm that the law as it stands today does not allow reasonable expression of opinion on the part of the press. If that is not the case, then why is it that since 1931, something like 700 persons, either journalists or owners of presses, have thought it worth while to start new presses, new periodicals or new newspapers? Does that look like strangulation? Does that look like interference with the liberty of the press? I am perfectly prepared to admit that control of any kind is regrettable but where it is necessary, it justifies itself. I am reminded of a conversation which I had with one of the most brilliant journalists in this country, the late Mr. Rangaswami Aiyangar, the Editor of the *Hindu*. Mr. Rangaswami Aiyangar shared this dislike, on principle, of any control of the press whatsoever. But, in the course of our conversation, I asked him what effect did these particular press laws have upon him as a working journalist. His answer was that "as far as I am concerned, and my articles, I feel just as free now as I was before those restrictions".

**Mr. S. Satyamurti :** He was opposed to the Press Act all the same.

**Mr. F. E. James :** He said : "The great difficulty with which I have to contend is that I have to be much more careful in examining the contributions which come from my correspondents in the mofussil, many of whom are correspondents only for a short time, and of whom many come and go and that is one of the great difficulties of the press today." My Honourable friends speak of the Press Law as though it is restrictive ;

they speak of the press as though it has suffered some great hardship because of these restrictions. I would suggest to them that the press today is as free as it deserves to be. (*Cries of "Oh, oh"*.) The press of any country is as free as it deserves to be. In my country it deserves to be freer than in this country. To show why I make that statement, I would like to read a few extracts. I do not want to weary the House but I will read to you a few observations made by papers in this country in regard to the Quetta Earthquake and if any Member is interested he can have the names of the papers and the dates on which those articles appeared. Here is a paper in South India which, in regard to the Quetta Earthquake, stated that the Government kept the country ignorant of the facts ; that the extent of the loss was due to an explosion of ammunition, and that the Relief Fund which was raised by His Excellency the Viceroy was being used for the defence of India. (*Cries of "Shame, shame"*.)

Here is another paper in South India :

"Hundreds of persons could have been saved, but the military did not pay adequate attention to the saving of life." (*Interruptions.*)

Here is another paper ; this is in the United Provinces : It quotes instances to show the highly diabolical nature of the military administration. It states that the military forcibly took away money, that hundreds and thousands might have been saved, that the prohibition of entry into Quetta was in order to prevent the military from coming into contact with the general public, and especially the Nationalist Party. (*Laughter.*) Here is another paper, also in the United Provinces :

**An Honourable Member :** What is the name of the paper ?

**Mr. F. E. James :** *Gharib*, published in Saharanpur ; this article appeared on the 11th June, 1935. This is what this paper alleged. (*Interruptions.*) Do not my Honourable friends want to hear them ? (*Voices : "Go on, go on"*.) This is what is contained in this paper :

"White soldiers cut off the hands of half-dead women and took away their gold ornaments" (*Cries of "Shame, shame!"*)

Now, does that paper deserve to exist ?

**An Honourable Member :** Were they prosecuted ?

**Mr. F. E. James :** Here is another one, of the same month, and the following day :

"Women had to hand over their ornaments before they were allowed to be rescued. They were then subjected to immoral treatment, and the chastity of girls was molested." (*Cries of "Shame, shame!"*)

**An Honourable Member :** How many of these were prosecuted ?

**Mr. F. E. James :** I suggest, Sir, that illustrations like that indicate that the press in this country does not deserve to be as free as the press of my country, where (*Cries of "Oh, oh!"*) public opinion would in such cases have risen up against it. After all, the whole must suffer for the part (*Cries of "Oh, oh!"*)—that is the rule of law as well as the rule of life ; and if there is a section of the press which can descend to such low depths as I have quoted, I suggest there is every justification for such control as is suggested in this Bill. (*Hear, hear.*)

[Mr. F. E. James.]

Now, Sir, I turn to one or two of the general arguments advanced by the Members of the Opposition against this Bill. The first argument that I noted was that this Bill, in any circumstances, cannot receive our sanction because the present administration is thoroughly bad. That was the argument used by my friend, Mr. Fuzlu Huq, mainly on the ground that he did not receive a reply to a letter! But I suggest to him and to his friends that that argument begs the question. Whether or not the administration of this country is bad under its present rulers is a matter of opinion. Personally, I am not ashamed (interruptions), personally, I am not ashamed of the history of British administration in this country.

**An Honourable Member :** Of course you are not!

**Another Honourable Member :** Why should you?

**Mr. F. E. James :** Sir, I am not ashamed of the administration of this country under present circumstances, and I only hope that when my Honourable friends come to power, they will do half as well.

**An Honourable Member :** Hurrah!

**Mr. F. E. James :** But I would point out to my Honourable friends, when they say they do not like the present administration, that they are going to be given an opportunity to change it. In fact, all the present occupants of the Front Benches over there will in a very short time give way to Ministers who will be responsible to this House; and I would also point out to my Honourable friends that, in the provinces, which are so much criticised today, they will have plenty of opportunities of displaying their powers of administration. Sir, it is thus evading the issue to blame the present administration; but that is a particular kind of manoeuvre which Honourable Members opposite have been continually pursuing for the last three days. Then, Sir, another argument is that these movements which we are seeking to deal with are the result of the dissatisfaction with the existing political and economic conditions. Now let us examine that proposition. Take the political aspect first. That kind of argument leads directly to anarchism. If you believe that, because you do not like the present political conditions, therefore, you should give a free rein to anarchical and revolutionary movements, then you are yourself admitting that what you really want is some revolution in this country to change the administration by force. My Honourable friend, Mr. Satyamurti, had the hardihood to say—"things will be all right when we get Swaraj; give us Swaraj and then people will be free".

**An Honourable Member :** Three cheers!

**Mr. F. E. James :** Sir, if my friend thinks for one moment that when he gets Swaraj and becomes the chief minister in Madras, terrorism, Communism and communalism will cease, then he lives in a fool's paradise. (Hear, hear.)

**Mr. S. Satyamurti :** Sir, my friend is a terrorist, and he knows more about terrorism than I do!

**Mr. F. E. James :** And I am afraid that is the only paradise he will ever reach. Now take the economic argument. Here I would like to express my agreement with some of the sentiments which have been uttered on the other side of the House.

**An Honourable Member :** Thank you.

**Mr. F. E. James :** Sir, I agree that the ultimate solution of the problem is to be found not merely in negative resistance but in the abolition of the conditions out of which these movements gain strength.

**An Honourable Member :** Thank you.

**Mr. F. E. James :** Yet, I would ask Honourable Members to consider what countries have solved their economic problems. Does that justify terrorism anywhere? Does that justify terrorism in my own country? Does it justify terrorism in the other countries where economic conditions are as bad as they are here? (Interruptions.)

**Mr. President (The Honourable Sir Abdur Rahim) :** Order, order.

**Mr. F. E. James :** And, furthermore, can Honourable Members say honestly that this Government or the existing Provincial Governments are indifferent to the great problem of economic conditions?

**Mr. S. Satyamurti :** They are—they are.

**Mr. F. E. James :** I shall only refer to the white paper that was laid on the table the other day by the Honourable the Finance Member on this subject.

**Mr. S. Satyamurti :** "Paper" after all!

**Mr. A. K. Fazlul Huq :** Sir, I would like to ask....

**Mr. President (The Honourable Sir Abdur Rahim) :** Is it a personal explanation that the Honourable Member wants to make?

**Mr. A. K. Fazlul Huq :** I rise on a point of information, Sir. My Honourable friend was referring to other countries in comparison with the condition of things in India. Will my Honourable friend tell this House the average income per head in India as compared with England and other countries? (Hear, hear.)

**Mr. F. E. James :** And will my Honourable friend tell me the average cost of subsistence in this country as compared with other countries in the West? Sir, when I was interrupted, I was referring to the white paper that was laid on the table the other day by the Honourable the Finance Member. I am told there is nothing in that, there is nothing for the uplift of the poor in that. Yet I make bold to say that in that document there is contained more hope for the villages than have been put forward for them by the Village Industries Association.

**An Honourable Member :** Hurrah!

**Mr. F. E. James :** Now, Sir, I would come to the second point under this head and that is the argument as far as terrorism is concerned. In this connection I want to say something about my Honourable friend, Pandit Krishna Kant Malaviya's speech. When I read that speech carefully I found that certain passages of it were definitely a laudation of terrorism and I will read the particular passages concerned. My friend need not rise to any personal explanation as he has already made too many of them. This is the first statement: "I plead guilty to the charge of admiration of terrorists." What is that but laudation? The second one is: "These are deeds of great sacrifice, deeds above the common run." Is that laudation or not?

**Pandit Krishna Kant Malaviya** (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Please go on.

**Mr. F. E. James** : I know he is getting very uncomfortable. Now, this is the third statement : " I should be less than human if I did not admire deeds which exact my respect and admiration." Is that laudation or is it not ? He referred to Midnapore and he spoke of the Honourable Member from Midnapore, Mr. Griffiths. He asked him to trust the people and they would give up terrorism. May I ask him what happened to those three predecessors of his who trusted the people ? May I ask him what happened to the man who trusted the people in the Court, the man who trusted the people in the District Board's office, nay, that man who trusted the people on the football field ? They were shot down like rats. And yet he tells me that if the Member for Midnapore will only trust the people, the terrorists will give up their nefarious crimes. I suggest to my Honourable friend that he is beginning at the wrong end and I hope that when he spoke he was not speaking for the Party which is led by my distinguished friend, Mr. Aney. Sir, let me say straightaway that economic conditions are not at the bottom of the organisation of terrorism. These men who are at the back of the movement are, and have been, well supplied with funds for many years. They are not starving. Where do they get their recruits ? I will tell my Honourable friend, the Pandit, where they get them from. They get their recruits from speeches and writings such as those of my Honourable friend on the floor of the House the other day which are listened to by those whose economic future is dark or by those who have an unbalanced but sentimental attachment to the country of their birth. That is where they get their recruits from. I would appeal to my Honourable friend not to dabble in such motions as the one which he has tabled at the present time. There is nothing in that. If he is really honest and sincere in his endeavour to root out terrorism from the land, let him go to Bengal and offer his services unreservedly to the authorities in that province who are, on the one hand, engaged in the difficult task of stamping out terrorism and, on the other hand, engaged in the still more difficult task of reconstructing the economic life of Bengal. My Honourable friend is under a great misapprehension and so are the Leaders of the Congress Party if they think for one moment that the terrorists want to free this country either politically or economically. What the terrorists want to do is to terrorise the country and it does not matter which Government is in power. They will terrorise the Swaraj Government of the year after next exactly in the same way as they are doing now.

Now, Sir, there is the final argument which my Honourable friends on the other side have used always. They say that these movements do not exist—then why are you raising a bogey about them ? Terrorism, they say, is already being controlled and it is practically finished. The speech of my Honourable friend, the Member from Midnapore, is a sufficient answer to that and the facts which are published practically every day show the existence of it. But, I want to deal for a moment with the same argument in reference to Communism and here I would like to refer briefly to my Honourable friend, the *ex-Mayor* of Bombay and the *ex-President* of the Rationalist Association. Now, Sir, he used the argument that there were plenty of books about Communism and anybody could read of its general principles in them. What was the harm ? He did not think that it was

such a terrible thing that it had to be controlled by special methods. I would read to him, first of all, the aims of the Communist Party in India, at least some of them, and then their methods and then a number of extracts from the aims of the Communist International on which the programme of the Communist Party is based.

First of all, the Communist Party in India aims, among others, at the following :

" The complete independence of India by the violent overthrow of British rule. The cancellation of all debts. The confiscation and nationalisation of all British factories, banks, railways, sea and river transport and plantations.

The confiscation without compensation of all the lands, forests, and other property of the landlords, ruling princes, churches, the British Government, officials and money-lenders, (*Why they should go hand in hand, I do not know*), and handing them over for use of the toiling peasantry. Cancellation of slave agreements and all the indebtedness of the peasantry to moneylenders and banks."

Does my Honourable friend the *ex-Mayor* of Bombay still think that these are harmless notions ?

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadan Urban) : The confiscation of debts they must have taken from England.

**Mr. F. E. James** : When my Honourable friend comes into authority and has to deal with these Communists, does he think that these powers will not be necessary ?

Now, Sir, here are some of the methods which are supposed to be used :

" To develop a general strike and convert it into a general political strike.

To develop the spontaneous peasant movement for the non-payment of rent, debts and taxes into an All-India movement and direct it into the channels of an agrarian revolution.

To develop a nation-wide movement for independence, attracting the petty bourgeoisie to it besides workers and peasants and isolating the bourgeoisie and the bourgeoisie national Congress."

I am sure my Honourable friends do not like these methods.

Now, here is the programme of the Communist International on which the programme of the Indian Communist Party is based :

" Hatred of God and all forms of religion ; destruction of private property and inheritance ; absolute social and racial equality ; promotion of class hatred ; revolutionary propaganda through the Communist International, stirring up communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war.

Destruction of all forms of representative or democratic government, including civil liberties, such as freedom of speech or the Press, of Assembly and trial by jury."

Yet, my Honourable friend says that there is no harm in this Communist Party and there is no harm in this Communism. He reminds me of the story of three little pigs which was on the screen a short time ago. These three little pigs used to dance in joyous abandon and say : " Who is afraid of the big bad wolf ? " And yet the moment the big bad wolf appeared, these three little pigs used to rush to get under the bed. When this big bad wolf becomes a reality and my Honourable friend, the *ex-Mayor* of Bombay, sees something of its destructive force, I am sure he will be the first to try and place his portly body under the protection of some bed.

**Dr. G. V. Deshmukh :** You are not alluding to the Home Member I think.

**Mr. F. E. James :** I will now deal briefly with the third aspect of this problem and that is the problem of communalism. Here I wish to speak very carefully and in such a way as not to wound anybody's feelings. I do not want to suggest to those who have spoken about the third party in the matter that this constant reference to the third party is only shirking the real issue. They know it as well as I do. I would also like to remind them that this third party, however unpleasant its presence may have been in the past, has, on many occasions, saved India from a positive holocaust. I want to make it perfectly clear that communalism as such has no supporters in this Group. I want to say that if it is a fact that the communal tension today is greater than it has been in the past—I am not expressing any opinion on that,—it brings no pleasure either to the heart or mind of any Member of my Party. I would echo the words of my Honourable friend, the Mayor of Calcutta, which he used in his speech yesterday when he pleaded for toleration. I suggest to the Honourable Members that the issues involved are very delicate indeed and cannot be brushed aside by throwing the blame on the third party. There is the struggle for power, the economic problem in Bengal particularly, there is the power of fanaticism in spite of moderate leaders. All these issues are involved in this communal problem and there are many other difficulties. The future of India, whether under the present Constitution or under the next, will depend to a very large extent on the way in which communal difficulties are faced by the leaders of the various movements. I may also say that as far as it lies in our power as a small microscopic community in this country, we shall always be willing to lend whatever assistance we possibly can if it can in any way help towards settling some of these difficult communal problems. (Hear, hear.)

**Mr. S. Satyamurti :** Then give up your ill-gotten eleven seats in Bengal.

**Mr. F. E. James :** I said nothing about any seat anywhere.

**Mr. S. Satyamurti :** You are quite comfortable.

**Mr. F. E. James :** My Honourable friends are counting their chickens before they are hatched.

**Mr. Mohan Lal Saksena :** But you will play the part of the monkey in the story of the monkey and the two cats.

**Mr. F. E. James :** I want to put it to my Honourable friends that they cannot deny the existence of these movements.

**Mr. M. Asaf Ali :** We do.

**Mr. F. E. James :** My Honourable friend would deny his very existence.

**Mr. M. Asaf Ali :** Have you given any number as regards the Communists in this country? How many people are there? You talk of Communism in such a vast country as India!

**Mr. F. E. James :** My Honourable friend if he has the eyes to see can read the facts in the papers. Practically every day he will see events in the country which would lead him to conclude that there is

terrorism, Communism and communalism existing in our land at the present moment.

**Mr. M. Asaf Ali :** I was referring only to Communism.

**Mr. F. E. James :** I have long ago passed that part of the subject. Nor can the Leaders of the Congress Party deny their own responsibility in these matters. It has been proved to the hilt in the past that the Congress Party, in different parts of the country, either directly or indirectly were connected with the terrorist movement.

**Mr. S. Satyamurti :** Nonsense. Utter nonsense.

**Mr. F. E. James :** Any one who has read the speech delivered the other day by the Honourable the Leader of the House would come to that conclusion. That speech still remains uncontradicted.

**Mr. S. Satyamurti :** He has not yet finished his speech. We will reply to his allegations when our turn comes.

**Mr. F. E. James :** I say that the Honourable Members on the opposite side as members of the Congress cannot shirk their responsibility in the matter. Take the question of Communism and communalism. Can the Congress entirely divorce themselves of responsibility in regard to both these two menaces?

**Mr. S. Satyamurti :** Yes. We can.

**Mr. F. E. James :** Can they still affirm that, in spite of the fact that the contrary is proved every day, the ordinary law of the land is enough?

**Mr. S. Satyamurti :** Yes, perfectly. The ordinary law of the land is enough.

**Mr. F. E. James :** I would remind my Honourable friend, Mr. Satyamurti, that, able lawyer as he is, he cannot meet terrorism with theories of jurisprudence or with books of law.

**Mr. S. Satyamurti :** You want to shoot them down!

**Mr. F. E. James :** You cannot meet terrorism with the ordinary law of the land. Even the powers that have been taken at present have not been sufficient to bring this movement under complete and absolute control. Therefore, I would ask my Honourable friends to let us know what is their alternative. They cannot ignore the existence of these evils. They cannot affirm with any reason that they can meet these evils by the ordinary law of the land. They cannot deny the right of the State to protect itself. What solution have they got for this menace?

**Mr. S. Satyamurti :** Swaraj. (Hear, hear.)

**Mr. F. E. James :** What is their alternative? My Honourable friend is shouting Swaraj like a parrot. May I remind my Honourable friend that Swaraj will not bring a solution of all the evils, that flesh is heir to, in spite of the fact that the Honourable Member said in his recent lectures in the South of India that when he got Swaraj the rain would fall from the heavens.

**Mr. S. Satyamurti :** I am sorry to interrupt my Honourable friend. As he quoted me, I must rise to a point of personal explanation. I



[Mr. S. Satyamurti.]

never said that, when Swaraj comes, rains will fall directly from heaven. What I said was, when Swaraj comes, the rains falling from heaven will not be allowed to go waste into the sea but will be conserved for irrigation purposes in this country. (Hear, hear.) (Applause.)

**Mr. F. E. James :** My Honourable friend said a lot of things in India during the summer.....

**Mr. S. Satyamurti :** So did you.

**Mr. F. E. James :**.....some of them were authorised, some of them were not authorised. His description as given in one of the Congress papers as the "enfant terrible of the party" is not altogether unmerited. But I may tell my Honourable friends that if they have any constructive plan, we are prepared to consider it here and now. When I listened to the speech of my Honourable friend, I could not find any constructive suggestions for improving this Bill. If they have no constructive alternative, then, as far as we are concerned, we have to tell the Honourable the Home Member that we want the Bill, the whole Bill and nothing but the Bill. That is our final word.

**Mr. S. Satyamurti :** No amendments therefore.

**Mr. F. E. James :** Now, my last word is in reference to the appeal which has been made by the Honourable Members opposite to what they call the liberty of Englishmen. I am glad that they have paid us that compliment. We are proud of it. India's position today is due to the fact that England is the greatest liberty-loving country in the world.

**Mr. S. Satyamurti :** Ask Egypt, ask Ireland, ask America. You call England a liberty-loving country !

**Mr. F. E. James :** I cannot blame my Honourable friends for not knowing when they are well-off. Under whom would they like to be ? Under Italy or Germany ?

**Mr. S. Satyamurti :** Under ourselves. Neither under Italy nor under Germany nor under you !

**Mr. F. E. James :** Under yourself !

**Mr. S. Satyamurti :** We will kick all of you out.

**Mr. F. E. James :** My Honourable friends say they would like to be under themselves. Let me tell them this. They can be under themselves the moment they deserve to be a free and united country.

**Mr. S. Satyamurti :** We shall become a free and united country by driving you all out.

**Mr. F. E. James :** May I also remind my Honourable friends that the liberty of England of which they have spoken so much, that liberty which we love and are proud of, is liberty because we have learned how to protect it. Let me give Honourable Members two pictures. During the economic crisis, when unemployment stalked the land, when credit was falling and when there was the threat of starvation at the door of many a home.....

**Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) :** When Charles I was killed. (Laughter.)

**Mr. F. E. James :** My Honourable friend's interruption is a measure of his own intellectuality. I said, why we love our liberty ? Because, even during those times, the head of terrorism or Communism had shown itself, the good sense of our people would in one united blow have shattered its hopes. I would remind my Honourable friends of what happened in England during the general strike. The general strike was a strike which was engineered by the Trades Union Congress. It was interpreted by the people of my country as an attempt by a section to intimidate the whole community. What happened ? Every one, whether he came from the university or whether he came from the workshop, came to the rescue of Government and determined to show the Trades Union Congress that the community of England would never be intimidated by one section. And the whole of the middle classes enrolled and made it possible for that strike to be called off and for England once more to be called the land of liberty. What happens here ? During the last 15 years terrorism has shown its head. What has been the attitude of my Honourable friends opposite ? What has been the attitude of the dominant party in the land ? That party did not fight it in the beginning (*Cries of "We have, always."*) That party was inextricably mixed up in Bengal with the terrorist organisation (*Cries of "No"*)—these are facts which my Honourable friends cannot possibly refute. You can have your liberty if you know how to protect it. Liberty is not only something that grows in genial soil ; but it is something that has to be protected and guarded ; and until the common people of the land know how to protect themselves against those influences that are directed against their own liberties, the State must protect them. For liberty, let me remind my friends, "is not secure save in the hands of discipline".

**Mr. Abdul Matin Chaudhury (Assam : Muhammadan) :** Sir, the Honourable the Home Member in concluding his speech appealed to the Members of this House to discuss this measure without any heat or passion. For my own part, Sir, I intend to respect that appeal. I would like to examine in the light of cold logic whether, under the circumstances that exist today, we cannot afford to dispense with this Criminal Law Amendment Act. In recent years, Sir, we have passed through very tumultuous times. The Congress had thrown a challenge to Government by launching the Civil Disobedience Movement. Terrorism had raised its head. I think the year 1932 marked a peak year of terrorist activities. Since then owing to the energetic action taken by Government and the open and unequivocal condemnation of terrorism by the public and the press the movement to a large extent has subsided. It has been brought under control. The Civil Disobedience Movement, according to Government themselves, is in abeyance. The only question with which we are concerned is whether in the tranquil atmosphere in which we live today we can arm the executive with the power which they do not need to exercise ; and on that question I think there is only one answer possible, and that is an emphatic negative. It has been said, Sir, that any relaxation of control will lead to the revival of terrorist activities. We all know, Sir, that the cult of terrorism thrives most in an atmosphere of intense political excitement and when that atmosphere is absent, when that stimulus is absent, that movement slackens ; it dies of inanition. The terrorists were most active during the Anti-Partition agitation days. Terrorism was again revived during



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the political turmoil of recent years. Now, Sir, while we can concede that the resort to extraordinary measures may be justified in dealing with such an emergent situation as existed a few years ago, with the cessation of that emergency the necessity for the legislation also ceases to exist. The Legislature cannot be expected to arm the executive with uncontrolled power over the liberty of the citizens when the emergency that led to the bestowal of that power no longer exists. Now what is the situation in the country today? I shall quote the testimony of an astute observer of political events like Sir Stanley Reed. After a visit to this country Sir Stanley Reed says that the country is weary of the political struggle and is anxious to get along with a constructive effort in the sphere of politics. Is this an occasion to enact more repressive laws in the country? His Excellency the Viceroy in one of his addresses before this House had said that in course of time the protagonists of direct action would be caught in the current of constructive forces which advent of Reforms was releasing on all sides. His prophecy has been more than fulfilled. Is this then the occasion, I would ask the Home Member, to enact a measure like this? The Honourable the Home Member has discovered a new and additional reason, a reason that was not advanced before, for the enactment of this measure. He has told us very gravely that the communal situation was never more tense than it is today. I entirely differ from that view. With all respect due to the Honourable the Home Member I differ from his appreciation of the situation. I maintain, Sir, that the situation was never more favourable for communal settlement than it is today. With all the agitation over the Government of India Act over and with a growing desire on the part of the Congressman to understand and appreciate and accommodate the Muslim point of view, I think we are nearer a communal settlement today than at any time before. In fact, Sir, we were within an ace of getting a communal settlement in April as a result of Jinnah-Rajendra Prasad conversations. I am not unmindful of the situation that may develop over Shahidgunj affair, but I am assured that a peaceful settlement of this question is not beyond the bounds of practical politics. Communal bitterness, communal tension and communal riots were at their worst in the years 1921-22, 1924-25 and 1926-27: but in those years Government never thought it necessary to introduce any measure to deal with the communal situation and now that the situation is returning to normal, the Government now put forward, as a justification for the continuance of the measure, the existence of communal tension in the country. That argument, it seems to me, is the least convincing. It seems that the Government is anxious to keep their armoury well equipped not so much for present or immediate use as for any emergency that may arise in the future. As for the future, we are now on the threshold of a new era of constitutional reforms. However much the Government of India Act may fall short of our expectations, it cannot be denied that in the sphere of provincial administration, provincial autonomy marks a definite advance. If the parliamentary system of Government is to be given a fair trial in this country, it is essential that every school of political thought should be given complete freedom of organisation of unhampered propaganda to advocate their own policy and programme. Now, it is quite possible that such organisation and such propaganda may undermine the position of the party in power in a particular province, and in that case it would be to the interest

of that party in power to use all their influence to counteract those activities. I will give you an example. Supposing in Madras the Justice Party takes up the Ministry; and suppose that the Congress Socialists under the leadership of my Honourable friend, Professor Ranga, carry on an agitation and propaganda, organising peasants and workers throughout the province, educating the electorate and denouncing by the way the bourgeois mentality and the bureaucratic policy and the capitalistic outlook of the Justice Ministry, if the Professor becomes too obnoxious there is a great temptation for the Justice Ministry to denounce the Peasants and Workers Organisation as a Communist organisation and put him into jail. My friend, Mr. Joshi, was telling me the other day that a member of the Bombay Corporation in his speech once said that he was surprised how Government could, every time, nominate a Communist like Mr. Joshi to the Legislative Assembly....

**Sir Ghulam Hussain Hidayatallah** (Sind Jagirdars and Zamindars : Landholders) : I may assure him that Mr. Joshi is not a Communist.

**Mr. Abdul Matin Chaudhury** : Just as the present Government use the power under this Act to defend and consolidate their own position, so it is quite likely that the future Ministers also will try and use the powers under this Act to crush their political adversaries, that is a contingency which we want to avoid. Once you depart from the principles by which the fundamental rights of the citizens are secured, there is no knowing where the mischief will end. It will pave the way for autocracy and despotism. Conscious of the power over the freedom and liberty of their own political adversaries, the party in power is sure to disregard and treat with contempt public opinion, and public criticism; and this will be fatal for the growth of parliamentary institutions in this country. There is no reason to suppose that the future Councils that are coming into being with the inauguration of the reforms will not, in an emergency, rise equal to the occasion or refuse to grant the executive the power when they need it. The sense of irresponsibility, which is sometimes associated with the attitude of non-official Members towards Government measures, is not going to be a feature of the Councils that are coming into being with the inauguration of the Reforms. With the prospect of themselves assuming the reins of the Government in case of the downfall of a Ministry, the opposition will scrutinise every Government measure with a due sense of responsibility; and in an emergency they are hardly likely to refuse sanction to a measure which they themselves may have to promulgate when they assume the reins of office. Under these circumstances, in view of the situation that exists today in the country and in view of the changes that are coming with the introduction of the Reforms, I think the enactment of this measure is entirely unjustifiable.

With regard to the section dealing with the press: in 1931, the Government were faced with the revival of terrorist activities in a very acute form; and, as one of the measures to deal with that situation, they issued an Ordinance controlling the press: the main features of that Ordinance were, later on, put on the Statute-book. The ground on which they urged the enactment of that measure on the previous occasion was this: they said that an emergency had arisen because of the revival of the terrorist movement, and a section of the press by their eulogy of murders gave incentive and stimulus to that movement, and Government needed power to deal with them. In fact the Press Act was called the

[Mr. Abdul Matin Chaudhury.]

Press Emergency Act and it was made a temporary measure. Now, the temporary period is over and the Government want to enact it in permanent form. I am not going to argue whether the terrorists receive their inspiration from the newspaper writings or whether they receive their inspiration from standard books of English literature or from the incidents of English history or from the recent successes of the Irish Republican Party who by their methods of violence forced the Government to capitulate. My own impression is that the Chittagong Armoury raiders derived their inspiration more from the guerilla warfare of the Irish Republican Army than from any double column headline in the nationalist press. But for the sake of argument, I am prepared to concede that in the year 1931 circumstances justified the enactment of this measure, and that the knowledge that the Government had this weapon in their armoury tended to curb the excessive zeal of the leader writers in the nationalist press and that the Assembly in 1932 agreed to curtail the power of the press and took the risk of its possible abuse by the authorities because the authorities insisted that there was a great menace threatening the country and they needed the power to deal with it. Government gave us an assurance on that occasion that the powers would be very judiciously exercised. What is the situation today? That emergency no longer exists, and whatever the justification there might or might not have been for the enactment of this measure in 1931, today that justification no longer exists. Sir, the situation in the country at the present time is such that such a measure as this is entirely unnecessary. That is my view of the situation. If there is excitement anywhere, it is in the Home Department of the Government of India who are very busy forging weapons which are not necessary and manufacturing justifications which may appear plausible. Now, Sir, if, in 1931, a certain section of the press eulogised murder, I think even my friend, Sir Abdul Halim Ghuznavi, will admit that in recent months, the most characteristic feature of the writings in the Indian press has been an expression of loyalty to the Throne and eulogy of the Silver Jubilee....

**Sir Abdul Halim Ghuznavi** (Dacca *cum* Mymensingh : Muhammadan Rural) : Which are those papers?

**Mr. Abdul Matin Chaudhury** : I think every section of the Indian press co-operated with authorities to make the Silver Jubilee a success. Even the Congress papers co-operated with the movement....

**Sir Abdul Halim Ghuznavi** : I did not get any co-operation in Calcutta.

**Mr. Abdul Matin Chaudhury** : Even well-known Congress newspapers went out of their way to publish Jubilee Supplements, and, I think, Congress newspapers like the *Hindustan Times* and the *Hindu* published Supplements....

**Sir Abdul Halim Ghuznavi** : But they were making money over it.

**Mr. Abdul Matin Chaudhury** : I am sure even the Government will admit that there has been a distinct improvement in the tone and the temper of the Indian press in regard to their attitude towards terrorism. The policy of condemning the deed and admiring the motive has given place to a policy of unreserved condemnation of terrorists and their

activities; you cannot say that this change of attitude is not entirely due to the existence of the press, because, Sir, the most that the press Acts can do, is to prevent direct and indirect laudation of terrorist activities; but it cannot extort whole-hearted condemnation unless the press is genuinely anxious to eradicate the evil? It is perfectly clear from the writings in the Nationalist press that they are anxious to co-operate with the authorities to uproot the evil. And, in Bengal particularly, they are making sincere efforts to co-operate with the authorities to wean the terrorists back from pursuing their misguided activities.

Sir, it is very often said that this Press Act is directed not against the well conducted and responsible papers, but it is directed against only those irresponsible extremist papers where writings have got a tendency to incite people to deeds of violence, and the well conducted papers, therefore, need have no fear whatever on account of the operation of this Act. Our past experience belies that assumption. Whenever the Press Act was before the House, Government was always assuring us that this Act would be directed only against those papers who incite people to deeds of violence. We are asked to believe in the infallible discretion of the District Magistrate; we are asked to believe in the judicial fairness of the Local Government, but these assurances in most cases are more honoured in their breach than in observance. I will give the House one classical instance of the abuse of the Press Act by the authorities. The Press Act of 1910 was enacted to deal with those writings which directly or indirectly encouraged anarchical crimes. Now, Sir, against whom was this Act directed? The most celebrated case under the Press Act of 1910 was the *Comrade* case, and why was the security demanded from the editor of the *Comrade*? Honourable Members who are not aware of the history of that case will be surprised to hear that security was demanded from the *Comrade* for publishing an humanitarian appeal. During the Balkan War, in Bulgaria, the Macedonian bandits committed inhuman atrocities on Turkish population. Sir Adam Block, who was the Chairman of the Imperial Ottoman Bank at Constantinople, issued an appeal to all the civilized world, describing the atrocities. The appeal was called "come over to Macedonia and help us". Mr. Mahomed Ali,—he was not Maulana in those days,—aristocratic and fashionable Mr. Mohamed Ali, a familiar figure in the social circles of the bureaucracy—committed the atrocious crime of publishing that appeal in his paper, and, therefore, he was asked to furnish security. He then appealed to the High Court, and the Chief Justice, Sir Lawrence Jenkins, who paid the highest tribute to the editor, said that under the provisions of the Act no relief could be granted to the appellant. That is how the Press Act is being administered.

Now, Sir, I want to address my remarks to my Muhammadan friends of this Assembly. Muslims have kept away from terrorist activities. Mussalmans except in the frontier have kept away, as a community, from the Civil Disobedience Movement, and still, Sir, proportionately speaking, the Mussulman press has suffered most from the operation of this Press Act. We have got only a handful of Muslim newspapers; they can be counted on the fingers of one hand, and yet, Sir, within the last 5 years the Press Act has been in operation, 61 Muslim papers have ceased publication because of the operation of the Press Act. (Cheers from the Congress Party Benches.) Can the Honourable the Home Member tell me whether during the same period of 5 years another 61 journals have

[Mr. Abdul Matin Chaudhury.]

been started and are still on circulation? My point is this that more Muslim papers have succumbed to this Press Act than have survived it. This Press Act has strangled the Muslim press in the past, and it will continue to strangle it in the future. And I would ask my Muslim friends here—are they going to be a party to the passing of a measure that will cripple the growth of the Muslim press in this country? I would leave them to answer that question. For every Muslim press that goes out of existence, because of the operation of this Act, the responsibility will be on the head of those Muslim Members who by their vote will support the passing of this measure. (Cheers from the Congress Party Benches.)

The Assembly then adjourned till Eleven of the Clock on Thursday, the 12th September, 1935.

## LEGISLATIVE ASSEMBLY.

Thursday, 12th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## QUESTIONS AND ANSWERS.

### INDIANISATION OF THE POSTS OF CHAIRMEN OF THE PORT TRUSTS IN INDIA.

288. \*Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether their attention has been drawn to the fact that not one of the seven Chairmen of the Port Trusts in India is an Indian ;
- (b) whether they propose to take any steps to redress this racial inequality ; and
- (c) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) and (c). The Honourable Member's attention is invited to the reply given to part (b) of his question No. 731 on the 8th March, 1935, and to the supplementary questions and answers thereto where the whole matter is discussed in great detail.

Mr. S. Satyamurti : May I know why the Government of India are against any Statutory provision for increasing the number of Indians on these Port Trusts, with a view to getting at least a few Indians elected as Chairmen of some of these Port Trusts ?

The Honourable Sir Muhammad Zafrullah Khan : I believe that, in the supplementaries to the previous question, the Honourable the Finance Member has given an answer to that.

Mr. S. Satyamurti : I was told that that might raise racial considerations. I asked the question then, but I did not get an answer. I ask now the Honourable the Commerce Member with more hope, what is the racial consideration involved in reserving chairmanships of Indian Port Trusts to Indians ? Why do the Government think that, in India, Indians should not be protected as against other races ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member says that he put that question to the Honourable the Finance Member, and I have no doubt that he received a reply when he put that question.

Mr. S. Satyamurti : I did not, and, therefore, I am asking the Honourable the Commerce Member who is now replying, he himself being an Indian. I ask why he thinks or the Government think that

reserving membership or chairmanship to Indians on Indian Port Trusts is a racial matter.

**The Honourable Sir Muhammad Zafrullah Khan :** It is immaterial whether the question is put to a European Member or an Indian Member of Government. The position of Government with regard to these Port Trusts is that, as the Indianisation of Services continues, there will be a larger and larger number of Indians on the Port Trusts, and Government do not think it is either feasible or desirable to introduce legislation to reserve a certain proportion of membership to Indians as such.

**Mr. S. Satyamurti :** What are the reasons why Government do not think it desirable that Indianisation should proceed much more rapidly in this branch of public administration, than it does today ?

**The Honourable Sir Muhammad Zafrullah Khan :** If Government take the action suggested, it would amount to disqualification of a particular race, and that is the racial consideration involved.

**Mr. S. Satyamurti :** Why should Europeans not be disqualified in this country ? This is Indians' country, and not Europeans' country.

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.

**Mr. S. Satyamurti :** One more supplementary question, Sir. May I know why, in Chittagong uniformly, the Agent of the Assam Bengal Railway is made a member and Chairman again and again of the Port Trust there ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not know that any special answer is necessary. Agents of Railways are often members of Port Trusts, and, if an Agent is appointed Chairman, I do not think there is any extraordinary reason behind it.

**Mr. S. Satyamurti :** Have Government considered the inconvenience caused to Indian merchants, exporters and importers, by the continuous presence of a European as Chairman ?

**The Honourable Sir Muhammad Zafrullah Khan :** In Chittagong, a European has not been continuously Chairman of the Port Trust.

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question, No. 289.

#### CONSTITUTION OF A PERMANENT TARIFF BOARD.

289. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have come to any decision on the question of constituting a permanent Tariff Board ;

(b) whether they have considered the evil effects of appointing *ad hoc* Tariff Boards from time to time ; and

(c) when they propose to come to a decision on this question ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Government are still of opinion that it is unnecessary to constitute a permanent Tariff Board.

(b) Government do not admit that evil effects result from the appointment of *ad hoc* Tariff Boards.

(c) Does not arise.

**Mr. S. Satyamurti :** May I know why Government have not yet come to a conclusion in favour of a permanent Tariff Board, especially in view of the fact that it is a judicial or at least a quasi-judicial body ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government do not consider that that is any reason for constituting a permanent Tariff Board.

**Mr. S. Satyamurti :** With regard to the answer to part (b) of the question, have Government considered in their recent appointment of the *ad hoc* Tariff Board for textile duties, that they have appointed two gentlemen, one of whom is a representative of British commerce, and the other, a violent supporter of the Mody-Lees and Ottawa Pacts ?

**The Honourable Sir Muhammad Zafrullah Khan :** If the reference is to Sir Alexander Murray, he is not a representative of British commerce. He was, I believe, connected for a long time with a firm that carried on business in jute in Bengal.

**Mr. S. Satyamurti :** For whom ?

**The Honourable Sir Muhammad Zafrullah Khan :** For that firm.

**Mr. S. Satyamurti :** For Britain.

**The Honourable Sir Muhammad Zafrullah Khan :** In the interests both of that firm and of India. And he has been Chairman of the Associated Chambers of India and Ceylon. He has been a member of the Bengal Legislative Council. He has been a Member of the late Imperial Legislative Council, he has been a Member of the Council of State, he has been a Member of this House, he has been a member of three Royal Commissions. He has twice represented India in International Labour Conventions at Washington and Geneva. With regard to the other gentleman, whether the reference is to Diwan Bahadur A. Ramaswami Mudaliar, or to Mr. Fazal Ibrahim Rahimtoola, I do not think that the allegation that they are violent supporters, either of one pact or the other, is justified.

**Mr. S. Satyamurti :** I am overwhelmed, but may I ask whether, apart from being violent, Diwan Bahadur Ramaswami Mudaliar is not a supporter of British preference, that is to say, of both the Mody-Lees Pact and the Ottawa Pact, and what are the reasons why Government appointed him to this Committee, considering that it has got to make very important recommendations on this particular matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government appointed Diwan Bahadur Ramaswami Mudaliar, because they thought that he was an excellent choice for this Committee.

**Mr. S. Satyamurti :** I have no doubt about that, that suits them ; but I am asking only one more question. Have Government considered that appointing gentlemen to *ad hoc* Tariff Boards creates in them a feeling that they will not be there for ever, and, therefore, they find themselves in a more difficult position than they would be, if they were permanently appointed ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, I do not agree.

**Mr. S. Satyamurti :** May I know whether the Government propose to come to a decision on this question, namely, of having a permanent Tariff Board, and, if so, when? Part (c) of the question.

**The Honourable Sir Muhammad Zafrullah Khan :** The answer to the first part of the question which I read out was that Government are still of opinion that it is unnecessary to constitute a permanent Tariff Board. The next question is, when will your intentions change, when will your opinion change. I am unable to say whether it will change, and, if it does, when.

**Prof. N. G. Ranga :** In view of the fact that, in the interests of the consumers, protection should be granted only for so long and for such industries as there is a necessity, will Government consider the advisability of establishing a permanent Tariff Board to make enquiries from time to time to see whether the industries which are given protection are properly run and efficiently managed and that the protection is given only for the time being?

**The Honourable Sir Muhammad Zafrullah Khan :** I have heard the Honourable Member, but I am quite unable to follow the question.

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.

†290.\*

**Mr. S. Satyamurti :** I do not put question No. 290. That has been already answered. I put No. 291.

#### NEW TYPE OF AEROPLANE FOR OPERATION IN INDIA.

291. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether it is a fact that a new type of aeroplane for operation in India and the middle East is at present undergoing trials before experts of the Air ministry in London ;
- (b) whether it is intended to use them for North-West Frontier work ; and
- (c) whether Government propose to continue the work of bombing the villages, and if so, why ?

**Mr. G. R. F. Tottenham :** (a) and (b). The answer is in the negative.

(c) The position of the Government of India has always been that they are prepared to subscribe to any general international convention regarding the abolition of military aircraft, but that in the absence of such a convention they are not prepared to deprive themselves unilaterally of the use of a weapon which, in certain circumstances and subject to the restrictions and safeguards that are invariably imposed on its employment, has proved itself an effective and economical adjunct to the preservation of the peace of the Frontier.

**Mr. S. Satyamurti :** Is it or is it not a fact that International Conferences have been asking for the abolition of bombing from the air on

†Not put by the questioner.

the civilian population, and that the Government of Great Britain opposed that International Convention?

**Mr. G. R. F. Tottenham :** No. That is not a fact.

**Mr. S. Satyamurti :** Were the Government of India consulted about the abolition of bombing from the air on civilian population?

**Mr. G. R. F. Tottenham :** With reference to the Disarmament Conference? Yes, their views were asked for.

**Mr. S. Satyamurti :** What were the views of the Government of India?

**Mr. G. R. F. Tottenham :** I have just stated them.

**Mr. S. Satyamurti :** May I take it that the Government of India are against the abolition of bombing from air on the civil population?

**Mr. G. R. F. Tottenham :** The Government of India were prepared, as I said, to subscribe to any general convention for the abolition of military aircraft, but they were not prepared in advance of any such general agreement to deprive themselves of a particular weapon which, under certain circumstances, can be and is of great value.

**Mr. S. Satyamurti :** May I take it that the position of the Government of India is this—that, unless all military aircraft is abolished altogether, they will not give up bombing from air on the civil population?

**Mr. G. R. F. Tottenham :** I have explained as clearly as I can what the policy of the Government is, but I must object to the statement that the policy of the Government is, or ever has been, to bomb the civil population. We have never done that.

**Mr. S. Satyamurti :** May I know whether they are willing to abolish unilaterally, if I may put that question to Mr. Tottenham, bombing from air on the civil population?

**Mr. G. R. F. Tottenham :** We have never bombed the civil population.

**Pandit Krishna Kant Malaviya :** Did the Government of India raise their voice when Great Britain wanted exception in favour of the North-West Frontier, Iraq and other places?

**Mr. G. R. F. Tottenham :** The Government of India agreed with His Majesty's Government that it would be legitimate to make this reservation regarding police bombing in their own areas. They agreed to the establishment of the convention prohibiting bombing as an international weapon, but accepted the reservation of retaining the power of air bombing for police purposes in their own areas. That was at a certain stage in the Disarmament Conference.

#### PREVENTION OF CONGRESSMEN FROM VISITING QUETTA.

292. \***Mr. S. Satyamurti :** Will Government be pleased to state whether their policy of preventing Congressmen from visiting Quetta had any political considerations behind it?

**The Honourable Sir Henry Craik :** The

## SAFEGUARDING OF THE INTERESTS OF INDIAN IN ZANZIBAR.

293. \*Mr. Mohan Lal Saksena : (a) Have Government made any representation to His Majesty's Government with a view to safeguarding the interests of Indians in Zanzibar as recommended by Mr. K. P. S. Menon in his report ?

(b) If so, what has been the result of the representation ?

Sir Girja Shankar Bajpai : (a) and (b). The attention of the Honourable Member is invited to the reply given by me on the 4th September, 1935, to Mr. S. Satyamurti's question No. 118.

## IMPOSITION OF A PROHIBITIVE IMPORT DUTY ON ZANZIBAR CLOVES.

294. \*Mr. Mohan Lal Saksena : Is it a fact that the Indians in Zanzibar have asked Government to impose prohibitive import duty on Zanzibar cloves ? If so, have Government considered the advisability of legislating accordingly ?

Sir Girja Shankar Bajpai : The answer to the first part of the question is in the affirmative. As regards the second part, the attention of the Honourable Member is invited to the reply given by me on the 5th September, 1935, to part (c) of Mr. S. Satyamurti's question No. 144.

Mr. Mohan Lal Saksena : Are Government aware that Indians in Zanzibar passed a Resolution urging upon the Government of India to take immediate action including imposition of prohibitive duty on cloves ?

Sir Girja Shankar Bajpai : Government have received a copy of that Resolution.

Mr. Mohan Lal Saksena : What action have the Government of India taken ?

Sir Girja Shankar Bajpai : I explained that in my reply to Mr. Satyamurti the other day.

## TREATY OF COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND ZANZIBAR.

295. \*Mr. Mohan Lal Saksena : (a) Is it a fact that a treaty of friendship, commerce and navigation exists between Great Britain and Zanzibar ?

(b) If so, will Government state whether they have considered if the provisions of Clove Growers' Association and clove importers' decrees are in contravention of the provisions of the aforesaid treaty and further whether the provisions of other decrees in question are in consistence with its provisions ?

Sir Girja Shankar Bajpai : (a) The attention of the Honourable Member is invited to the statement laid on the table of the House with reference to the reply given to starred question No. 1322 asked by Mr. S. Satyamurti on the 2nd April, 1935.

(b) In view of the fact that the treaty referred to by the Honourable Member is no longer in force, this question does not arise.

## DISSATISFACTION AMONG INDIANS IN FIJI DUE TO THE PROPOSED CHANGE IN THE SYSTEM OF REPRESENTATION IN MUNICIPALITIES AND THE LEGISLATIVE COUNCIL.

296. \*Mr. Mohan Lal Saksena : (a) Is it a fact that steps are being taken by the Government in Fiji to replace the present system of representation in municipalities and the Legislative Council in Fiji by the system of nomination ?

(b) Are Government aware that the proposed change has caused great dissatisfaction among Indians in Fiji ?

(c) If so, what steps, if any, do Government propose to take to stop the proposed change in the system of representation ?

(d) Did the Colonies Committees, appointed by the Government of India, submit to the Colonial Office any memoranda on the position of Indians in Fiji ?

(e) If so, will Government be pleased to state what recommendations, if any, it made regarding municipal franchise ?

(f) Did the Colonial Office take any action on them ? If so, what ?

(g) Is the proposed change in the system of representation in conformity with the above mentioned recommendations ?

(h) Are Government prepared to consider the advisability of sending, at an early date, a mission of enquiry to Fiji to study the situation on the spot and to report on the problems now confronting Indians in that colony ?

(i) Is it a fact that Indians in Fiji have asked for such an enquiry ?

Sir Girja Shankar Bajpai : (a) to (c). I would refer the Honourable Member to the reply given by me on the 5th September, 1935, to Mr. Avinashilingam Chettiar's question No. 149.

(d) to (g). With regard to municipal councils, the facts are these. There are two Municipal Councils in Fiji of whom only one, viz., Suva, is of importance to Indians. Under the Municipal Institutions Ordinance of 1909, this Council was composed of members elected on a common electoral roll, but as the franchise was restricted to persons who could read, write and speak the English language, and the town of Suva was one single constituency, no Indian was ever elected to this council. The Colonies Committee referred to by the Honourable Member suggested that in order to ensure Indian representation on the Municipal Council of Suva, the principal Indian vernaculars should be recognised as qualifying a person to vote, on the same footing as English, and the town should be divided into wards. This recommendation, though supported by the Government of India, was not accepted by the Colonial Office. The choice thus lay between no representation of Indians and representation in equal strength with the other communities, on a basis of nomination for all. The Government of India saw no objection to this arrangement, provided that this could be secured without prejudice to its subsequent revision, should circumstances make this possible, on the basis of a common electoral roll and recognition of Indian vernaculars as qualifying tests for the municipal franchise on the same terms as English. They have acquiesced in the change from



the old system, which left the Indian unrepresented, to the present which gives him equal representation with Europeans and Fijians on a nominated Municipal Council, on this understanding.

(h) The matter is under consideration.

(i) The Indian Association of Fiji have asked for an enquiry.

**Mr. Mohan Lal Saksena :** When does the next election to the Legislative Council take place ?

**Sir Girja Shankar Bajpai :** The term of the Legislative Council has been extended by a period not exceeding one year in order to enable the different interests concerned to be consulted on this question of nomination *versus* election.

**Mr. Mohan Lal Saksena :** Are the Government of India sending a representation on behalf of Indians in Fiji to the Colonial Office ?

**Sir Girja Shankar Bajpai :** In reply to a question by Mr. Satyamurti the other day, I stated that the Government of India would be sending their representation to the Colonial Office after consulting the Standing Emigration Committee of the Legislature.

#### REPRESENTATION FROM CERTAIN DRIVERS OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

297. **\*Mr. Mohan Lal Saksena :** (a) Will Government be pleased to state if the Railway Board have received any representation from Abdul Shakoor and other drivers working in the Moradabad Sub-division of the East Indian Railway ? If so, what action have Government taken on it ?

(b) Is it a fact that in 1931 when they were made to accept reduced pay as a measure of economy, they were given an assurance that, on the improvement of financial position, they would be given the pay to which they would have been entitled in case they were drawing their original pay ?

(c) If so, why has their pay not been restored in accordance with the aforesaid assurance ?

**Mr. P. R. Rau :** The attention of the Honourable Member is invited to the information laid on the table of the House on the 2nd September, 1935, in reply to his starred question No. 395 asked on the 21st February, 1935.

#### APPOINTMENT OF A COMMITTEE BY THE CONGRESS PARTY IN THE ASSEMBLY TO ENQUIRE INTO AND REPORT UPON THE ADMINISTRATION OF REPRESSIVE LAWS IN BENGAL.

298. **\*Mr. Mohan Lal Saksena :** (a) Are Government aware of the appointment of a Committee by the Congress Party in this House to enquire into and report upon the administration of repressive laws in Bengal ?

(b) Is it a fact that the Government of India, in consultation with the Bengal Government, have issued a circular to the effect that the correspondence of the members of the Committee be specially censored and that the report of the Committee should not be allowed to be published ?

(c) If so, will Government be pleased to lay on the table a copy of the aforesaid circular ?

(d) Will Government be pleased to state the reasons for issuing such a circular ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b), (c) and (d). If such a circular had been issued, it would necessarily have been of a confidential nature and an answer to these parts of the Honourable Member's question would, therefore, amount to giving publicity to the existence and contents of a confidential document, which would be contrary to the public interest.

**Prof. N. G. Ranga :** Was such a circular issued at all ?

**The Honourable Sir Henry Craik :** I say that if such a circular had been issued, it would necessarily be of a confidential nature, and it would be contrary to the public interest to give publicity either to the existence or the contents of a confidential document.

**Mr. Mohan Lal Saksena :** Are Government aware of the United Press message of the 30th May, reporting that such a circular had been issued and which runs as follows :

"The United Press reliably understands that the Government of India after consultation with Provincial Governments especially the Government of Bengal, have finally decided to put a ban on the Report of the Committee appointed by the Assembly Congress Party to investigate and report on the question of repression in Bengal. The Government views this move on the part of the Congress with disfavour and allege that the Committee is collecting deliberately one-sided information which is calculated to bring the Government of India into contempt not only in this country but in the eyes of the nations of the world. It is understood that strict censorship has been advised to be kept on the correspondence between members of the Committee and immediately the report is ready to forfeit it under the Press Act."

Is it a fact that a circular has been issued on these lines ?

**The Honourable Sir Henry Craik :** I have already said that I cannot answer that.

**Mr. Mohan Lal Saksena :** Is the Honourable Member aware that my correspondence is being strictly censored ?

**The Honourable Sir Henry Craik :** No, Sir.

**Mr. Mohan Lal Saksena :** Will the Honourable Member believe me when I say that letters addressed by two Honourable Members of this Assembly were despatched to me, but they have not been delivered to me ?

**The Honourable Sir Henry Craik :** I have no knowledge about that.

**Pandit Krishna Kant Malaviya :** Will the Honourable Member kindly make inquiries and find out ?

**The Honourable Sir Henry Craik :** No, Sir.

**Pandit Krishna Kant Malaviya :** Why not ?

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.



**PUBLICITY GIVEN TO THE PART-DELIVERED SPEECH OF THE LAW MEMBER ON MR. B. DAS'S INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.**

299. \***Mr. Mohan Lal Saksena** : (a) Is it a fact that the part-delivered speech of the Law Member in connection with Mr. B. Das's Bill to repeal Criminal Law Amendment Act was sent to various Local Governments with instructions that it may be translated and distributed among the public ?

(b) Is it a fact that special efforts were made to give publicity to that speech ?

**The Honourable Sir Henry Craik** : (a) and (b). Government considered that the speech contained information of great importance which was not generally known to the public and that it merited wider circulation than it would obtain through the Press and for these reasons they arranged for copies of the speech to be widely distributed.

**Prof. N. G. Ranga** : Why is it that Mr. Das's speech was not also circularised simultaneously, so that the public might be able to get an impartial idea of that debate ?

**The Honourable Sir Henry Craik** : That was for Mr. Das to do.

**Mr. S. Satyamurti** : Is this the first time that speeches delivered by Honourable Members of the Government are specially circularised to various Local Governments, with a view to giving them instructions to give them further publicity ?

**The Honourable Sir Henry Craik** : It has been done frequently.

**Mr. Mohan Lal Saksena** : What was the hurry about it ? What was the hurry about circulating the speech before it was actually completed ?

**The Honourable Sir Henry Craik** : The hurry was this that, obviously, the speech could not be completed before a period of at least six months.

**Mr. S. Satyamurti** : Do Government consider it fair to circulate a one-sided speech, without giving the Opposition an opportunity of meeting those one-sided facts ? They may be false facts. Without, at the same time, affording an opportunity to the Opposition to contradict those statements of so-called fact, is it fair on the part of the Government to circulate only a one-sided speech ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That is a matter of opinion. Next question.

**UNEMPLOYMENT PROBLEM.**

300. \***Mr. Mohan Lal Saksena** : (a) Are Government aware that lately there have been reports in the press of suicides by individuals and whole families on account of unemployment ?

(b) Have Government taken any steps to tackle the problem of unemployment in the centrally-administered areas ?

(c) Have Government got any information regarding the extent of unemployment prevailing amongst the educated classes of the centrally-

administered areas ? If not, are Government prepared to make necessary arrangements for collecting statistics in this connection ?

(d) Do Government also propose to consider the advisability of appointing an enquiry committee ?

**The Honourable Mr. D. G. Mitchell** : (a) I have seen one or two reports of individual suicides attributed to unemployment : I am not aware of cases of suicide by whole families.

(b) Yes.

(c) I would refer to the answer I have already given to Mr. Asaf Ali's starred question No. 265.

(d) Government do not propose to appoint a committee to deal with the centrally-administered areas.

**Prof. N. G. Ranga** : Will Government please consider the advisability of establishing some labour exchanges and employment bureaus in centrally-administered areas ?

**The Honourable Mr. D. G. Mitchell** : There is no such proposal.

**Mr. Mohan Lal Saksena** : Did Government take any steps to verify the reports published in the papers ?

**The Honourable Mr. D. G. Mitchell** : No, Sir.

**Mr. M. Ananthasayanam Ayyangar** : In reply to clause (c) of the question, I gather, the answer was that no steps are being taken by the Government of India to organise unemployment relief and that no statistics have been gathered till now. If the Government propose at some future date to adopt or undertake such relief measures, is it not necessary for them to know what exactly is the number of people unemployed ?

**The Honourable Mr. D. G. Mitchell** : It is no doubt most desirable to have that information if the information could be compiled in a form in which one could place any reliance, but the difficulty is that to compile statistics of unemployment is a practically impossible task.

**Mr. M. Ananthasayanam Ayyangar** : Are not similar statistics collected in America and England ? Does not the Honourable Member know that there are ten millions of unemployed people in America ?

**The Honourable Mr. D. G. Mitchell** : "Unemployment" is a negative thing, and it is very difficult to establish a negative. The figures referred to, which are obtained in other countries, do not relate to negative things. They are called "statistics of unemployment", but they are, as a matter of fact, statistics of positive things, that is, of persons who are in receipt of relief of various kinds.

**Mr. M. Ananthasayanam Ayyangar** : How is relief given before it is known how many there are who are unemployed ?

**The Honourable Mr. D. G. Mitchell** : These forms of relief were started in England, for instance, by the trades unions themselves and have been gradually expanded.

**Mr. M. Ananthasayanam Ayyangar** : Were there no statistics of unemployment before relief measures were started in England ?

**The Honourable Mr. D. G. Mitchell :** The trades unions themselves provided them. Again, they were figures of positive things ; they were figures of members on the trade union registers who were out of job.

**Mr. M. Ananthasayanam Ayyangar :** Are not women also in England getting relief by way of maternity relief ?

**The Honourable Mr. D. G. Mitchell :** Sir, I fail to understand the Honourable Member's question. If there are figures of women in England in receipt of maternity relief, again they are positive things and could be easily counted.

**Mr. M. Ananthasayanam Ayyangar :** Sir,.....

**Mr. President (The Honourable Sir Abdur Rahim) :** The question has been sufficiently answered. The position is quite clear now. Next question.

#### SECRETARY OF STATE'S CONCEPTION OF POLITICAL OFFENDERS OF THE CIVIL DISOBEDIENCE CLASS AND BOMB-THROWERS.

301. **\*Mr. M. Asaf Ali :** (a) Has Government's attention been drawn to a statement, which the Secretary of State is reported to have made in the House of Lords with reference to an amendment of Lord Faringdon to clause 26 of the Government of India Bill (disqualification of offenders) in which the Secretary of State opined that there was no difference between one who participated in civil disobedience and a person who threw a bomb at a Viceroy ?

(b) Are Government aware of the difference between the two classes of offenders described above ?

(c) If so, have they taken any step to rectify the Secretary of State's conception of political offenders of the civil disobedience class and bomb-throwers ?

**The Honourable Sir Henry Craik :** (a) Yes. I will read an extract from the official report of the Secretary of State's speech :

" One of the difficulties in meeting the request of noble Lords opposite is due to the fact that in India there is no distinction between a political and a criminal offence. It is very often difficult to discriminate between a criminal and a political offence in any country, and certainly in Indian law no distinction is made. I am rather wondering whether my noble friends opposite would suggest that the Indian gentleman who bombed my noble friend here (Lord Halifax) was guilty of a criminal offence or a political offence. I think it would be found difficult to decide whether it was a criminal offence or a political offence."

The observations do not appear to me to justify the construction put on them by the Honourable Member.

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

#### DECREASE IN THE INDIAN EXPORTS TO CERTAIN COUNTRIES.

302. **\*Mr. M. Asaf Ali :** (a) Is it a fact that Indian exports to France, Germany, Italy and Japan have fallen during the last two years ?

(b) Will Government be pleased to furnish comparative figures for the last five years including 1935, to show the percentage of decrease ?

(c) Can Government explain the causes of this decrease and say how far it is due to the operation of the Ottawa Agreement ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). The Honourable Member is referred to Volume II of the Annual Statement of the Sea-borne Trade of British India for the year ending 31st March, 1934, and Monthly Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1935, copies of which are available in the Library of the House.

(c) The decrease in Indian exports to certain countries is due partly to the continued depression in world trade and partly to the adoption of restrictive measures by these countries for the purpose of safeguarding their industrial and monetary interests.

**Mr. M. Ananthasayanam Ayyangar :** When were the first restrictions imposed on the imports of goods into Japan and other countries ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not aware of the date.

**Mr. M. Ananthasayanam Ayyangar :** Was it not after 1932—the date of the conclusion of the Ottawa Pact ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to say.

**Prof. N. G. Ranga :** Is it not a fact that the exports of groundnut to Italy and Germany have considerably fallen during the last few years ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot say.

#### LEASE OF LAND BETWEEN DELHI AND SHAHDARA TO MR. WAUGH.

303. **\*Mr. M. Asaf Ali :** (a) How many acres of land between Delhi and Shahdara, and on what terms, have the Delhi Government leased to Mr. Waugh ?

(b) How much of this land has been actually under cultivation, and for how long ?

**Sir Girja Shankar Bajpai :** (a) 718.33 acres in Shahdara were leased to Mr. Waugh for a period of 25 years from the 1st April, 1923. The lessee was given the option of acquiring proprietary rights at any time during the currency of the lease, at a price to be determined at the time of purchase. He was to pay land revenue at Rs. 1 per acre for the first two years, Rs. 2 per acre for the next three and after that at current rates. A *malikana* at half the revenue rate was also to be paid.

(b) In 1934, 268 acres were actually under cultivation. The whole area was previously lying waste, and this portion of it was broken up and brought under cultivation between 1923 and 1934.

**Mr. M. Asaf Ali :** Will the Honourable Member kindly tell me whether he has any knowledge of the number of cultivators who had been dispossessed before 1923 on account of the acquisition of land in connection with New Delhi ?

**Sir Girja Shankar Bajpai :** I do not think that this has anything to do with the acquisition of land for New Delhi. As regards this parti-

ular area, as I have already informed the Honourable Member, my information is that at the time when it was leased it was lying waste, so no cultivators could have been dispossessed.

**Prof. N. G. Ranga :** May I ask, Sir, if Government have considered the suggestion of granting this land to a co-operative society of peasants so that they might be able to utilise it better than the individual who is using it only for himself?

**Sir Girja Shankar Bajpai :** Sir, seeing that the lease to this particular individual was given eleven years ago, and I also gather that it was actually sold in October, 1934, it is not possible for Government, at any rate, to give it to a co-operative society.

#### CULTIVATORS AFFECTED BY ACQUISITION OF LAND FOR THE PUSA INSTITUTE IN DELHI.

304. \***Mr. M. Asaf Ali :** (a) How many cultivators of the Delhi Province are likely to be affected by acquisition of land for the Pusa Institute?

(b) How do Government propose to provide such persons with cultivable land elsewhere?

**Sir Girja Shankar Bajpai :** (a) and (b). Steps have been taken to acquire 474 acres of land. This area constitutes about a third of the total held by the 250 cultivators affected. The cultivators, portions of whose holdings have been acquired, were told that, if they wished, recommendation would be made to the Punjab Government to provide them with land in the neighbouring districts of the Punjab where Government lands are available but so far they have not made any application.

**Prof. N. G. Ranga :** Is there any culturable land at all in that neighbourhood which could possibly be granted to these people?

**Sir Girja Shankar Bajpai :** I can assure my Honourable friend that if culturable land in the neighbourhood in the possession of Government were available, assistance would have been given to these people to make use of it.

**Prof. N. G. Ranga :** Could it not have been possible for Government to have thought of establishing this Institute a little farther off, so that these people might not have been dispossessed of their houses?

**Sir Girja Shankar Bajpai :** Unless this Institute had been established on waste land, somebody or other was sure to have been dispossessed.

**Mr. M. Asaf Ali :** Can these cultivators be accommodated by Mr. Waugh, because he possesses 718 acres of land?

**Sir Girja Shankar Bajpai :** The geographical position rather is that this land is taken on this side of Jumna whereas the other land is across the Jumna, and I hardly think that these people would care to go across the Jumna in order to cultivate the land there.

**Mr. M. Asaf Ali :** They have already been dispossessed of their land which has been acquired by Government and so they will be prepared to go anywhere to cultivate land and certainly across the Jumna which is only a question of about two miles.

**Sir Girja Shankar Bajpai :** Sir, I think my Honourable friend did not quite follow what I said. I said that it is only one-third of the land belonging to these cultivators that has been acquired. In other words, there has hardly been a single case of complete dispossession. What has happened is that a small plot of land has been taken from the total holding.

#### RELIEVING OF CONGESTION IN OLD DELHI.

305. \***Mr. M. Asaf Ali :** (a) Have Government taken any steps to make *nazul* land in the Delhi Province referred to in my question No. 151 of the last session, available for relieving congestion in Old Delhi?

(b) Have Government invited the attention of the Delhi Municipal Committee to my questions Nos. 100 and 101 (c) to (g) and their answers? If so, when, and if not, why not?

**Sir Girja Shankar Bajpai :** With your permission, Sir, I shall answer parts (a) and (b) together. The Government of India have decided to place an officer on special duty at Delhi to ascertain, with greater definiteness than has been attempted so far, (i) the nature and magnitude of the problem of congestion, (ii) the extent to which the measures already undertaken or now in progress provide a solution, (iii) the manner in and the extent to which these processes need to be supplemented, (iv) the agency to which the supplemental measures should be entrusted, and (v) the expenditure involved and the best way of providing it. As soon as the report of the investigating officer becomes available, Government will examine it and take up the question as to what action is desirable and practicable.

**Mr. M. Asaf Ali :** May I know if the officer appointed is also an expert in matters which have been entrusted to him?

**Sir Girja Shankar Bajpai :** It has not been possible to find an officer who was expert in town-planning, and, at the same time, expert in the local conditions of Delhi, but I can assure my Honourable friend that, in the process of investigation, if he needs expert assistance of a technical character, that assistance will be forthcoming.

#### REPORT CALLED FOR BY THE COMMISSIONER OF INCOME-TAX, BIHAR AND ORISSA, IN APPEAL CASES.

306. \***Mr. Ram Narayan Singh :** Will Government be pleased to state if it is a fact that the Commissioner of Income-tax, Bihar and Orissa, calls for a report from subordinate authorities invariably in each case in which an appeal is filed to him? If so, is that report of a confidential nature, and is the assessee entitled to a copy of such report?

**Mr. A. H. Lloyd :** The Commissioner of Income-tax calls for reports from Income-tax Officers on the allegations made in the petitions of appeal under section 32 as well as on those in petitions under section 33, whenever there is any point raised which has not been properly or fully dealt with in the orders of the lower authorities. No report is called for where such report is not necessary.

In the ordinary course the reports of Income-tax Officers are treated as confidential. But very often the Commissioner of Income-tax, Bihar and Orissa, has given the assessee a copy of the report if

asked for by the assessee when the report does not contain any confidential matter. It is often necessary to inform the assessee of the substance of the Income-tax Officer's report in order to enable the Commissioner to decide the assessee's objection.

#### REGULATION OF INCOME-TAX ASSESSMENT IN BIHAR AND ORISSA.

307. \*Mr. Ram Narayan Singh : (a) Is it a fact that there is a practice prevalent in Bihar and Orissa of regulating income-tax assessments by means of confidential circulars and instructions issued by the Commissioner ?

(b) Is it a fact that a complaint of such a nature was made on behalf of the Maharajahdhiraja of Darbhanga in the civil suit instituted against the Commissioner and Assistant Commissioner of Income-tax, Bihar and Orissa ?

Mr. A. H. Lloyd : (a) The answer is in the negative. The Income-tax Officers sometimes consult the Commissioner on points of law arising in the course of assessments and receive instructions asked for.

(b) It does not appear from the records that such a complaint was made in the civil suit instituted by the Maharajahdhiraja of Darbhanga.

Mr. Ram Narayan Singh : Is it not a fact that the Maharajahdhiraja of Darbhanga brought a civil suit against the Commissioner and Assistant Commissioner of Income-tax and that the suit was hushed up simply because the Commissioner was personally criminally involved in it ?

Mr. A. H. Lloyd : The answer to the first part of the question is in the affirmative, and the answer to the second part is in the negative.

Mr. T. S. Avinashilingam Chettiar : What happened to the civil suit ?

Mr. A. H. Lloyd : If the Honourable Member will put down a question, I will give an exact answer.

#### ABSENCE OF WAITING ACCOMMODATION FOR ASSESSEES IN INCOME-TAX OFFICES IN BIHAR AND ORISSA.

308. \*Mr. Ram Narayan Singh : Are Government aware that in most of the Income-tax offices in Bihar and Orissa there is no proper accommodation for the waiting assessee ? If so, do Government propose to do anything for their comfort ?

Mr. A. H. Lloyd : Steps are being taken to provide better accommodation for assessee. In several Income-tax Offices an extra room is already set apart for them.

#### GRIEVANCES OF THE INCOME-TAX STAFF IN BIHAR AND ORISSA.

309. \*Mr. Ram Narayan Singh : (a) Has the attention of Government been drawn to the articles published in the *Indian Nation*, Patna, dated the 12th and 24th June, 1935, under the caption "The grievances

of the Income tax staff" ? If so, what action, if any, have they taken or propose to take to remove those grievances ?

(b) Are Government aware that there is great discontent among the Income-tax staff, Bihar and Orissa, against the unreasonably harsh and insulting treatment which is constantly meted out to them by the Commissioner of Income-tax ?

(c) Is it a fact that the Commissioner of Income-tax, Bihar and Orissa, uses unparliamentary and insulting language towards his subordinates in official letters and documents ?

(d) Are Government aware that an impression is abroad that the concurrence of the Commissioner of Income-tax, Bihar and Orissa, to the proposals of his office in the essential matters of promotion, postings and transfers of the staff is a mere formality ?

(e) Is it a fact that complaints of such nature were made against the office staff of the Commissioner from time to time ? If so, what action did Government take to eradicate the evil ?

(f) Is it a fact that when complaints of such nature were made in the past, the Commissioner of Income-tax reported to the Government of India that such complaints were made at the instance of interested persons ?

(g) Do Government propose to institute a regular enquiry into the existing administration of the Income-tax Department, Bihar and Orissa, in order to remove the complaints and defects and to place it on a satisfactory basis ?

The Honourable Sir James Grigg : (a) Yes. The two letters which appeared in the *Indian Nation* to which the Honourable Member refers suggest that there is a sense of insecurity in the Bihar and Orissa Income-tax Service, because there were some retrenchments of officers in 1932 ; and, secondly, that as all the officers of the Department are placed under the control of one officer, viz., the Commissioner of Income-tax,—if that officer is not strong and impartial, the interests of the subordinate officers may suffer by intrigues in the department and the officers may be subjected to undeserved "pin-pricks". The officers of the Department know that the retrenchments made in the Income-tax Department as well as in other Departments were non-recurrent measures necessitated by the financial stringency of the time, and are not likely to be repeated. They, therefore, have no reason for labouring under a sense of insecurity. The Government of India agree with the other sentiments expressed in the letters though not with the implication that the situation suggested actually exists and do not consider that any action is called for.

(b) and (c). The answer is in the negative. The Bihar and Orissa Income-tax staff both Gazetted and Ministerial have their own recognised Associations and have never complained of harsh or insulting treatment on the part of the head of the Department or unparliamentary language in official letters or documents.

(d) The suggestion made in the question has no foundation.

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(e) The answer to the first part of the question is in the negative. The second part of the question does not therefore, arise.

(f) No.

(g) No.

#### MUSLIMS APPOINTED AS SUGAR INSPECTORS.

310. \***Sir Muhammad Yakub** : (a) How many Sugar Inspectors were appointed last year and how many of them were Muslims ?

(b) Is it a fact that one of the Muslims appointed last year has resigned ?

**Mr. A. H. Lloyd** : With your permission, Sir, I shall answer questions 310 and 311 together. The staff employed in connection with the administration of the sugar excise duty is under the control of the Provincial Governments. The Government of India have, therefore, no information regarding appointments of Sugar Inspectors, and the orders relating to the reservation of posts in Central Services do not apply to such appointments.

**Sir Muhammad Yakub** : What does the Honourable Member mean that the orders of the Government of India do not apply to "such appointments" ?

**Mr. A. H. Lloyd** : The appointments of sugar inspectors made by Provincial Governments.

**Sir Muhammad Yakub** : Are not the Government of India taking the excise duty from sugar ?

**Mr. A. H. Lloyd** : The excise duty is levied on behalf of the Government of India by the Provincial Governments working as agents to the Government of India.

**Sir Muhammad Yakub** : Cannot the Government of India direct the Provincial Governments to make recruitment according to the rules which have been issued by the Government of India about recruitment in the Central Services ?

**Mr. A. H. Lloyd** : I am not aware that that question is being considered.

**Sir Muhammad Yakub** : Will Government consider this question ?

**Mr. A. H. Lloyd** : I am prepared to consider whether anything could be done in that direction.

**Mr. A. K. Fuzlul Huq** : Does it come to this that the Government of India cannot help the Muslims in this matter ?

**Mr. A. H. Lloyd** : It comes to this that the Government of India have not interfered with the arrangements of the Provincial Governments in a subject which the Provincial Governments are administering as their agents.

**Mr. Lalchand Navalrai** : May I know if the Government of India are in a position to get information from the Provincial Governments on questions like these when Honourable Members of this House want information ?

**Mr. A. H. Lloyd** : It depends upon the opinion of the Government of India as to the value of the information if obtained.

**Mr. Lalchand Navalrai** : Am I to understand that the Government of India attach no value to the questions put today ?

**Mr. A. H. Lloyd** : The Government of India do not consider it necessary to interfere with the arrangements made by Local Governments for recruiting staff for the administration of a Central subject when the Local Governments are working as their agents.

**Sir Muhammad Yakub** : Am I to understand that the Resolution which was issued by the Home Department last year was merely an eye-wash and there was no substance in it ?

**Mr. A. H. Lloyd** : No, Sir. The amount of staff employed by the Provincial Governments as agents of the Government of India—at least so far as the Board of Central Revenue is concerned—is negligible compared with the amount of staff employed directly by the Central Government.

**Sir Muhammad Yakub** : Are Government aware that many back-doors are open in the Government of India to nullify the effect of the Home Department Resolution regarding communal representation ?

**Mr. A. H. Lloyd** : No, Sir.

**Sir Muhammad Yakub** : Are the Government of India prepared to make a survey of the effect of their Resolution ?

**Mr. A. H. Lloyd** : The Government of India are not prepared to undertake any survey of the kind mentioned by the Honourable Member unless they are satisfied that there is some foundation for an allegation of the nature made by the Honourable Member.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### RECRUITMENT OF MUSLIMS AS SUGAR INSPECTORS.

†311. \***Sir Muhammad Yakub** : (a) What is the total number of Sugar Inspectors which the Government of India are going to recruit this year ?

(b) Do Government propose to observe their orders for reservation of 25 per cent. of the posts for Muslims ? If not, why not ?

#### PERCENTAGE FIXED FOR MUSLIMS ON THE ASSAM BENGAL RAILWAY.

312. \***Dr. Ziauddin Ahmad** : (a) Will Government be pleased to state the percentage which the Railway Board has fixed for Muhammadans on the Assam Bengal Railway

(b) Was this percentage communicated to the Agent of the Assam Bengal Railway ?

(c) Was the Agent instructed, directly or indirectly, to give the percentage fixed for the Mussalmans to other communities ?

(d) Did the Agent follow the instructions of the Railway Board in the recent recruitments ?

†For answer to this question, see answer to question No. 310.

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LEGISLATIVE ASSEMBLY.

[12TH SEP. 1935.]

**Mr. P. R. Rau :** (a), (b) and (d). The Railway Board suggested that 35 per cent. of all vacancies in the subordinate posts to be filled in future by direct recruitment should be reserved for Muslims. This has been accepted by the Board of Directors and the operation of the orders will be watched by the Government of India by means of statements which Railway Administrations are required to submit quarterly.

(c) No.

#### ENQUIRY INTO THE CONDUCT OF AN IMPERIAL SERVICE OFFICER.

313. **\*Sardar Mangal Singh :** (a) Will Government please state who is a competent authority to order an enquiry under Act XXXVII of 1850 into the conduct of an Imperial Service Officer ?

(b) Will Government please state how many officers of the Imperial Services have been tried under Act XXXVII of 1850 by one Commissioner and how many by more than one ?

**The Honourable Sir Henry Craik :** (a) The authority is the Governor General in Council.

(b) I regret I am unable to supply this information the collection of which would necessitate an examination of the records of every inquiry held under the Act.

#### RECRUITMENT OF MUSLIMS IN THE ENGINEERING DEPARTMENT OF STATE RAILWAYS.

314. **\*Syed Ghulam Bhik Nairang :** (a) Will Government be pleased to state the respective numbers of Muslim and non-Muslim employees in the Engineering Department of the several State-owned Railways ?

(b) In view of the paucity of Muslim employees in the Engineering Department of the State-owned Railways, are Government prepared to order that fresh recruitment to the said Department may be confined to the Muslims, when qualified Muslim candidates are available, till the proportion of Muslim employees in the Department comes up to that contemplated by Government orders bearing on the subject ?

**Mr. P. R. Rau :** (a) Government regret they are not prepared to supplement with figures for individual Departments the information in regard to communal representation in railway services which is given in the Annual Administration Report of Indian Railways.

(b) No. I would invite the Honourable Member's attention to paragraph 5 of the Memorandum of Supplementary Instructions, issued by the Government of India, Home Department, in May, 1935, a copy of which is, I believe, in the Library of the House.

#### CANCELLATION OF THE PASSPORT OF MR. MASANI OF BOMBAY.

315. **\*Prof. N. G. Ranga :** (a) Are Government aware of the fact that the passport granted in India to Mr. Masani of Bombay, one of the secretaries of the All-India Congress Socialist Party was seized by the Police in England in order to prevent him from visiting any of the continental countries even for purposes of health ?

(b) If so, what are the special political or other reasons for which he is thus disabled and insulted ?

(c) Is it the intention of Government to prevent any or all the Indian Socialists from visiting any of the continental countries ?

(d) If not, why is Mr. Masani subjected to this disability ? If so, is it to prevent him or them from either studying the socialist activities and policies of the continental countries or from carrying on propaganda on behalf of the Indian Congress Socialists ?

(e) If so, what is the justification for such an action ?

**The Honourable Sir Henry Craik :** (a) to (e). I am aware that Mr. Masani's passport was impounded in England. This action was taken, not because Mr. Masani is a Socialist but because the Government of India considered that Mr. Masani's activities in India were such as to make it undesirable that he should be in possession of a passport for travel abroad. His passport was renewed subsequently in view of certain assurances being given on his behalf in England.

**Prof. N. G. Ranga :** With reference to the reply to part (c), is it the intention of the Government to prevent only Indian Socialists from visiting Continental countries ?

**The Honourable Sir Henry Craik :** I said that this action was not taken because Mr. Masani was a Socialist.

**Mr. S. Satyamurti :** What is the nature of the activities of Mr. Masani or of any other person in India, which, in the judgment of the Government of India, will dis-entitle them to have passports to travel to foreign countries ?

**The Honourable Sir Henry Craik :** That is a very wide question which I cannot answer in a few words.

**Mr. S. Satyamurti :** May I have a rough idea ? Apart from violent activities, are there any non-violent activities which are likely to bring such people within the mischief of the prohibition which the Government of India apply in granting passports to travel to foreign countries ?

**The Honourable Sir Henry Craik :** Close association with the Communist Party would be one of the reasons, and, for example, if we knew that the person intended to visit a Communist Conference at Moscow, we would probably refuse to provide him with a passport.

**Mr. S. Satyamurti :** Was Mr. Masani going to attend the Communist Conference at Moscow ?

**The Honourable Sir Henry Craik :** I do not know.

**Mr. S. Satyamurti :** Then, on what information, did Government withhold permission to Mr. Masani to travel to certain countries ?

**The Honourable Sir Henry Craik :** I did not say that was the exclusive reason ; there were other reasons.

**Mr. S. Satyamurti :** What are they ?

**The Honourable Sir Henry Craik :** Close association with the Communist Party is one of the chief reasons.

**Prof. N. G. Ranga :** Is it not a fact that Mr. Masani has, for the last two years, been carrying on Congress socialist propaganda and nothing else, and that he is not connected with any Communist organization or Communist propaganda ?

**The Honourable Sir Henry Craik :** I do not think that is a fact.

#### PROTECTION TO THE INDIAN SERICULTURAL INDUSTRY.

316. \***Prof. N. G. Ranga :** (a) Will Government be pleased to state whether the Tariff Board has made certain recommendations suggesting the imposition of protective duty upon the imports of foreign silk and silk-yarn in order to protect the Indian Sericulture ?

(b) If so, when and what are those recommendations ?

(c) What is the action taken by Government upon those recommendations ?

(d) Are Government aware of the fact that the imports of silk and silk-yarn are just the same or even more in spite of the import duty levied ?

(e) If so, what are the comparative figures of imports for the year preceding the raising of the import duty and the years since its imposition ?

(f) What are the prices quoted for those imports in the year preceding the raising of the import duty and since its imposition ?

(g) Are Government aware that the present import duty has not tended to give any appreciable protection to the Indian Sericultural Industry ?

(h) Are Government prepared to consider the advisability of levying a higher import duty under the Safeguarding of Industries Act to protect the Indian sericultural industry ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, Sir.

(b) and (c). Attention of the Honourable Member is invited to (1) the Report of the Indian Tariff Board regarding the grant of protection to the Sericultural Industry, and (2) the Indian Tariff (Textile Protection) Amendment Act, 1934, copies of which are available in the Library.

(d), (e) and (f). Attention of the Honourable Member is invited to the Accounts relating to the Seaborne Trade and Navigation of British India.

(g) Representations have recently been received to the effect that the existing import duties are inadequate. These are receiving the attention of Government.

(h) The Safeguarding of Industries Act, 1933, lapsed on the 31st March, 1935.

I may add to the written reply that, during my recent tour to South India, representations were made to me also, apart from the representations received by the Department, and the whole question is being very carefully considered.

**Mr. S. Satyamurti :** When was the first representation received by the Government for protection to the sericulture industry ?

**The Honourable Sir Muhammad Zafrullah Khan :** Before the Tariff Board was set up ?

**Mr. S. Satyamurti :** When was it received ?

**The Honourable Sir Muhammad Zafrullah Khan :** Does the Honourable Member mean when the first representation was received that an enquiry should be made for affording protection before the Tariff Board was set up ? If so, I have no information.

**Mr. S. Satyamurti :** Is it not some years ?

**The Honourable Sir Muhammad Zafrullah Khan :** I could not say.

**Mr. S. Satyamurti :** How long do you propose to consider this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** So far as the Tariff Board report is concerned, it was considered and action taken upon it and the Indian Tariff Textile Protection Act of 1934 was passed. I think the Honourable Member is under a misapprehension. Since the Act was passed and the duty was imposed, further representations have been received that adequate duties have not been levied. With regard to this, further representations have been made since the duty was levied which was only a few months ago, and now the whole matter is being considered.

**Mr. S. Satyamurti :** I am asking about clause (g) of the question.

**The Honourable Sir Muhammad Zafrullah Khan :** As I said, it is a question which requires consideration. The manufacturers of silk, or rather those who are interested in the rearing of silk worms and the preparation of silk, have made representations since the passing of that Act that the duty levied is not adequate. Inasmuch as the Act itself was passed in 1934 and these representations have only been received during the last few weeks, the matter is being taken up again and is being looked into. I have not been able to appreciate the real point of the question.

#### IMPROVEMENT IN THIRD CLASS CARRIAGES ON RAILWAYS IN INDIA.

317. \***Prof. N. G. Ranga :** (a) Will Government be pleased to state the progress made since last Session of the Assembly in the development of a new and better third class carriage ?

(b) Do Government propose to introduce this new model third class carriage upon all the railways in India ?

(c) If not, what steps do they propose to take to see that the third class carriages of all the railways and particularly the Company-managed Railways are also improved ?

(d) What is the estimate of additional cost to be incurred by introducing this new model carriage on State-managed Railways alone ?

**Mr. P. R. Rau :** (a) A sample third class coach of improved type is at present being built by the Great Indian Peninsula Railway. It



will be ready for inspection by the members of the Central Advisory Council for Railways during the next Delhi Session.

(b) and (c). If approved, the new type will be adopted as the future standard for the State-managed Railways. The Company-managed Railways will be requested to adopt this standard design.

(d) It is estimated that the cost of the new type carriage will exceed the cost of the present standard type carriage by Rs. 5,000.

**Prof. N. G. Ranga :** What is the estimate of the Government of India for the construction of this new type of carriages as and when the old type carriages come to be scrapped and new carriages are put in their place ?

**Mr. P. R. Rau :** I cannot frame an estimate of that at the present moment.

**Dr. T. S. S. Rajan :** What is the passenger capacity of the new third class carriage ?

**Mr. P. R. Rau :** I believe it is 96.

**Dr. T. S. S. Rajan :** Has there been any difference of opinion with regard to the total accommodation between the various State Railways and Company-managed Railways ?

**Mr. P. R. Rau :** A drawing of this type was placed before the Central Advisory Council last March or April, and it was discussed by the members there and it was finally decided that a coach of that type should be built in Bombay and should be brought to Delhi to be inspected by them, and, after their inspection, they would be in a position to give their advice as to whether any changes would be necessary.

**Prof. N. G. Ranga :** How many carriages come to be scrapped annually on account of their being too old ?

**Mr. P. R. Rau :** I think my Honourable friend must give me notice of that question.

#### PLACING OF COMPLAINT BOOKS IN GUARDS' CARRIAGES AND AT JUNCTION STATIONS.

318. **\*Prof. N. G. Ranga :** Will Government be pleased to state what action has been taken since last Session upon their promise to me in answer to my question to see that complaint books are placed in the guards' carriages in all trains and also at all the junction stations ?

**Mr. P. R. Rau :** In answer to the question to which my Honourable friend refers, I stated that I was having enquiries made with a view to considering whether the suggestion should be brought to the notice of other Railways and that when information was obtained I would place it on the table of the House.

The suggestion was brought to the notice of certain principal Railways and I am placing on the table of the House a statement summarising the replies received.

#### Statement.

*Assam Bengal Railway.*—Since 1932 guards carry complaint books and a notice to this effect is exhibited in the bath rooms of first and second class compartments. Arrangements are being made for these notices, printed in the vernacular, to be posted up in lower class carriages.

*Bengal and North Western Railway.*—Complaint books were introduced at some of the more important junctions from November 1931 and a notice is displayed at stations that this book is available. The Head Ticket Collector carries this book with him when checking trains and produces it on demand.

*Bengal Nagpur Railway.*—Had experimented with a somewhat similar proposal in 1928 when Conductor Guards were given forms to supply to upper class passengers in the event of their wishing to make any complaints. The experiment was not successful and the arrangement was therefore discontinued.

*Bombay, Baroda and Central India Railway.*—Have introduced the complaint book at Ahmedabad station and propose waiting to see the result of the experiment at stations on other railways.

*Eastern Bengal Railway.*—Guards carry a complaint book, and a notice to this effect is exhibited in upper class carriages. Arrangements are being made for similar notices to be posted up in all carriages.

*East Indian Railway.*—Complaint books have been introduced at certain selected stations as an experimental measure for one year, when a report will be submitted to the Railway Board.

*Great Indian Peninsula Railway.*—Complaint books have been introduced at seven important stations as an experimental measure for one year, when a report will be submitted to the Railway Board.

*Madras and Southern Mahratta Railway.*—Are experimenting by placing "Suggestion Books" at one station.

*North Western Railway.*—A complaint book has been maintained as an experiment at Lahore station since July 1933 and a notice to this effect is displayed at the station. Only three complaints had been recorded up to May 1935 and, in view of the small use made, the arrangement has not been extended to other stations. The experiment at Lahore station will be continued and a report submitted to the Railway Board after a year.

*South Indian Railway.*—Are arranging to introduce complaint books at some of the more important stations and a notice to this effect will be exhibited on notice boards : a paragraph regarding this being also inserted in the Railway's Coaching Time Table and Guide.

#### INFERIOR QUALITY OF FOOD SERVED IN THE VIZAGAPATAM INDIAN REFRESHMENT ROOM.

319. **\*Prof. N. G. Ranga :** (a) Are Government aware of the fact that the sweets and other eatables sold in the Vizagapatam Indian Refreshment Room are cooked with oil and are unfit for human consumption and that a cup of coffee is charged 1½ annas as against 1¼ annas charged in other similar refreshment rooms ?

(b) Are Government aware also that the food given there is distinctly of inferior quality to that served in other refreshment rooms ?

**Mr. P. R. Rau :** (a) and (b). I am not aware what refreshment room my Honourable friend is referring to. The Agent, Bengal Nagpur Railway, states that there is no Indian refreshment room at Vizagapatam station. He adds that the price for a cup of coffee in the Railway's Indian Refreshment rooms is one anna.

**Prof. N. G. Ranga :** Will the Honourable Member try to ascertain the true facts, because I myself have been to this Indian refreshment room at Vizagapatam, and it is still there ?

**Mr. P. R. Rau :** May I know when my Honourable friend visited that station ?

**Prof. N. G. Ranga :** Only two months ago.

**Mr. P. R. Rau :** I will make further inquiries on the point, but the Agent has definitely told me that there is no such refreshment room.

#### RAILWAY CONCESSION TICKETS ISSUED TO STUDENTS.

320. **\*Prof. N. G. Ranga :** (a) Will Government be pleased to state on what conditions and principles are concession tickets issued to students to enable them to go to and from their schools ?

(b) Which schools are recognised for this purpose ?

**Mr. P. R. Rau :** (a) Concession tickets are issued on production of a certificate from the Head Master or Principal of the institution to which the parties belong as follows :

- (1) to parties of not less than 15, when travelling to or from the same stations ;
- (2) to parties of not less than 4, when travelling for examination or educational purposes :
  - (i) from their institution to their homes, or *vice versa* ;
  - (ii) from their institution to an examination centre, or *vice versa* ;
  - (iii) from their homes to an examination centre, or *vice versa*.
- (b) (i) Schools teaching up to the primary, middle, high school or entrance standards which are recognised by the Education Department.
- (ii) Colleges affiliated to a recognised University.
- (iii) Medical schools, technical, commercial, industrial and agricultural institutions under Government or recognised by Government.

#### REFUSAL TO GRANT CONCESSION TICKETS TO THE STUDENTS OF THE PEASANTS INSTITUTE, ANDHRA.

321. **\*Prof. N. G. Ranga :** (a) Are Government aware of the fact that the Peasants Institute started and run by the Andhra Peasants Protection Committee applied in April, 1935, to the Madras and Southern Mahratta Railway for concession tickets to its students who are all peasants ?

(b) Is it a fact that such concession tickets were refused to be granted ?

(c) If so, will Government state the reason for such a refusal ?

(d) Are Government prepared to consider the advisability of granting such concession tickets to all educational institutions irrespective of the fact of their recognition by the educational department ?

**Mr. P. R. Rau :** (a) I understand that the Honourable Member applied on the 11th March for concession rates to be granted to students of the Peasants Institute at Nidubrolu.

(b) Yes.

(c) and (d). The Honourable Member will have noticed from my reply to his previous question that the concession is restricted to students of certain recognised institutions. In view of the present financial position of railways, Government are not prepared to extend concessions of this sort unless it is clear that such an extension will result in an increase of earnings.

**Mr. M. Ananthasayanam Ayyangar :** Why is a discrimination made between one institution and another, and why are some only recognised ?

**Mr. P. R. Rau :** I have already replied to that. I said that, in view of the present financial position of Railways, Government are not prepared to extend the concession to other institutions.

#### DEVELOPMENT OF THE RURAL CREDIT DEPARTMENT OF THE RESERVE BANK OF INDIA.

322. **\*Prof. N. G. Ranga :** (a) Will Government be pleased to state what measures have so far been taken by the Reserve Bank of India to develop its Rural Credit Department ?

(b) What is the nature of the recommendations made for its development and work by the special officer Mr. Darling ?

(c) What steps are proposed to be taken during the next year to help the agricultural interests ?

(d) Do Government propose to consider the advisability of appointing an Advisory Council consisting mostly of members of the Central Legislature to aid the Rural Credit Department of the Reserve Bank ?

**The Honourable Sir James Grigg :** (a), (b) and (c). Mr. Darling was appointed on special duty to report on the co-operative and agricultural credit movement to the Reserve Bank in order to assist it in the formation of the agricultural credit department. Mr. Darling's Report is now under the consideration of the Bank and until the Bank has considered the report, it is not possible to state what steps will be taken in the matter.

(d) The creation of the department is a matter for the Bank under section 54 of the Reserve Bank of India Act, 1934, and it would be improper for Government to consider the appointment of an Advisory Council to assist that department.

**Prof. N. G. Ranga :** What is the information of the Government of India as to when the Reserve Bank of India will try to develop its Rural Credit Department and then begin to carry on its functions ?

**The Honourable Sir James Grigg :** I have no information on that. As I say, the report of Mr. Darling is under consideration, and that is all I can say.

**Prof. N. G. Ranga :** In view of the fact that mention has been made here in his own report on rural development about the report submitted by Mr. Darling on the co-operative movement in India, will the Honourable Member inform the House whether he has considered that particular report, and, if so, what are his conclusions ?

**The Honourable Sir James Grigg :** I think the Honourable Member is confusing two sets of reports. The primary set is that to the Reserve

Bank in relation to the setting up of their Agricultural Credit Department. But Mr. Darling was asked by the Government of India to advise what should be the best way of spending the sum of 10 or 15 lakhs which was set aside from the crore in relation to the co-operative movement. If the Honourable Member wants to know any details about that 15 lakhs he should address the question to the Education, Health and Lands Department.

**Prof. N. G. Ranga :** What is the nature of the recommendations made by Mr. Darling as to the best way of helping the rural co-operative movement ?

**Sir Girja Shankar Bajpai :** The distribution of the 15 lakhs which the Government of India have set apart for assisting the co-operative movement in the provinces has already been made.

**Prof. N. G. Ranga :** Apart from the distribution of 15 lakhs out of this rural development grant, will the Government of India be good enough to tell us the general trend of the recommendations made by Mr. Darling for the development of a Rural Credit Department for the Reserve Bank ?

**The Honourable Sir James Grigg :** I certainly could not do that without the permission of the Reserve Bank.

#### CENSUS OF THIRD CLASS PASSENGERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

323. **\*Prof. N. G. Ranga :** (a) Will Government be pleased to state if it is a fact that the Madras and Southern Mahratta Railway Company took a census of third class passengers during the last summer ?

(b) If so, between what stations and for how many and which days ?

(c) What are the results of such a census ?

(d) Was any overcrowding discovered ?

(e) If so, to what extent ?

(f) What steps are proposed to be taken by the Railway authorities to improve the accommodation for third class passengers ?

**Mr. P. R. Rau :** (a) I understand that a census of passenger trains was taken for a week in June, 1934.

(b), (c), (d) and (e). I am placing on the table a statement showing the number of trains and carriages checked and particulars of the over-crowding brought to notice. Over-crowding was discovered on three broad gauge trains out of 105 trains checked and on two metre gauge trains out of 123 trains checked.

(f) The Agent, Madras and Southern Mahratta Railway, states that the over-crowding on the broad gauge was due to large marriage parties travelling unexpectedly and that on the metre gauge was due to a sudden rush of traffic from Goa owing to coastal steamer services having been closed on account of the monsoon. This was relieved by the running of an extra train, through to Poona, with effect from the 21st June, 1934.

Statement showing particulars of overcrowding detected in trains during Census taken in June 1934.

| Date.       | Train No. | Station.        |                 | Station at which checked. | Extent of overcrowding. |                            |                                    |
|-------------|-----------|-----------------|-----------------|---------------------------|-------------------------|----------------------------|------------------------------------|
|             |           | From            | To              |                           | Seating capacity.       | Total passengers in train. | No. in excess of seating capacity. |
| 1934 June,— |           |                 |                 |                           |                         |                            |                                    |
| 14th ..     | 10 Up     | Waltair ..      | Madras ..       | Tenali ..                 | 346                     | 360                        | 14                                 |
| 15th ..     | 9 Dn.     | Madras ..       | Waltair ..      | Do. ..                    | 452                     | 473                        | 21                                 |
| 23rd ..     | 15        | Madras ..       | Bangalore City. | Jalarpet ..               | 496                     | 528                        | 32                                 |
| 18th ..     | 1 Up      | Bangalore City. | Poona ..        | Belgaum                   | 294                     | 313                        | 19                                 |
| 19th ..     | 1 Up      | Do. ..          | Do. ..          | Do. ..                    | 234                     | 247                        | 13                                 |

|                                      |   |          |    |    |     |
|--------------------------------------|---|----------|----|----|-----|
| Total number of trains checked ..    | { | B. G. .. | .. | .. | 105 |
|                                      |   | M. G. .. | .. | .. | 123 |
| Total number of carriages checked .. | { | B. G. .. | .. | .. | 555 |
|                                      |   | M. G. .. | .. | .. | 813 |

**Prof. N. G. Ranga :** Do the Government of India understand from the Agent of the Madras and Southern Mahratta Railway that any special carriages have to be attached to trains running between Waltair and Madras ?

**Mr. P. R. Rau :** No, Sir ; I am not aware that he is proposing to add extra carriages between Waltair and Madras.

#### STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 485 asked by Mr. Sitakanta Mahapatra on the 7th of August, 1934.

#### POSTING OF CERTAIN INCOME-TAX OFFICIALS AT A PARTICULAR STATION FOR A LONG TIME IN BIHAR AND ORISSA.

(a) and (b). Only one Income-tax Officer and one Inspector-Accountant in Bihar and Orissa continued to remain in the same station for more than three years. They have since been transferred. Only six officers were posted in 1934 to their home districts. Income-tax Officers, as a rule, are transferred after every three years. Inspector-Accountants are transferred as occasion requires. Members of the clerical

staff are not ordinarily liable to transfer. Transfers in their cases are made only in exceptional circumstances, e.g., when vacancies occur due to death, retirement or promotion or when there are reasons to believe that the retention of a clerk at a particular station is undesirable.

(c) Yes.

(d) In 1932 four Income-tax Officers applied for leave. It was granted to three of them but postponed in the case of the fourth at his own request. In 1933 also leave was applied for by four officers and was granted to two of them. One officer withdrew his application and the other was refused leave.

(e) The Government are not aware that any sense of insecurity in service exists. The resolution referred to was received and duly considered by Government who were satisfied that there were no grievances which required to be removed.

*Information promised in reply to Pandit Govind Ballabh Pant's starred question No. 344 on the 20th February, 1935.*

#### DAMAGE TO CROPS BY THE RECENT FROST.

There was slight or no damage to crops in Madras, Bengal, Bihar and Orissa, Assam, Coorg, North-West Frontier Province and Burma. The position in regard to the other provinces is stated below :

**Central Provinces.**—No appreciable damage was done to crops except in parts of three districts. Remission of land revenue was granted by the Local Government to the extent of Rs. 34,000. In addition relief was given in the shape of suspension of land revenue amounting to Rs. 2,05,000.

**Delhi.**—Crops were damaged by frost but the rains which fell subsequently made good most of the damage that was done except in the case of oilseed and sugarcane crops, in the case of which loss was estimated to be below 25 per cent. A sum of Rs. 20,000 was set aside for distribution as takavi for the purchase of sugarcane seed. Efforts were made in co-operation with the Agricultural Department of the United Provinces to supply good sugarcane seed from the neighbouring United Provinces Districts.

**Ajmer-Merwara.**—Damage to standing crops in the Ajmer sub-division and the Beawar tahsil was very slight. In the Todgarh tahsil it was between 4 annas and 8 annas in the rupee but was not widespread. In the Kekri sub-division damage was caused to the gram crops to the extent of 8 annas in the rupee and the early sown barley crops in certain places were also affected. The damage was mitigated by the showers which followed the frost. The damage was not severe or widespread enough to require any special relief measures.

**United Provinces.**—Arhar was the only crop which suffered considerable damage. The loss to the other crops was negligible except in very limited areas chiefly damaged by hail. Beneficial rain in many districts soon after the frost did much to counteract the loss threatened by frost. Arhar is essentially a kharif crop though it is harvested in the Rabi, but as a special case the United Provinces Government allowed District Officers to treat Arhar as a Rabi crop for purposes of granting relief on account of agricultural calamities during Rabi 1342 Fash.

**Baluchistan.**—There was no damage to standing crops by frost. Damage was caused to fruit trees by frost while the standing wheat crops in certain parts of the Province were injured by hail but the damage did not prove to be so serious as to require any special relief measures.

**Punjab.**—The only appreciable damage done by frost in this Province was to the standing sugarcane crop, which was rendered unfit for being used as seed. The damage was mitigated by the fact (1) that the cane intended for seed purposes had already been buried in the ground in many places before the advent of frost, and (2) that most of the Coimbatore varieties which are now extensively grown in the Province are capable of giving a good ratoon crop next year, even if no seed is

available for fresh sowings. In the district of Gurdaspur the damage to sugarcane was estimated to be 1/16th in irrigated and 1/4th in un-irrigated tracts. In order to mitigate the distress improved seed was introduced and takavi was distributed. Relief was also given in the shape of suspension of land revenue. Standing rabi crops were damaged in parts of certain districts, where the damage was not made good by subsequent rains, the situation was met by the grant of suspensions or remissions of land revenue and water rate. Fruit trees were also damaged in certain localities but the damage was not serious.

**Bombay.**—The damage to crops was severe in parts of the Gujarat districts in the Northern Division. There was some damage in certain districts of the Central Division especially Nasik and, to a lesser degree, Ahmadnagar. The districts of the Southern Division were immune from this calamity. In Sind slight damage was caused to rabi crops by a cold wave in Dadu, Thar Parkar, Upper Sind Frontier and Larkana districts. In order that relief might be granted, as far as possible, to the agriculturists whose crops were destroyed either wholly or partially by frost, the Government of Bombay sanctioned suspensions and remissions of land revenue and irrigation dues and also granted concessions in the matter of the recovery of takavi loans and the dues of co-operative societies. The suspensions and remissions of land revenue granted on this account amounted to Rs. 17,72,000 and Rs. 10,86,000 respectively.

*Information promised in reply to starred questions Nos. 1218 and 1219 asked by Mr. M. S. Aney on the 30th March, 1935.*

#### SALE OF QUININE.

No. 1218.—Statement showing the quantity of Quinine sold in provinces and the amount recovered for its price per Year from 1924-34.

| Province. | Year. | Quantity sold. | Amount recovered. | Remarks.                            |
|-----------|-------|----------------|-------------------|-------------------------------------|
| 1         | 2     | 3              | 4                 | 5                                   |
|           |       | lbs.           | Rs.               |                                     |
| Madras    | 1925  | 7,900          | 1,37,097          | Figures for 1924 are not available. |
|           | 1926  | 7,645          | 1,72,355          |                                     |
|           | 1927  | 9,386          | 1,55,459          |                                     |
|           | 1928  | 9,600          | 1,63,157          |                                     |
|           | 1929  | 13,204         | 2,27,285          |                                     |
|           | 1930  | 13,710         | 2,34,203          |                                     |
|           | 1931  | 9,294          | 1,49,508          |                                     |
|           | 1932  | 8,816          | 1,44,433          |                                     |
|           | 1933  | 7,256          | 1,31,169          |                                     |
|           | 1934  | 8,981          | 1,53,747          |                                     |

| Province.           | Year. | Quantity sold. | Amount recovered. | Remarks.                                                |
|---------------------|-------|----------------|-------------------|---------------------------------------------------------|
| 1                   | 2     | 3              | 4                 | 5                                                       |
|                     |       | lbs.           | Rs.               |                                                         |
| Bombay .. ..        | 1924  | 1,768          | 46,865            |                                                         |
|                     | 1925  | 1,264          | 30,429            |                                                         |
|                     | 1926  | 1,334          | 31,707            |                                                         |
|                     | 1927  | 1,447          | 34,364            |                                                         |
|                     | 1928  | 1,721          | 43,418            |                                                         |
|                     | 1929  | 2,164          | 46,325            |                                                         |
|                     | 1930  | 2,218          | 37,962            |                                                         |
|                     | 1931  | 2,036          | 36,107            |                                                         |
|                     | 1932  | 2,091          | 34,233            |                                                         |
|                     | 1933  | 2,638          | 44,935            |                                                         |
|                     | 1934  | 2,812          | 42,622            |                                                         |
| Bengal .. ..        | 1924  | 38,236         | 7,29,291          | Figures are for the financial years 1924-25 to 1933-34. |
|                     | 1925  | 39,325         | 7,16,911          |                                                         |
|                     | 1926  | 31,510         | 5,34,687          |                                                         |
|                     | 1927  | 23,243         | 3,74,706          |                                                         |
|                     | 1928  | 29,814         | 4,71,692          |                                                         |
|                     | 1929  | 26,612         | 4,30,326          |                                                         |
|                     | 1930  | 28,668         | 4,39,703          |                                                         |
|                     | 1931  | 31,585         | 4,77,941          |                                                         |
|                     | 1932  | 35,493         | 5,21,650          |                                                         |
|                     | 1933  | 46,991         | 7,26,748          |                                                         |
|                     | 1934  | ..             | ..                |                                                         |
| United Provinces .. | 1924  | 646½           | 19,392            |                                                         |
|                     | 1925  | 601            | 18,026            |                                                         |
|                     | 1926  | 425            | 12,757            |                                                         |
|                     | 1927  | 508            | 15,240            |                                                         |
|                     | 1928  | 344            | 10,319            |                                                         |
|                     | 1929  | 550½           | 16,518            |                                                         |

| Province.                       | Year. | Quantity sold. | Amount recovered. | Remarks.                           |
|---------------------------------|-------|----------------|-------------------|------------------------------------|
| 1                               | 2     | 3              | 4                 | 5                                  |
|                                 |       | lbs. oz. dr.   | Rs. a. p.         |                                    |
| United Provinces— <i>contd.</i> | 1930  | 450½           | 13,512 0 0        | Financial year 1924-25 to 1934-35. |
|                                 | 1931  | 467            | 14,006 0 0        |                                    |
|                                 | 1932  | 619½           | 14,853 0 0        |                                    |
|                                 | 1933  | 690½           | 15,989 0 0        |                                    |
|                                 | 1934  | 903            | 21,100 0 0        |                                    |
| Punjab .. ..                    | 1924  | 1,511          | 48,418 8 0        |                                    |
|                                 | 1925  | 1,322          | 42,326 1 0        |                                    |
|                                 | 1926  | 1,634          | 47,103 14 0       |                                    |
|                                 | 1927  | 1,567          | 34,056 13 0       |                                    |
|                                 | 1928  | 1,702          | 37,055 7 0        |                                    |
|                                 | 1929  | 3,818          | 83,373 0 0        |                                    |
|                                 | 1930  | 2,544          | 55,543 6 0        |                                    |
|                                 | 1931  | 1,984          | 43,681 15 0       |                                    |
|                                 | 1932  | 2,137          | 46,756 10 0       |                                    |
|                                 | 1933  | 2,854          | 62,384 0 0        |                                    |
|                                 | 1934  | 1,420          | 34,026 9 0        |                                    |
| Bihar and Orissa ..             | 1924  | 671·2          | 26,428 0 0        |                                    |
|                                 | 1925  | 726·6          | 28,602 0 0        |                                    |
|                                 | 1926  | 433·4          | 17,065 0 0        |                                    |
|                                 | 1927  | 398·9          | 10,471 0 0        |                                    |
|                                 | 1928  | 529·5          | 13,899 0 0        |                                    |
|                                 | 1929  | 584·7          | 15,348 0 0        |                                    |
|                                 | 1930  | 501·2          | 13,156 0 0        |                                    |
|                                 | 1931  | 536·4          | 14,080 0 0        |                                    |
|                                 | 1932  | 455·3          | 11,951 0 0        |                                    |
|                                 | 1933  | 344·7          | 9,048 0 0         |                                    |
|                                 | 1934  | 339·2          | 8,348 0 0         |                                    |

| Province.            | Year. | Quantity sold. | Amount recovered. | Remarks.                                                                                                            |
|----------------------|-------|----------------|-------------------|---------------------------------------------------------------------------------------------------------------------|
| 1                    | 2     | 3              | 4                 | 5                                                                                                                   |
|                      |       | lbs. oz. dr.   | Rs. a. p.         |                                                                                                                     |
| Burma .. ..          | 1924  | 2,147          | 23,482 13 0       | Figures for 1924-28 and 1934 relate to sales of cinchona febrifuge only.                                            |
|                      | 1925  | 2,070·11       | 22,641 14 0       |                                                                                                                     |
|                      | 1926  | 1,917·49       | 20,972 8 0        |                                                                                                                     |
|                      | 1927  | 2,343·49       | 25,631 14 0       |                                                                                                                     |
|                      | 1928  | 1,926·17       | 21,067 8 0        |                                                                                                                     |
|                      | 1929  | 3,754·57       | 55,958 6 0        |                                                                                                                     |
|                      | 1930  | 4,246·17       | 65,453 14 0       |                                                                                                                     |
|                      | 1931  | 5,435·37       | 90,232 0 0        |                                                                                                                     |
|                      | 1932  | 3,633·66       | 54,704 0 0        |                                                                                                                     |
|                      | 1933  | 3,579·03       | 57,230 10 0       |                                                                                                                     |
|                      | 1934  | 1,926·62       | 23,413 12 0       |                                                                                                                     |
| Central Provinces .. | 1924  | 1,113 3 0      | 15,248 15 3       |                                                                                                                     |
|                      | 1925  | 1,050 1 0      | 14,755 3 0        |                                                                                                                     |
|                      | 1926  | 1,082 8 15     | 14,903 13 11      |                                                                                                                     |
|                      | 1927  | 1,206 0 4      | 16,453 13 9       |                                                                                                                     |
|                      | 1928  | 1,155 4 8      | 16,348 10 9       |                                                                                                                     |
|                      | 1929  | 1,721 2 0      | 24,047 10 3       |                                                                                                                     |
|                      | 1930  | 1,543 0 0      | 21,462 11 0       |                                                                                                                     |
|                      | 1931  | 1,548 0 0      | 21,494 14 0       |                                                                                                                     |
|                      | 1932  | 1,962 0 0      | 21,343 5 0        |                                                                                                                     |
|                      | 1933  | 1,820 0 0      | 25,264 13 0       |                                                                                                                     |
|                      | 1934  | 1,710 11 5½    | 24,129 8 7        |                                                                                                                     |
| Assam .. ..          | 1924  | 493·25         | 21,761 0 0        | Figures for 1924-29 represent those for financial years and figures for 1930-34 represent those for calendar years. |
|                      | 1925  | 359·88         | 17,596 0 0        |                                                                                                                     |
|                      | 1926  | 498·28         | 14,868 14 0       |                                                                                                                     |
|                      | 1927  | 650·85         | 11,532 14 0       |                                                                                                                     |
|                      | 1928  | 896·11         | 17,064 7 0        |                                                                                                                     |

| Province.                     | Year. | Quantity sold. | Amount recovered. | Remarks.                                              |
|-------------------------------|-------|----------------|-------------------|-------------------------------------------------------|
| 1                             | 2     | 3              | 4                 | 5                                                     |
|                               |       | lbs. oz. dr.   | Rs. a. p.         |                                                       |
| Assam—contd. ..               | 1929  | 838·62         | 15,745 6 0        | Quinine was distributed free by the local Government. |
|                               | 1930  | 923·88         | 16,696 12 0       |                                                       |
|                               | 1931  | 819·42         | 15,512 14 0       |                                                       |
|                               | 1932  | 717·82         | 13,753 5 0        |                                                       |
|                               | 1933  | 988·34         | 18,965 8 0        |                                                       |
|                               | 1934  | 907·20         | 15,710 8 0        |                                                       |
| North-West Frontier Province. |       | Nil.           |                   |                                                       |
| Coorg .. ..                   | 1924  | ..             | ..                |                                                       |
|                               | 1925  | ..             | ..                |                                                       |
|                               | 1926  | ..             | ..                |                                                       |
|                               | 1927  | 73             | 1,873 9 0         | Figures for 1924-26 are not available.                |
|                               | 1928  | 53             | 1,372 0 6         |                                                       |
|                               | 1929  | 38             | 962 12 3          |                                                       |
|                               | 1930  | 34             | 691 11 0          |                                                       |
|                               | 1931  | 34             | 550 15 6          |                                                       |
|                               | 1932  | 28             | 484 7 3           |                                                       |
|                               | 1933  | 22             | 358 14 9          |                                                       |
|                               | 1934  | 25             | 410 4 9           |                                                       |
| Delhi .. ..                   |       | Nil.           |                   | Quinine was distributed free by Government.           |
| Baluchistan ..                |       | Nil.           |                   |                                                       |
| Ajmer-Merwara ..              |       | Nil.           |                   |                                                       |
| Andamans .. ..                |       | Nil.           |                   |                                                       |
|                               |       |                |                   |                                                       |

**EXPENSES INCURRED FOR THE PURCHASE OF QUININE AND FOR ITS DISTRIBUTION AND SALE.**

*No. 1219. Statement showing the expenses incurred by Government per year from 1924-34 for the distribution and sale of quinine in different provinces.*

| Province.      | Year. | Expenses incurred. | Remarks.                                                                                                                                                                                        |
|----------------|-------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1              | 2     | 3                  | 4                                                                                                                                                                                               |
|                |       | Rs. a. p.          |                                                                                                                                                                                                 |
| Madras .. .. . | 1924  | 8,256 0 0          | The cost of quinine sold or distributed free is not included in these figures, as the Government of Madras manufacture their own quinine. Figures relate to financial years 1924-25 to 1934-35. |
|                | 1925  | 7,444 0 0          |                                                                                                                                                                                                 |
|                | 1926  | 12,667 0 0         |                                                                                                                                                                                                 |
|                | 1927  | 17,038 0 0         |                                                                                                                                                                                                 |
|                | 1928  | 18,951 0 0         |                                                                                                                                                                                                 |
|                | 1929  | 19,756 0 0         |                                                                                                                                                                                                 |
|                | 1930  | 17,065 0 0         |                                                                                                                                                                                                 |
|                | 1931  | 14,874 0 0         |                                                                                                                                                                                                 |
|                | 1932  | 14,399 0 0         |                                                                                                                                                                                                 |
|                | 1933  | 14,260 0 0         |                                                                                                                                                                                                 |
|                | 1934  | 11,339 0 0         |                                                                                                                                                                                                 |
| Bombay .. .. . | 1924  | 1,29,798 0 0       |                                                                                                                                                                                                 |
|                | 1925  | 86,834 0 0         |                                                                                                                                                                                                 |
|                | 1926  | 61,588 0 0         |                                                                                                                                                                                                 |
|                | 1927  | 79,859 0 0         |                                                                                                                                                                                                 |
|                | 1928  | 58,352 0 0         |                                                                                                                                                                                                 |
|                | 1929  | 94,109 0 0         |                                                                                                                                                                                                 |
|                | 1930  | 74,925 0 0         |                                                                                                                                                                                                 |
|                | 1931  | 63,386 0 0         |                                                                                                                                                                                                 |
|                | 1932  | 57,664 0 0         |                                                                                                                                                                                                 |
|                | 1933  | 53,307 0 0         |                                                                                                                                                                                                 |
|                | 1934  | 67,289 0 0         |                                                                                                                                                                                                 |

| Province.             | Year. | Expenses incurred. | Remarks.                                                                                                                                                                                                                                                       |
|-----------------------|-------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                     | 2     | 3                  | 4                                                                                                                                                                                                                                                              |
|                       |       | Rs. a. p.          |                                                                                                                                                                                                                                                                |
| Bengal .. .. .        | 1924  | ..                 | These figures relate to financial years 1925-26 to 1933-34. Figures for 1924-25 and 1934-35 are not available. The cost of quinine sold or distributed free has not been included in these figures, as the Government of Bengal manufacture their own quinine. |
|                       | 1925  | 20,615 10 0        |                                                                                                                                                                                                                                                                |
|                       | 1926  | 24,780 3 6         |                                                                                                                                                                                                                                                                |
|                       | 1927  | 18,125 4 0         |                                                                                                                                                                                                                                                                |
|                       | 1928  | 20,370 0 6         |                                                                                                                                                                                                                                                                |
|                       | 1929  | 21,526 13 3        |                                                                                                                                                                                                                                                                |
|                       | 1930  | 19,825 13 3        |                                                                                                                                                                                                                                                                |
|                       | 1931  | 21,979 11 0        |                                                                                                                                                                                                                                                                |
|                       | 1932  | 26,169 15 9        |                                                                                                                                                                                                                                                                |
|                       | 1933  | 33,435 15 9        |                                                                                                                                                                                                                                                                |
|                       | 1934  | ..                 |                                                                                                                                                                                                                                                                |
| United Provinces.. .. | 1924  | 23,205 7 0         |                                                                                                                                                                                                                                                                |
|                       | 1925  | 34,761 8 2         |                                                                                                                                                                                                                                                                |
|                       | 1926  | 17,620 11 6        |                                                                                                                                                                                                                                                                |
|                       | 1927  | 23,045 0 10        |                                                                                                                                                                                                                                                                |
|                       | 1928  | 17,065 2 8         |                                                                                                                                                                                                                                                                |
|                       | 1929  | 28,530 6 6         |                                                                                                                                                                                                                                                                |
|                       | 1930  | 31,823 9 0         |                                                                                                                                                                                                                                                                |
|                       | 1931  | 31,734 13 0        |                                                                                                                                                                                                                                                                |
|                       | 1932  | 28,359 7 9         |                                                                                                                                                                                                                                                                |
|                       | 1933  | 33,391 13 11       |                                                                                                                                                                                                                                                                |
|                       | 1934  | 37,443 8 9         |                                                                                                                                                                                                                                                                |
| Punjab .. .. .        | 1924  | 71,995 0 0         | Figures relate to financial years 1924-25 to 1934-35.                                                                                                                                                                                                          |
|                       | 1925  | 69,989 5 9         |                                                                                                                                                                                                                                                                |
|                       | 1926  | 67,915 15 0        |                                                                                                                                                                                                                                                                |
|                       | 1927  | 69,586 11 0        |                                                                                                                                                                                                                                                                |
|                       | 1928  | 68,007 13 0        |                                                                                                                                                                                                                                                                |



| Province.           | Year. | Expenses incurred. | Remarks.                                                        |
|---------------------|-------|--------------------|-----------------------------------------------------------------|
| 1                   | 2     | 3                  | 4                                                               |
|                     |       | Rs. a. p.          |                                                                 |
| Punjab—contd.       | 1929  | 76,312 14 0        |                                                                 |
|                     | 1930  | 77,724 11 0        |                                                                 |
|                     | 1931  | 3,836 12 0         |                                                                 |
|                     | 1932  | 1,635 0 3          |                                                                 |
|                     | 1933  | 2,970 13 6         |                                                                 |
|                     | 1934  | 40,874 6 0         |                                                                 |
| Burma .. .. .       | 1924  | 25,176 4 0         | Figures for 1924-28 and 1934 relate to cinchona febrifuge only. |
|                     | 1925  | 23,786 4 0         |                                                                 |
|                     | 1926  | 21,480 10 0        |                                                                 |
|                     | 1927  | 30,721 14 0        |                                                                 |
|                     | 1928  | 27,152 8 0         |                                                                 |
|                     | 1929  | 60,582 2 0         |                                                                 |
|                     | 1930  | 68,467 10 0        |                                                                 |
|                     | 1931  | 91,608 4 0         |                                                                 |
|                     | 1932  | 55,447 12 0        |                                                                 |
|                     | 1933  | 59,568 2 0         |                                                                 |
|                     | 1934  | 24,865 0 0         |                                                                 |
| Bihar and Orissa .. | 1924  | 43,205 0 0         |                                                                 |
|                     | 1925  | 37,477 0 0         |                                                                 |
|                     | 1926  | 16,041 0 0         |                                                                 |
|                     | 1927  | 13,036 0 0         |                                                                 |
|                     | 1928  | 15,954 0 0         |                                                                 |
|                     | 1929  | 21,147 0 0         |                                                                 |
|                     | 1930  | 13,086 0 0         |                                                                 |
|                     | 1931  | 13,986 0 0         |                                                                 |
|                     | 1932  | 6,931 0 0          |                                                                 |
|                     | 1933  | 8,259 0 0          |                                                                 |
|                     | 1934  | 8,099 0 0          |                                                                 |

| Province.                            | Year. | Expenses incurred. | Remarks. |
|--------------------------------------|-------|--------------------|----------|
| 1                                    | 2     | 3                  | 4        |
|                                      |       | Rs. a. p.          |          |
| Central Provinces ..                 | 1924  | 70,960 0 0         |          |
|                                      | 1925  | 52,968 5 6         |          |
|                                      | 1926  | 55,092 5 6         |          |
|                                      | 1927  | 28,379 13 0        |          |
|                                      | 1928  | 41,552 0 0         |          |
|                                      | 1929  | 33,302 15 0        |          |
|                                      | 1930  | 32,931 2 9         |          |
|                                      | 1931  | 34,369 13 0        |          |
|                                      | 1932  | 34,131 4 3         |          |
|                                      | 1933  | 44,940 12 6        |          |
|                                      | 1934  | 44,459 5 0         |          |
| North-West Frontier] Pro-<br>vinces. | 1924  | 8,600 0 0          |          |
|                                      | 1925  | 8,600 0 0          |          |
|                                      | 1926  | 6,600 0 0          |          |
|                                      | 1927  | 5,820 0 0          |          |
|                                      | 1928  | 4,800 0 0          |          |
|                                      | 1929  | 4,800 0 0          |          |
|                                      | 1930  | 5,500 0 0          |          |
|                                      | 1931  | 6,000 0 0          |          |
|                                      | 1932  | 6,000 0 0          |          |
|                                      | 1933  | 7,500 0 0          |          |
|                                      | 1934  | 9,000 0 0          |          |
| Assam .. .. .                        | 1924  | 24,096 8 0         |          |
|                                      | 1925  | 19,846 8 0         |          |
|                                      | 1926  | 19,398 0 0         |          |
|                                      | 1927  | 20,842 12 0        |          |
|                                      | 1928  | 28,511 6 0         |          |
|                                      | 1929  | 26,906 12 0        |          |

| Province.           | Year. | Expenses incurred. | Remarks.                                 |
|---------------------|-------|--------------------|------------------------------------------|
| 1                   | 2     | 3                  | 4                                        |
|                     |       | Rs. a. p.          |                                          |
| Assam—contd. .. ..  | 1930  | 30,291 8 0         |                                          |
|                     | 1931  | 26,162 12 0        |                                          |
|                     | 1932  | 29,120 15 0        |                                          |
|                     | 1933  | 35,800 12 6        |                                          |
|                     | 1934  | 27,357 1 0         |                                          |
| Baluchistan .. ..   | 1928  | 6,011 0 0          | Figures for 1924-1927 are not available. |
|                     | 1929  | 6,456 0 0          |                                          |
|                     | 1930  | 6,612 0 0          |                                          |
|                     | 1931  | 5,111 0 0          |                                          |
|                     | 1932  | 3,876 0 0          |                                          |
|                     | 1933  | 5,835 0 0          |                                          |
|                     | 1934  | 7,682 0 0          |                                          |
| Delhi .. ..         | 1924  | 1,720 0 0          |                                          |
|                     | 1925  | 1,580 0 0          |                                          |
|                     | 1926  | 2,285 0 0          |                                          |
|                     | 1927  | 1,090 0 0          |                                          |
|                     | 1928  | 680 0 0            |                                          |
|                     | 1929  | 1,045 0 0          |                                          |
|                     | 1930  | 1,720 0 0          |                                          |
|                     | 1931  | 1,285 0 0          |                                          |
|                     | 1932  | 460 0 0            |                                          |
|                     | 1933  | 880 0 0            |                                          |
|                     | 1934  | 915 0 0            |                                          |
| Ajmer-Merwara .. .. | 1929  | 1,031 0 0          | Figures prior to 1929 are not available. |
|                     | 1930  | 1,537 1 0          |                                          |
|                     | 1931  | 983 12 0           |                                          |

| Province.                       | Year. | Expenses incurred. | Remarks.                                 |
|---------------------------------|-------|--------------------|------------------------------------------|
| 1                               | 2     | 3                  | 4                                        |
|                                 |       | Rs. a. p.          |                                          |
| Ajmer-Merwara—contd.            | 1932  | 1,201 0 0          |                                          |
|                                 | 1933  | 1,031 6 0          |                                          |
|                                 | 1934  | 1,359 5 0          |                                          |
| Andaman and Nicobar Islands. .. | 1924  | 4,158 8 0          |                                          |
|                                 | 1925  | 3,273 8 0          |                                          |
|                                 | 1926  | 5,880 0 0          |                                          |
|                                 | 1927  | 5,558 0 0          |                                          |
|                                 | 1928  | 2,103 0 0          |                                          |
|                                 | 1929  | 2,319 6 0          |                                          |
|                                 | 1930  | 5,590 12 0         |                                          |
|                                 | 1931  | 5,385 2 0          |                                          |
|                                 | 1932  | 4,982 7 0          |                                          |
|                                 | 1933  | 5,696 0 0          |                                          |
| Coorg .. ..                     | 1934  | 3,144 0 0          | Figures prior to 1927 are not available. |
|                                 | 1927  | 1,322 1 0          |                                          |
|                                 | 1928  | 953 15 0           |                                          |
|                                 | 1929  | 686 7 6            |                                          |
|                                 | 1930  | 607 9 6            |                                          |
|                                 | 1931  | 611 11 0           |                                          |
|                                 | 1932  | 508 0 6            |                                          |
|                                 | 1933  | 398 0 9            |                                          |
|                                 | 1934  | 453 14 0           |                                          |

Information promised in reply to starred question No. 1352 asked by Dr. N. B. Khare, on the 2nd April, 1935.

#### CLASS OF EMPLOYEES ON STATE-MANAGED RAILWAYS WHO ARE PAID PRESIDENCY ALLOWANCE.

A Presidency allowance as such is not paid on the State-managed Railways except to two employees (Running Shed Foreman, Bamangachie and Inspector of Works,

Howrah), who are governed by the late East Indian Railway Company Rules, and are given an allowance at the rate of Rs. 50 per mensem. This allowance will not be permissible to subsequent holders of these posts, unless they are governed by the old East Indian Railway Company Rules. Local allowances are, however, paid at Bombay, Calcutta and Rangoon as follows :

Compensatory and local house rent allowances are granted to all gazetted officers, stationed at Bombay, Calcutta (including Howrah and Lillooh) and Rangoon. Subordinate staff at these stations are granted the following allowances :

At Bombay, a local house allowance (with a special local allowance for subordinates drawing less than Rs. 200 per mensem) is granted to all subordinate staff (including running staff) and clerical staff of all departments (excluding workmen in the shops, apprentices, coolies and other inferior servants). Inferior servants employed in Bombay offices are granted a house allowance of Rs. 4 per mensem, if not provided with railway quarters.

At Calcutta, subordinate staff other than clerical staff are not granted any compensatory local allowance except Station Superintendent, Cabin Master and Train Control staff. Clerical staff including draftsmen, typists, stenographers, etc., are granted a local or compensatory allowance, except in grades where the local allowance has been merged in pay. Inferior and lower paid staff are paid a zone allowance.

At Rangoon, all subordinates are granted a house allowance.

*Information promised in reply to starred question No. 1461 asked by Mr. Muhammad Nauman on the 4th April, 1935.*

#### COMMUNAL COMPOSITION OF THE INDIAN STAFF IN THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA.

(a) No.

(b) 82 Indians of whom 27 are Bengali Hindus.

(c) Eight.

(d) 12. Of these, one has been filled by a Hindu and none by a Muslim, as no suitable Muslim candidates were available. It may be mentioned that, though the provisions of the Government of India Resolution of the 4th July, 1934, cannot in view of the exceptional conditions of recruitment of Indians in England, be made applicable in their entirety to the offices under the control of the High Commissioner for India, the question of recruiting suitable Muslims for those offices always receives the personal attention of the High Commissioner.

*Information promised in reply to question No. 1493 asked by Mr. Ram Narayan Singh on the 4th April 1935.*

#### GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

(a) I am not clear what information exactly is wanted by the Honourable Member. If he is referring to the enhanced rates of daily allowances payable to officers and subordinates visiting Calcutta on duty, the ordinary rate of daily allowance (and not double this rate) is only admissible for visits to Howrah on duty. The daily allowance is admissible only to officers and subordinates whose headquarters are outside Howrah. On the other hand, if the Honourable Member is referring to the local allowances paid to officers and subordinates stationed at Calcutta and Howrah (including Lillooh), I would refer him to the reply relating to Calcutta laid on the table to the question by Dr. N. B. Khare No. 1352. I should add that the scale of a local allowance granted has no relation to the daily (travelling) allowance which is given for a different purpose.

(b) Travelling Ticket Examiners are entitled to the same privileges as other subordinates, except that they are granted a consolidated travelling allowance in lieu of duty allowances.

*Information promised in reply to part (b) of starred question No. 1542 asked by Mr. Muhammad Azhar Ali on the 5th April, 1935.*

#### CERTAIN BENEFITS FOR MISTRIES AND MECHANICS OF THE POSTS AND TELEGRAPHS DEPARTMENT.

(b) The total number of posts of mistries and mechanics in the non-pensionable cadre, is 158 and 8 respectively. The mistries and mechanics look after all instruments, power plants and battery installations in telegraph offices and telephone exchanges and attend to minor repairs of such apparatus. They also look after electric installations in Post and Telegraph offices and installations of electric bells and clocks.

#### ELECTION OF A MEMBER TO THE STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Mr President (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that upto 12 Noon on Wednesday, the 11th September, 1935, the time fixed for receiving nominations for the Standing Advisory Committee for the Indian Posts and Telegraphs Department, only one nomination was received. As there is only one vacancy I declare Mr. J. Ramsay Scott to be duly elected to the Standing Advisory Committee for the Indian Posts and Telegraphs Department.

#### THE CRIMINAL LAW AMENDMENT BILL—concl'd.

Mr. President (The Honourable Sir Abdur Rahim) : The House 12 Noon. will now resume consideration of the following motion moved by the Honourable the Home Member :

“ That the Bill to amend the Criminal Law be taken into consideration.”

Mr. N. M. Joshi (Nominated Non-Official) : Sir, I am very grateful to you for permitting me to put in a brief plea on behalf of human freedom. The legislation which the Assembly has been considering is one of a series of repressive Acts, firstly, restricting personal freedom in legitimate activities, and, secondly, investing the executive with powers which should belong to the judiciary. Legislation of this kind is abhorrent to my instincts and inconsistent with principles which I have imbibed during the course of my education and public life. When the original legislation was discussed in this Legislature in 1932, I had opposed it. I felt that such legislation unnecessarily restricts our freedom. It was said that we should not place too much value upon abstract principles of freedom. I do not share that view. I feel that abstract principles of freedom are of great value and we should try to follow them as much as possible. However, admitting that abstract principles require to be modified in real life, I would like to consider this legislation from a practical point of view as it affects the working classes of this country. I feel the Honourable the Home Member was unnecessarily pessimistic about his reading of the present situation. I think he and the supporters of the Government unnecessarily stressed the difference between the suspension and the withdrawal of the Civil Disobedience Movement. I feel there is no difference between suspension and withdrawal. There is nobody in this House who will insist upon any one of us here swearing an oath that we shall never

[Mr. N. M. Joshi.]

offer civil resistance to a legislation, however outrageous, however unjust that legislation may be. (*Opposition cries of "Hear, hear."*) I wonder whether the Honourable the Home Member himself will swear an oath that he will never offer resistance to a legislation, however unjust that legislation may be. I feel that the terrorist movement in this country is, fortunately for us, admittedly declining. The economic depression has not only reduced the strength of the Communist movement, but has brought the ordinary labour movement to a very low level. Unfortunately, in our country, there are communal clashes; but I have every hope that, with the passing of the Government of India Act, providing for adequate separate representation to all the minorities and making Statutory provision for giving to the minorities their due share in the public services, communal ill-will in this country is sure to diminish. I, therefore, feel that, in the present situation of the country, there was absolutely no justification for the legislation which the Government of India have brought forward before the Assembly.

With your permission, Sir, I shall now very briefly examine the various clauses of the Bill; and, being interested in the welfare of the working classes, I shall first take up the clause referring to picketing. Picketing, when accompanied by intimidation, obstruction, violence or encroachment on private property, can be dealt with under the ordinary law. I have got some experience of how the magistrates deal with picketing during strikes. In nine strikes out of ten, the magistrates have succeeded, legitimately or sometimes illegitimately, in putting down picketing; and I, therefore, feel that there was absolutely no reason why this clause should have been introduced as affecting the working classes of this country. Picketing means peaceful persuasion and I feel that this is a right which the working classes value as being necessary for the maintenance of their standards of life. There is no method by which the working classes of this country or of any country can maintain their standards of life and also better their standards of life, without, sometimes, refusing to work for their employers. To refuse to work unless the conditions are satisfactory is a right of every human being. That action is sometimes called a strike. I feel that on some occasions a strike is not only desirable, but extremely necessary if the interests of the working classes are to be protected; and if a strike is declared by a majority of members in an industry, is it not the duty of the majority to try to persuade the minority to join them in that strike? I feel it is not only the right of the majority of workers to persuade the minority to join them in their strike, but it is their clear duty to do so. By enacting this section against peaceful picketing or peaceful persuasion, I feel that the Government of India are putting themselves on the side of the employers. The justification given by the Honourable the Commerce Member and the Honourable the Home Member is that there is no such thing as peaceful picketing. I admit on certain occasions picketing leads to violence; but what justification has the Honourable the Home Member or the Commerce Member to say that violence is due to the action of the working classes? When the working classes resort to picketing, what do the employers do? The employers try to collect together, not *bonâ fide* workers, but rowdies in the town and send them into the factory with the object of either frightening the workers who are on strike or sometimes of deliberately creating violence. It is not, therefore, right to say that violence is due to the action of the working classes or the workers. If

picketing is to be prohibited because it leads to violence, not necessarily by the action of the workers, may I ask, Mr. President, why should not black-legging be made illegal? Unfortunately, black-legging is resorted to by the employers, and the Government of India, by passing this legislation, are anxious to place themselves on the side of the employers. (*Cries of "Shame" from Congress Party Benches.*)

Mr. President, the next section of this legislation with which I should like to deal very briefly is the section dealing with illegal organizations. It was said that this section is only a complementary section of another Act passed in 1908. Let me make it quite clear, Sir, that I am opposed to that Act also, and if I am opposed to the Act of 1908, I must oppose what is called a complementary or supplementary legislation to that Act. Freedom of association is another right greatly valued by the working classes.

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : And peasants also.

Mr. N. M. Joshi : And, by passing this legislation, the Government of India is taking away that right. Mr. President, during last year, the Government of India declared certain labour organizations illegal. I do not know if the Government of India had inquired whether the majority of the members of these organizations were Communists. I am sure that the majority of the members of these organizations were not Communists. If there were any Communists in those organizations, their number was extremely small; and even if some members of these organizations were Communists, is it a sufficient ground to declare an organization illegal and to suppress it that a few of its members are Communists? I know that most of the organizations which were declared illegal were not engaged in doing any revolutionary work. They may have carried out a few strikes, but I am sure there is no evidence to show that they were engaged in revolutionary activities. I feel that legislation declaring organizations illegal will be very harmful to the interests of the working classes. It may be said that the Unions with which I am connected, or others who are of the same view as myself are connected, have not yet been declared illegal. But what guarantee is there that, when you have a law on the Statute-book which can declare almost any organization illegal, the organizations with which I am connected and the organizations with which my friends are connected will not be declared illegal next year or the year after that? Mr. President, I do not wish to deal any more with the details of this section.

I shall now say a word, Sir, about the sections dealing with propaganda. It was said that the section penalising re-publication of an article or a book which is proscribed or forfeited follows as a matter of logical sequence. I fail to understand how there is a logical sequence between the forfeiture of a book by Government by executive action and making the re-publication of that book a penal offence. The first act itself may be a wrong thing, the proscription of a book may be an unjust action, and, if that is so, the re-publication of that book cannot be made a penal offence. If there is a logical sequence at all, it can only be in the forfeiture of a book and the proscription of the re-published copies. But it is wrong by executive action to forfeit a book, and, then, when that book is re-published, consider it to be an offence. The original forfeiture may be a mistake unless that forfeiture was investigated and declared right by a judicial inquiry.

[Mr. N. M. Joshi.] Mr. President, the Honourable Member, the District Magistrate of Midnapore, asked—do we want men of straw to own presses and papers? I do not know, Sir, what the financial position of the Honourable Member is. He may be a wealthy man, but I want to ask him whether the poor people, the common people of this country, have absolutely no right to express their views by means of a newspaper or to maintain a press in order to express their views? Why does he insist that the printing industry and the newspapers should always be in the hands of wealthy people? I was surprised, Sir, to hear that phrase “men of straw” from a District Magistrate. I had always felt, Mr. President, that District Magistrates claimed to protect the poor people of this country. I never thought that a man, appointed specially to protect the poor people of this country, would have that contempt for the common people of this country. I shall not say anything more on that point.

Mr. President, I do not wish to deal with the details of the section dealing with the press, but I would like to make one remark as regards the sections which are intended to put down any propaganda which discourages recruitment either to the military or to the police service. That clause will prohibit even mere propaganda on behalf of what I may call pacifism. There are men in this world who do not believe in wars or in the military forces. Have they no right at all to say that the Governments have no business to maintain an army for wars? If tomorrow I publish an article saying that the police in this country are not properly paid, and if some magistrate takes the view that my statement has discouraged recruitment to the police, I shall be liable for prosecution. I feel, Sir, that all these sections dealing with picketing, illegal organizations and the press restrict our freedom without any justification.

It was said, Mr. President, that it is always better to prevent a wrong being done. I agree with the general principle that prevention is better than cure. The real difficulty in handing over powers to our magistrates and the authorities in general is the fact that we have no confidence in them. Our experience has shown that the preventive powers given to the magistrates in this country have not been properly used. They imagine dangers and risks where they do not exist.

I shall not detain the House by detailing many examples which have come in my experience, but I shall give a few. There was a strike in the province of Madras a few years ago. The backbone of the strike was broken, but some of the workers kept out of the factory, merely because they felt ashamed to join work after having gone on strike. My Honourable friend, Mr. Giri, and myself felt that it was wrong to allow these people to suffer. So, both of us together went to that place with the intention of telling those people to go to work immediately. I can swear on oath that I had no other intention. I persuaded the leaders of the men of the rightness of the course which I thought they should follow. The leaders asked me and Mr. Giri to address a meeting next day. The meeting was held, we went there, but an order was served both on Mr. Giri and myself (*Cries of “Shame” from the Congress Party Benches*) that our speeches were likely to cause bloodshed. It is only one example. I will give you another, a more recent one.

Last year, there was a strike of textile workers in Bombay. That strike has been declared legal both by the Chief Presidency Magistrate of Bombay and the High Court of Bombay. During that strike, some

people took a leading part. The Government of Bombay, under the new emergency legislation, put in jail about 20 people, who were leading the strike, without trial. Mr. President, I shall give the latest example that has happened. Between Poona and Bombay, there is a place called Ambernath where there is a match factory. Only a few months ago, there was a strike there, and, without any provocation on the part of the workers there, the magistrate issued an order that within some miles of the factory no meeting should be held and that not even a leaflet should be distributed. (*An Honourable Member*: “They have done it in Malabar also.”) In spite of these restrictions, the strike was settled by negotiation. After the strike was settled, a friend of mine, who is interested in the workers of that factory, issued a leaflet explaining to the workers the terms of the settlement. The magistrate hauled up that gentleman (*Cries of “Shame” from the Congress Party Benches*) and fined him Rs. 200. With these experiences, Mr. President, do you expect me to invest the magistrates with these preventive powers? (*Cries of “No, no” from the Congress Party Benches.*)

I shall say only a few words now as to whether this legislation is likely to serve the object for which it is intended. It is said that this legislation is intended to put down terrorism. Many speakers have spoken on this point at length, but I shall say only one thing. I feel that if terrorism can at all be put down, it can only be done with the co-operation of the common people of the province in which terrorism exists. Unfortunately, in our present political situation, co-operation from the common people cannot be expected. Secondly, if we consider the economic situation of the province, I hold very strongly that so long as the permanent zemindari system with all its ramifications of first degree, second degree, tenth degree of landlordism exists in Bengal, it will not be easy to reduce unemployment in that province.

I feel that if the communal hatred is to be wiped out from our country, it can be done so, not by negative means of legislation, but by positive and constructive efforts. So long as there is religious fanaticism in this country, so long as there is religious orthodoxy in this country, communal hatred will remain. Unfortunately, the greatest supporter of the religious orthodoxy in this country is the Government of India.

I have said, during the last Session of the Assembly, that I am not a Communist. I agree with a part of the philosophy which the Communists preach, but I do not believe in the dictatorship even of the proletariat. I do not also believe in the use of mass violence in which the Communists believe. Although I hold that constitutional agitation and parliamentary method will give me what I want, I equally feel that the Communists have a right to say that constitutional methods and parliamentary work may not lead us to the goal which we all want to reach. I feel, Mr. President, that if Government are anxious that the people of this country should have a strong faith in constitutional agitation and parliamentary method, it will be wrong for Government to prevent discussion between the merits of constitutional agitation and Communism. If Communism is to be prohibited from this country on the ground that it preaches the use of violence, may I ask whether the Government of India have taken any steps to prohibit the entry of Fascist and Nazi ideas into this country? What is Nazism if it is not Communism in a different form?

Prof. N. G. Ranga : Organised hooliganism.

**Mr. N. M. Joshi :** Why don't the Government of India prohibit Nazi ideas coming into India ? I feel that if Communism is not to be allowed into this country, that can happen only by two means. There must be perfect freedom of expression of views, and, secondly, constructive steps should be taken promptly and on a much vaster scale. I do not wish to deal with this point any further, but I should like to say that legislation of this kind which restricts our liberty hangs on our minds as a constant nightmare. It is all very well for people, who sit on my left and who themselves are the magistrates exercising authority to say that the law will be applied only to those who break it. The others have no fear. It is all very well for my friend, Mr. James, to say that the law will only be applied to those who break it. The law is not likely to be applied to any Europeans. If you will permit me a little exaggeration, I shall say, Mr. President, that if the Honourable gentleman from Midnapore or Mr. James commits a murder in broad daylight in this country, I am not sure whether any one of them will be hanged. Legislation of this kind frightens us. It hinders the free expression of our views. It prevents free action on our part. We must, therefore, continue to oppose such legislation.

Mr. President, before I close, may I say a word about what my Honourable friend, Mr. James, said yesterday. He said in England freedom is given, because the English people deserve freedom. The Honourable the Commerce Member said that the English people have a sense of humour. The English people may have a sense of humour, but may I ask him whether it is easy to develop that sense of humour under the conditions in which we live ? That sense of humour is developed in England, because in England there is freedom of speech, freedom of association and freedom of action. The English people maintain that sense of humour, because the British Parliament is supreme. The Englishman has a faith that, whatever he wants, he can achieve through his Parliament and through his platform and press. Indians have not got that faith. If our Government will create those conditions of confidence in the Government, if they will give us freedom, if they will give us self-government, I am quite sure, Indians will also develop a sense of humour. Unfortunately for us, when Britishers, who love freedom and self-government, leave their country for imperialist adventures which they try to ennoble by calling them imperialist responsibilities, they lose faith in freedom and self-government. May I suggest to them that, in order that they should be true to their traditions as Britishers, in order to be true to their history, as freedom-loving people, even when they go out to further their imperialistic responsibility, they should maintain their faith in freedom and in self-government. I hope, Sir, that the Government of India will withdraw this legislation, and, if they do not do it, I hope that this Legislative Assembly will throw it out.

**Mr. Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : Sir, in 1932, the Government of India brought forward a Bill which was intended to be a permanent legislation and those Honourable Members, who have seen the provisions of that Bill, as it was introduced in 1932, will find that it was somewhat different from the form in which it emerged out of the Select Committee. There was a suggestion that amendments to the Indian Penal Code should be made. This was objected to by the Members of the Assembly at that time. The idea of the Select Committee

was accepted by the Government, and this Bill was made for three years. I happened to be a member of the Select Committee, and the reason why we proposed three years at that time was that it was believed in 1932 that the Federal Assembly would be set up by 1934 and we thought that the present Government should have these powers and that the future Government also must have this for one year extra. We thought that the present Government should exercise this power up to 1934 when the new Constitution was coming in.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : You thought, but not the Committee. Mr. Gaya Prasad Singh and Mr. Azhar Ali walked out of the Committee.

**Mr. Muhammad Yamin Khan :** The Honourable Member has been long enough in the Assembly to know that I meant the majority of the body.

**Mr. M. Asaf Ali** (Delhi : General) : You said " We ".

**Mr. Muhammad Yamin Khan :** I am saying " We " in the sense I said just now. It was considered desirable that the Act should remain in force for three years. Unfortunately, Federation has been postponed. We are now in 1935, and we have got no Federation yet. That might come after several years. We do not know how long afterwards it will come. Our chief idea at that time in making the life of the Bill three years was that the new Legislature must have freedom to deal with the laws as it thought fit in 1935. This is the real point. My Honourable friends, who were in the old Assembly, might remember the circumstances that existed in 1931 and 1932. We were having *hartals* every day. *Hartals* were the fashion of the day. People were forced to observe *hartals*. Volunteers forced people to observe *hartals* when they were not willing to do so, but this they did simply to please them. Whenever somebody was interned, there used to be a *hartal* in his honour almost every day. People coming from my province will bear me out when I say that *hartals* were forced by the volunteers. They were not the actions of the Congress leaders. They were the actions of the Congress volunteers and people who went in the name of the Congress volunteers. People were not allowed to have their own way, and, in my province, it was coming to be a source of great evil and annoyance to the poor shop-keepers, who were asked to close their shops, because they could not on this account earn their own livelihood. The poor *tongawallas*, for instance, were asked not to ply their *tongas*, simply because one man or another had been sent to jail ! For the sake of this and that person going to jail, poor *tongawallas* were asked not to ply their *tongas* and they had to leave their work ! Now, the poor *tongawalla* had to feed his horses and had to feed himself, his wife and his children. Where from could he do this, except by borrowing from the money-lenders whom he could never repay ? I know it for a fact that in several cases the *tongawallas* suffered so much that they had to part with their *tongas* and had to sell their horses in order to pay off debts. (Interruptions.) This was becoming the fashion of the day, and the blame, of course, did not lie with the leaders, but on the followers whom they could not control. And, why ? Once a spirit had been created, once an atmosphere had been created, everybody wanted to out-shine the other man and everybody was anxious to become the leader at that time, because, by showing that he had this spirit, this spirit of terrorising the people.

[Mr. Muhammad Yamin Khan.]

he would be called a leader. This was in 1931 ; and I may remind Honourable Members—and here I am dealing only with picketing—when Bhagat Singh was executed, on that day, here, in the Assembly, my old friend, who is not here today unfortunately, and I do not know what has happened to him, Mr. Rangachariar, who was the Leader of the Opposition, walked out with his party from the Assembly, and he said that that action was taken as a demonstration and as a protest against the execution of Bhagat Singh. And, upon his walking out from the Assembly on that day, the press gave publicity to the news in bold letter head-lines saying that heroes were executed, and similar other things. The result was that everybody was asked in India to observe *hartal*. People in Cawnpore were asked to observe *hartal*. The Congress leaders and the Congress volunteers gave vent to their feelings also on the Muhammadan shops in Cawnpore and wanted to force the owners to close their shops. Now, those people naturally resented, and they said : “ we are not going to close our shops ”, but what the result was—Honourable Members know full well ! Thousands of people were butchered, thousands of people were killed, women and children....

Mr. M. Asaf Ali : What ? Thousands ?

Mr. Muhammad Yamin Khan : Men and women died of burns as a result of houses being set on fire. This is the story of Cawnpore.

An Honourable Member : It is all wrong.

Mr. Muhammad Yamin Khan : Please do not interrupt me. Honourable Members ought to have the patience to hear what is unpleasant to them. (Hear, hear.) The fact is that whatever Cawnpore suffered from, it suffered on account of unrestricted picketing. (Hear, hear.) If picketing had not been resorted to in Cawnpore, the people there would not have suffered from all these evil effects from which the City has been suffering even today. And, Sir, we had not only such terrible things in Cawnpore, where thousands of people died as a result thereof, but the effect of that picketing is that even today there is strained feeling between Hindus and Muhammadans, and they are not carrying on their peaceful profession of trade and commerce as they did in the good, old days. The repercussions were found not only in Cawnpore, but we had also the Bombay riots, we had in Agra a communal riot, we had in Ajodhya a communal riot which came up after that, we had riots all over the provinces. And, then, the press took up the side of all these picketers and it painted all these people as heroes,—which, of course, they really were not. People excited each other, and there was communal antagonism, and all this was very undesirable. Sir, if people had any responsibility, if it was our desire to see that there should not be any communal tension, if people wanted that peaceful avocations should go on, if people wished that murders and riots and other disorders should not happen, if people desired that women and children should not thus be exposed to dangers and harm, the position would have been different. But the volunteers went on causing excitement, and there was grave disorder, and this was the state of affairs when this Act was enacted. There is another thing. Even up here, Honourable Members were stopped by picketing from entering the Legislative Assembly. Ladies came here and waited at the entrances and they wanted Members not to enter the Assembly Chamber.

Some of my Honourable friends once said that the letters “ M. L. A. ” meant “ a member of the lunatic asylum ” ; well, they came to that lunatic asylum themselves, and those very people were forced to come and to sit here.

An Honourable Member : There are certain habituals.

Mr. Muhammad Yamin Khan : This was the state of things then, and that became the fashion, and, therefore, there was no other help. The volunteers continued to annoy the shopkeepers and others, and, of course, this could not be allowed to go on for ever, and it was all this which led to communal tension all over the country. Then, as regards the press, when Bhagat Singh threw a bomb in the Assembly Chamber, what did we learn from the press ? Was he condemned because the sanctity of this House had been violated ? The sanctity of this forum even was not observed. These people never thought that if a man wanted to kill the Members of the present Government, and if they were killed, there would be other people who would like to kill the Members of the future succeeding Governments ; that if a bomb is thrown into the Assembly on account of the fact that somebody does not agree with the present system of Government or with the deeds of the present Government, then he would have in future some other person who, because he does not agree with the then Government, might wish to throw bombs on the future Home Members. Now, that is what nobody can tolerate in any country. In my province, in fact in my own constituency in Aligarh, the Congress people came up and started the no-rent campaign, they wanted that no rent should be paid to zamindars, and much excitement was got up against the zamindars. And who was chosen as the target of the attack ? A most powerful and influential man, a great zamindar, Nawab Bahadur Sir Muhammad Muzammilullah Khan, who was for many years a Member of the Central Legislature ; he was chosen for attack, the programme was chalked out that his tenants should not pay any rent to him, and the whole attack was launched on one man and one man alone. The Congress did not choose any other person ; they did not like to excite the peasants of other people ; they chose only one man, Nawab Bahadur Sir Muhammad Muzammilullah Khan. His estate was the only place in the whole of the district of Aligarh where no-rent campaign was carried on. He is a powerful man, and he showed to the world that he could meet the situation very well.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Did he not crush his tenants ?

Mr. Muhammad Yamin Khan : He has never tortured his tenants. His tenants love him like their father. He has saved his tenants from the hands of the money-lenders. He has never allowed any money-lender to enter into his estate, and that was the reason why he was chosen as a target. If my Honourable friend wants to know the real facts, I can tell him. It was after this no-rent campaign in his estate that when a zamindar in Allahabad went to collect his rent, he was victimised and for seven miles blood stains were found, and, out of the zamindar and his followers, only one man escaped to tell this story. Now, Sir, the point of my argument is this : What was the condition at that time and what is the condition now ? If we find peace in the country today, it is all due to this Act. If this Act had not come into force, all these things would not have been controlled. If the Act of 1932 had not been in force, we would not have been able to see the Congress Party decorating those Benches today.



[Mr. Muhammad Yamin Khan.]

It has created a good effect in another way. The Act of 1932 has brought the Honourable Members opposite to co-operate in the enactment of legislation of the country rather than be its critics from outside. Whatever their views may be, they have, by coming into this House, created some satisfaction in the country. When they remained outside the Legislatures, they were merely agitating the people and leading them to violence. By coming into this House, they have created a healthy influence at least so far as Civil Disobedience is concerned. If they had been following Civil Disobedience, they would not have been here. They have stopped it and that has created a healthy influence, and that is the direct result of this Act of 1932. I would like to hear from the Benches, which are decorated by my Honourable friends on the other side, to give me any concrete example to show that picketing in such and such cases did not end in violence. Also I would like to know what justification they have for that section of the press which excites one community against the other.

My friend, Mr. Abdul Matin Chaudhury, quoted the case of the *Comrade*, and I know why he quoted it, but does the case of the *Comrade* come under the purview of the present Bill with which we are dealing? It has nothing to do with this. Even the Act of 1932 is going to be modified by the Act of 1935, and we have got nothing there to fear a case like this. My friend, Mr. Abdul Matin Chaudhury, said that he was an apostle of the Hindu-Muslim unity, and I was glad to hear that remark, because there is no other person who is more anxious for this unity than I am. I am one of those who believe that the progress of the country depends upon the solution of the communal problem. Sir, this country cannot make any progress as long as we have got that communal tension. That had been the cause of our downfall, and that will be the cause of keeping us down in the future.

Now, Sir, what is the press going to be stopped from? The press is going to be stopped from promoting feelings of enmity or hatred between different classes of His Majesty's subjects. Sir, you cannot improve the conditions in the country unless you prevent the press from disseminating communal literature which is driving one community against the other. The first thing that the press should do is to learn how to settle down differences between various communities. The liberty of the press does not lie in this that we should give them licence to say anything whatever they like. My friend said that 61 Muslim papers had been suppressed and that the responsibility would lie on the shoulders of those Mussalman Members who would vote for this Bill. May I ask him one question? If he believes in the unity of the Mussalmans and the Hindus, why should he not believe in the unity of the different sections of Mussalmans themselves. If he believes that the Mussalmans must first set up their house in order, then he will find that most of the papers that have been suppressed were the papers which had been exciting one class against the other. He did not quote a single instance, but may I give him the illustration of a few papers? There is a paper called *AL-Najm* of Lucknow which published on the 1st June, 1934, very nasty articles against the Shias. It said that the number of Shias was only about 18,000 in the whole of Lucknow, and it excited the feelings of the Sunnis against them. Another edition of this very paper was published on the 25th of August, 1934, in which the editor wrote a very nasty article about a personality

which is held in the very highest respect by the Mussalmans. In fact, it is next to that of the prophet himself. I mean the personality of Hazrat Ali Karam-ullah-o-Wajho. This man said about him that he was licentious and he indulged in his lust. If a paper publishes an article of that kind, will my Honourable friend, Mr. Abdul Matin Chaudhury, ask any Mussalman to come forward and defend that paper simply because it was a Muslim organ? Probably my friend will not defend that paper at all.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadaui Rural) : I refuse to believe that story.

**Mr. Muhammad Yamin Khan** : I have given the date of that paper. It was published on the 25th August, 1934. I do not think it is worth while to repeat those nasty words which he wrote. They are so bad.....

**An Honourable Member** : Is that communalism?

**Mr. Muhammad Yamin Khan** : My Honourable friend understands

1 P.M.

by communalism that it is fight between Hindus and Muhammadans. That is not the case. Even a fight between Shias and Sunnis is also communalism.

There was another paper, called *Al-Naqid* of Cawnpore, which wrote on the 19th August, 1934, very nasty things about Hindus, and that tried to create ill-feeling between Hindus and Muslims. That paper wrote a very nasty article about Hindu women—all those nasty things are not worth mentioning in this House, and so I will not repeat them. That paper wrote about Hindu ladies and young boys coming within the provisions of the Sarda Act, and, in this way, that article incited hatred between Hindus and Muslims. Well, will my Honourable friend, standing up as the apostle of Hindu-Muslim unity, say that that paper should be allowed to continue its nefarious action of inciting hatred between the two communities? I say that such a paper is a great harm to the community, and that it is a disgrace to the Muslim community.

Then, there was another paper at Patna which wrote on the 23rd May, 1935, with reference to two Honourable Members of this House. It asked, whether there was no Muhammad Amin? My Honourable friends must know what it meant. Muhammad Amin was the man who killed Rajpal. This paper wanted that another Muhammad Amin should come up to deal with those two Honourable Members of the Assembly.

**An Honourable Member** : Probably you are that "Muhammad Amin", who wanted to incite people.

**Mr. Muhammad Yamin Khan** : Certainly I would have condemned it, if any paper asked that my Honourable friends Mr. Fuzul Huq or Maulana Shaukat Ali should be murdered. My Honourable friends seem to think that if a paper wrote like that, it was not exciting people to murder. This happened not in 1934, but in 1935. This article was written in May, 1935. Then, that paper was very rightly suppressed in Patna. My Honourable friends will perhaps say that it was not justifiable. If more examples are wanted, I can easily quote. There are hundreds of such instances which I kept in my file, but unfortunately I burnt them all last year. There may be persons who agree with my views and there may be other persons who might disagree with me. My religion teaches :

"*Lakum dinakum wale yadin.*"

"You are pleased with what you believe to be right, and, I am pleased with what I believe to be right."

[Mr. Muhammad Yamin Khan.]

This is the principle which my religion preaches. That is what my Prophet has taught me. You must leave me alone. I do not want to interfere with what other people believe to be right. I do not want that another man should be killed, simply because he disagrees with me. That may be the philosophy of other people, but that is not mine. That is not my phase. No two human beings are similar. My Prophet teaches me that I should not interfere with other men's ideas.

Now, coming to the liberty of the press, I say liberty is quite different from license. My Prophet teaches that you are at liberty to do whatever you like, provided that does not interfere with the inherent rights of others. You are at liberty to go and earn by hard work, but you are not at liberty to go and steal. Islamic law says that if a man steals, his hands should be cut off. So, this kind of license, namely, stealing is not allowed. He is to be stopped from stealing. If stealing is permitted, it would mean that you are abusing the principle of liberty. It is license which must be discriminated from liberty.

Mr. Muhammad Azhar Ali : Where have you read all these ?

Mr. Muhammad Yamin Khan : My Honourable friend will not read any book and he does not know anything. So it is no use to cure the incorrigible man. The point is, whether circumstances are such that we should allow the press to incite hatred among the different communities and different sections of Muslims. We should not give this power to the press, rather we should control the press from doing such mischief. However laudable an object it may be to have a free press, it should not be allowed to create ill-feeling between the Hindus and Muslims. At the present moment, the two communities are going to settle down to work the new Constitution. We have had bad times, and, in the interest of the future of India's progress, we should come to an amicable understanding and live like brothers. The only object of this Bill is to create peace and not allow the press to create dissension. Why should any press, which will confine its activities to legitimate proportions, be afraid of this measure ? The saner sections of the press need not be afraid of this measure. I read in the *National Call* the other day some story written by one of its correspondents which tends to create ill-feeling between Sikhs and Muslims. This is what the *National Call* says about the Meerut dispute :

" Meanwhile some mischief mongers spread a false rumour to the effect that the local Sikhs were bent upon demolishing the mosque close to the proposed site and that they had actually demolished a portion of a wall. This led the Muhammadans to visit the said mosque in groups of hundreds and thousands crying different slogans and alarming the public peace with the approach of Hindu-Muslim riots. It is said that about 10 to 15,000 Muslims gathered at the said mosque and the authorities and the Hindu public, what to say of the Sikhs had a very hard time for the whole night between September 1 and September 2, 1935. As a matter of fact, the Sikhs only learnt of it at about 9 P.M. on 1st September when they were holding their usual weekly meeting in the Gurdwara. Not a single Sikh ever visited the place of the site of the mosque in question and the allegations made against them were entirely baseless and false."

Now, the next sentence is very pertinent :

" The Sikhs resent it and look upon this misguided action of the Muhammadans with utmost abhorrence. The Sikhs of Meerut have all along been most loyal to the Government and friendly to their sister communities and would be pleased if the authorities would kindly take some legal action against the mischief mongers and request

the saner elements amongst the Muhammadans to kindly publicly deplore the action of their fellow-brethren who are responsible for injuring the feelings of the Sikhs as a whole."

Well, Sir, I come from Meerut. I never heard anything about the supposed demolition of mosque. There is the Cantonment next door to my house. The place is not even a furlong from my house, and I never heard about this incident until I saw it published in the newspapers. From reading the report in the newspapers, one would have come to the conclusion that the Muhammadans gathered there in such large numbers simply to bring about a riot and that the Sikhs as a whole resented this. When I approached my Sikh friends in this House, they said they never heard about this incident at all. How could they have heard of it when such a thing did not take place at all ? This appeared only in the columns of the *National Call* and nowhere else. So I say that this kind of writing should be stopped and should not be allowed to go on, because it creates such bad blood, that Muslim constituents will not return those Muslim Members again if they have anything to do with the Hindus and the same will be the case with Hindu Members. We have to mould the future destiny of India, and those people who are the cause of dividing us should be put under control. I have very often seen reports in the press that a Muslim *goonda* has outraged a Hindu lady or a Hindu has outraged a Muslim. Why should not the name be published ? Why should you publish it as " a Muslim " or " a Hindu " ? The effect that is created in the minds of ignorant people is to excite them. For the sake of our country and for the future of our country, we should rise to the occasion and put down these people and curb them. The Government of India Act has come, and we must settle down. In the town of Meerut, we Muslims have lived always on terms of friendship with the Hindus and have enjoyed their confidence, and year after year they have elected members of my family as Chairman of the Municipal Board. And, now, it is very deplorable that bad blood is sought to be created between us there.

I admit, of course, that the press should not be badly treated and should have full liberty to criticise, and, in 1932, it was enacted, that criticism of measures of Government with a view to obtaining their alteration by lawful means, without exciting or attempting to excite hatred, contempt and disaffection, shall not be penalised. What is intended in the present Bill is to take off all the sections except section 16 and section 7 which deal with crimes ; the others deal with the procedure. Our anxiety in 1932 was that the measure should not be permanent, and we succeeded. The same is our anxiety today ; and the present Government should not bind the Government of the future. But that can be achieved only by taking the Bill into consideration. As the Bill stands, it is for permanency, and if it is not taken into consideration, no amendments are possible, and Government will be forced to have recourse to the extraordinary measure of certification. I honestly and sincerely believe that this Bill is necessary, though it may be in a modified form, until the future Government comes into being. Up to that time, picketing should not be allowed, because it takes away the liberty of the people, and the press also should not be allowed unbridled license to preach communal hatred and disaffection among different classes. But if the House fails to take it into consideration and to amend it as it likes, Government will, in my opinion, be justified in having resort to extraordinary powers. It is for the Honourable Members to join hands and carry out amendments

[Mr. Muhammad Yamin Khan.]

according to their desire, rather than force the hands of Government to put the Bill, as introduced, permanently on the Statute-book. Sir, I support the motion for consideration.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

**Maulana Shaukat Ali** (Cities of the United Provinces : Muhammadan Urban) : Sir, I was very anxious to intervene immediately after the Home Member had spoken, so that the House and the country might have been spared the flood of eloquence on both sides, rather of a stormy character. I know what eloquence means and what it can do. Before I go further, I may mention one incident. It is my duty, as an humble peacemaker, to take kicks from both sides of the House. However, I was very grateful that this Government made a small gesture in the right direction when they released my friend, Pandit Jawahar Lal Nehru. He is a gentleman by instinct, by education and by family traditions ; and the Government may perfectly rest assured that he will never take undue advantage of any little gesture in his favour and I hope that all Honourable Members will agree with me in praying that his sweet wife and revered mother may be spared to him for many many years.

I heard the speech of the Honourable the Home Member very patiently. Personally I like him, and I have always received consideration and courtesy from him. He pieced together a number of things to make a case against what you may call the revolutionaries and terrorists or those advanced people who want to see a free India. As one who has experienced internment, has suffered imprisonment, and also has suffered under Regulation III of 1818, I can also make a case against this Government. If I was to relate all that happened to me and to my brother, Mohammed Ali and to our family, and if I piece together every little bit, every wrong done to us, every insult offered to us and our faith, every discomfort that we went through, then, I assure you, Sir, there will be a file ever so much bigger than the record which the Honourable the Home Member produced before us, but I do not want to do it. I am not here for that purpose. If I wanted to create fresh records of grievances against the Government, I could do it if this sort of thing is allowed to go on. And I assure the Honourable the Home Member that by the course you are taking and the kind of speeches you have made and are making, you have already created at least half a million of Indian youths who will be revolutionaries in the near future. The truth must be told to you. You have already done a great deal of harm to the British connection with India—I mean the Government and their supporters,—by their speeches and actions, have done more harm to the British connection, and I assure you, Sir, that the speech of the Honourable the Home Member will be read with glee and great pleasure by the die-hards in England who do not want that Indians should get rights to control their own affairs. He has done a great disservice to India whose salt he has been eating. As regards my friend, the Collector from Midnapore (Mr. Griffiths), I may say this. I am a fighter myself and I liked his fine fighting speech : and though he may appear a Bantam or a Featherweight, he has got self-assurance enough to take on a Primo Carnera, the heaviest giant, and fight him. I admire a man like that. His speech was a fighting speech, and I enjoyed it. I only hope that when these new elections take place in

Bengal, and when I and men like myself go to Bengal and Midnapore and want to make speeches there, so that pliant and weak Muslims may not be elected, he may, if he wants, send for us and argue with us and convince us with his speeches but would not ban our entry under section 144 or lock us up.

I expected something better from my friend, Mr. James. His speech was a mighty sermon : it was very interesting : but, all the time he was speaking, he seemed to be under the impression that Mr. Aney and my own humble self and Mr. Lalchand Navalrai and Sardar Sant Singh—all communalists—would appreciate the pearls of wisdom he was scattering. The lecture was really meant for us. Before he spoke, I wanted to intervene again and to beg the Honourable the Home Member on my bended knees, saying, “For God’s sake, withdraw this Bill. It is not wanted. By this withdrawal, you will bring in better feeling and you would do a great service to your Empire”. Sir, the Government had tried these methods of repression before, and with what result ? During the last Great War, the people of India bled white for England and fought all over the world for England and saved the Empire. We were told in 1917 that we were fighting this war for self-determination and we expected self-government would come immediately after. Instead of that, we got the Rowlatt Act. Sikhs, Muslims and Hindus of the Punjab went and fought for the Empire : but, under the Defence of India Act, Muslims, Hindus, Sikhs, without any distinction, which really meant that all who had fought in the war, were made to crawl on their “tummies” simply because an English woman was insulted ; and for that one insult, hundreds and thousands of Indians were insulted and punished. I do not mind the punishment, but every Indian, who had to go out of that lane, had to crawl on his “tummy”, and there was no Sikh or Muslim or Hindu—and Sikhs are great Bahadurs, Muslims are great Bahadurs and Hindus are big Bahadurs today—who would have said “No, I will not crawl on my tummy” : I have legs to walk on. Do what you like”. With all those things in my mind, Sir, I went to the highest English official in this country, and he told me : “Yes—Dyer and O’Dwyer did let us down badly”. Please do not repeat that mistake.

I say, how, in spite of repressive laws, you have ten times more revolutionaries in this country than there were in 1920. Do you think you can stop the rising feeling of resentment by these Acts ? Let me tell you this, Sir. People were made to crawl on their “tummies” : poets had to write verses with their noses on the ground ; *Sadhus* were white-washed with lime, and all sorts of wonderful things were done. Mr. Bosworth Smith would go and insult women in Sheikhpura District saying “You are now in *purdah* : why did you not look after your men and tell them they should not stand up against the *sirkar* : I will remove now your veil with my stick, but my policemen will come, and lift your skirts.” These things happened. Every day, in spite such laws, the country is getting worse and worse. I have been imprisoned and know jail life. I do not know if my friend, the Collector of Midnapore, has seen imprisonment. I would like every official, especially in the Indian Civil Service, after he had passed his departmental examinations to be looked up like any ordinary prisoner for three months. (Laughter.) His clothes should be the same, his food should be the same, and he must be given ten stripes on his bare back ; and he will then understand what these laws mean to us. If the Honourable the Home Member wants at any time to introduce real, humane reforms in jails, I would be only too glad to offer

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him my humble services. There is a class of prisoners, Sir, who are called "*Dohalias*"—habituals—I do not know what they are called in Bengal : they have two blue stripes on their clothings instead of one for ordinary convicts, who have one blue stripe and one white. I assure you, Sir, there is nobody more flattered, more feared and more pampered in the jail by all the jail officials than these hardened habitual criminals. When I was a prisoner in Karachi, my Superintendent told me the story of a man called Razaack whom I had the pleasure of meeting later when I was in the jail office to consult my lawyers during the Karachi trial. This man was dressed in gunny bags,—a kind of jail punishment. He would not look at anybody, but would abuse every jail official. When he saw me and learnt who I was, he salamed me. The Superintendent told me a story about him: for disobedience of orders he was given 30 stripes: the procedure being that he was made stark naked, stripped of every inch of clothing and tied on a wooden triangle. A white cloth saturated with some kind of medicine—Dr. Deshmukh will be able to say what it was—was put on his bare buttocks, and he was given 30 stripes : these stripes were not ordinary : at the fourth stroke, they brought blood : he clenched his teeth and then received the remaining stripes without a cry : and when he had received them, he turned round to the Superintendent and before all said : " You have given me thirty stripes on the back : now give me thirty stripes in front ", and the whole jail was resounding with praises for this jail hero. So much for these wicked punishments. Now, Sir, are you wanting the whole country and every youth of India, Muslim, Sikh or Hindu, to say : " You have given us so many stripes on the back : give us as many more on the front ? Do you want them to become '*Dohalias*' or habitual breakers of Law " ? It would be unwise and wrong.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Is the Honourable Member going to be very long ?

**Maulana Shaukat Ali** : I shall not be very long ; I shall take only ten minutes more.

**Several Honourable Members** : After lunch.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Honourable Member can go on.

**Maulana Shaukat Ali** : Thank you, Sir. I am very sorry I have to detain the House, without lunch, but I shall not be very long. I beg on my knees the Honourable the Home Member to withdraw this Bill. I would beg of them even at this late stage to withdraw this Bill and save the poor people of this country and themselves from a great deal of trouble. If this Bill is sent to H. E. the Viceroy, I hope he will refuse to certify it. Sir, he is going away in a few months, and, after so many years' service to India, I do not think he will give this disagreeable parting gift to this country by certifying a measure of this character. If Government do not pay heed to our prayers and entreaties to withdraw this Bill, then the responsibility will be theirs ; they will lose many well-wishers. In this connection, Sir, I am reminded of a story, my brother, Mahomed Ali, told me when the Press Act of 1908 was passed. He thought it was meant only for the Bengalis, the Tilakites and Marathas and for others, but not for Muslims who were

loyal and contented. But what happened ? The very first man who was caught by this Act was Mahomed Ali himself and his paper, the *Comrade*. (Laughter.) What for ? For publishing a quotation from the Bible " Come into Macedonia and help us ", taken from an Englishman's pamphlet in favour of the Turks. The case went up before Chief Justice Sir Lawrence Jenkins, and he said : " Mr. Mahomed Ali, I cannot give you back your papers, but I give you back your honour ". The Press Law is such that even quotations from the Bible and the Holy Koran, made in connection with humanitarian causes, come within its arm. (Cries of " Shame " from the Congress Party Benches). I was reading yesterday a weekly, *Old Aligharian*,—I am very sorry I have not got it here. It gave in full an old article from the *Comrade*, written by my brother himself in 1911. Mahomed Ali sent an appeal to every Muslim to start to collect a fund to found the King George Muslim University. I was then that abject being called a Government servant. He induced me to take long leave and made me go round as Secretary to H. H. the Aga Khan to beg Muslims to make contribution for the Muslim University to be named after King George. My friend, Mr. Asaf Ali, asked me not to mention too often that I have been a " rebel and an outlaw ", but I cannot help mentioning it, because I want to be frank ; because I want that a real effort should be made to bring about an honourable understanding. If you want to quarrel, you can go on quarrelling, but what will happen to India and what would you gain ?

The Home Member and the Government, front Benchers, have got devoted, if not wise, supporters. If it is desired that women and children of the independent tribes should not be bombed, somebody from that side and from the Frontier will get up and say that the people in the Frontier only needed and appreciated bombing and so there must be bombing ; if the Government say that a repressive Press Act is not necessary, somebody behind them and a press man too will urge and impress on the Government to deal it with a strong hand. I was expecting my friend, Mr. Yamin Khan, to speak after me, and to tear me to pieces, but I am very glad he spoke before me, and I am now able to give him an answer. Sir, they have tried all kinds of repressive laws, but that method has not improved conditions in the country. My brother used to tell me a story. It appears that, one night, in Piccadilly, a gay old dandy, well dressed in immaculate clothes, with a monocle and a gold headed cane and having dined well at his club with a couple of champagne bottles inside him, saw a salvation army preacher in his red uniform who was shouting : " Friends, come and get salvation, I will show you the road to salvation, I will guide you along the proper path ". This club man went up to him, put on his monocle and drawled out : " My friend, do you know the road to salvation ? " " Yes, I do " was the reply. " How do you know it ? " " I have been on this road to salvation for 40 years " was the reply. Then, said he : " My friend, if after being for 40 years on this road of salvation, you have reached only as far as Piccadilly, then I will advise you to try another road ". (Laughter.)

Then, Sir, I have one thing more to say. It is an incident from Islamic history. Every lawyer in the House knows the name of Imam Ahmmad Bin Hambal, one of the four jurists, who have done so much for Islamic Law. Imam Hambal, after each prayer, used to pray in fervent language for the rest of the soul of one Abu Hozema. His son one day asked

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him who this man was ? He must have been a great saint ? The Imam replied : " No ; he was the greatest blackguard in the whole of Iraq, he was a thief, a robber and a murderer, but he did me a yeomen service for which I will always be grateful ". And, here, I want to refer to what my friend, Mr. Yamin Khan, said : Does he not remember the Karachi State trial where Mahomed Ali, Maulana Hosain Ahmad, Mufti Nisar Ahmad, Pir Gholam Mojaddin, Dr. Kitchlew and myself were tried for preaching this commandment of the Holy Koran :

*" Wa man Yaqtool Momenan Motaammadan, fa jazaho Jehannamo ", etc.*

" If one Moslem intentionally killed another Moslem, then, his punishment was Jehannam, etc."

**Mr. Muhammad Yamin Khan :** What is the punishment to one who excites one Mussalman to kill another ?

**Maulana Shaukat Ali :** I am not excited even by the interruption of my friend, Mr. Yamin Khan. No one has excited any Muslim against him. He has not been killed. (Laughter.) As I was saying, Sir, the great jurist informed his son that there was time when in a point of law I differed from the Ulema who surrounded the Khalif Mamurrasheed and they said :

" This man is spoiling the morals and the faith of the Muslims, he ought to get 100 stripes in the public market."

I was then escorted by thousands of police, in glittering uniforms, meant to browbeat, and the thousands and thousands of people who loved and respected me and they could not do anything but cry bitterly at the sight of my humiliation and shame. I was also very nervous and feeling weak. Just then, one man rushed through the crowd and came to me and said, " I am Abu Hozema ; I have this day come out of the prison, I am 45 years old ; 25 years I have passed in prison, I have had 24,000 lashes on my bare back ; and before I left the prison, I took an oath that this very day I will commit robbery. If 24,000 lashes and 25 years' imprisonment have not stopped me from doing the devil's work, will these 100 lashes stop you from doing God's work ?

I got new courage and knew that he was sent by God to warn me and give me courage, " That is why I pray for him ". Sir, I have suffered much, I have been a prisoner. When I came here, I thought I was the only man in the House who had spent a long time in jail, but I saw that my friend, Mr. Amarendra Nath Chattopadhyaya, surpassed me. He told me he had a bigger jail record than I had. Sir, all my speeches in this House are in print. I was trying hard to make an honourable peace with the Government. If there is honourable peace between India and England, I would welcome it. After the Government Members had refused to institute an official enquiry in spite of the decision of this House, then the Assembly and Council of State Muslim Members appointed a non-official commission to enquire into the Karachi firing. We wanted an impartial non-official inquiry. Some of us wanted to go there and find out the causes of the rioting there ; we merely wanted to investigate and find out whether really Muslims were at fault, whether they could have avoided the trouble, whether there was any justification for shooting, and that what steps should be taken to prevent a recurrence of such trouble. In fact, we wanted to find out the

real cause of the trouble. The result was that the Bombay Government banned this and served notice on me, saying that I was doing acts prejudicial to public peace. The Honourable the Home Member was very angry with Pandit Krishna Kant Malaviya and said : " You want to sympathise with murderers ? " Sir, I tell you frankly, there is no Mussalman who does not sincerely believe that 69 Muslims were murdered in Karachi. They would be justified to say, " I cannot co-operate with the Government, because they want to hide and condone official murderers ". We wanted to enquire into the actual facts of the firing and suggest how to deal with such situations in future, but we were not allowed to go. Though I was a non-co-operator and a " rebel and an outlaw ", yet never was any security demanded from the *Khilafat* newspaper, of which I am the Editor and no " dummy Editor " too, but, after this incident, the Government showed their displeasure by demanding a security of Rs. 3,000. I did not want to kill any body, I have not killed even a cat, and I make no personal grievance of this action of the Government. I would advise Government to withdraw this Bill and conciliate people, but, if they won't heed that advice, well, everything is in the hands of God and they alone would be responsible as to what happened. (Applause.)

The Assembly then adjourned for Lunch till Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Five Minutes to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

**Mr. M. S. Aney** (Berar Representative) : Sir, I have to thank you for permitting me to intervene in this debate and make a few observations on the motion before the House. I shall be very brief. Not that I have not much to say, but I think that the motion has been debated at considerable length and from all points of view.

The motion before the House is for the consideration of the Bill to amend the Criminal Law Amendment Act. The motion evidently is intended to bring permanently on the Statute-book a law which has been detested and condemned all along from the time of its inception to the present day. I have not heard anybody, not now but since the time when the Act came into being, saying a good word for this, but it was then justified on grounds of emergency and so on. We thought the word " emergency " always meant some temporary aberration when normal conditions are not in existence, and when normal conditions are not in existence, probably such penal legislation may be justified. We were not here. Nor were we free outside to express our opinion on the basic principles of this legislation that was brought forward for the consideration of the House then, but I am prepared to admit this fact that the conditions in the country at the time when this legislation was brought forward were abnormal and probably that could be construed as an emergency for the Government to take these extraordinary powers. The real point is this. I thought that the present Executive Council had sufficient common sense in itself to appreciate the present position. What the Government has to see is whether there is any such thing as an emergency now to justify this extraordinary legislation at all. It is admitted that the emergency which existed in the year 1932 does not exist today. That fact is tacitly



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conceded by the Honourable Member in charge of this Bill. He has made that statement in the Statement of Objects and Reasons and he also claims that he has taken that fact into consideration. He has also conceded that the conditions which existed when this temporary legislation was brought into force do not exist today, and, therefore, the present Bill which he has brought forward is not exactly a renewal of the old Act but it is an attenuated form of that Act. Certain provisions are repealed and certain provisions are retained. He says that sections 2, 3, 4, 6 and 8 have been repealed. Some other provisions which are more or less of a procedural nature are also repealed because they related mainly to conditions which were a special feature of the Civil Disobedience Movement against which the first law was directed. I do not know whether the Honourable Member in charge of the Bill has really studied the conditions under which the Civil Disobedience Movement itself was run and whether he is aware that the conditions under which the Civil Disobedience Movement was run had anything to do with the clauses which he is now repealing. Clauses 2, 3, 4, 6 and 8 relate to certain conditions which no doubt are within the scope of what is known as a complete non-co-operation programme that was published in 1920 and which contained many things including the making of efforts to stop the enrolment to the army. I admit that fact, but the Civil Disobedience Movement of 1930 was run on special conditions which were laid down. It was for the breach of certain specific laws and for preventing the sales of foreign cloth and similar activity. It had nothing to do with dissuading people from joining the army. That was not the programme of the Civil Disobedience Movement of 1930 and you will find that the boycott of public servants or dissuading people from joining the army and the police had nothing to do with the Civil Disobedience Movement which we ran in 1930 and which continued up to the year 1933. All those sections which related to this were practically obsolete during the very period for which the law was intended. I do not think there was any occasion for the Government of India or for any Provincial Government to make use of any one of those sections which are now being omitted. They were obsolete even then. In drafting the Bill then, they probably took the copy of the programme which was described as the non-co-operation programme, found out what it contained and those provisions have been inserted in the form of several clauses of the Bill. But in doing so they did not only provide against the emergency that actually then existed but an emergency, which they imagined, might arise and develop out of the Civil Disobedience Movement. It never took that form and those provisions were never used and so they were obsolete. And the provisions which were even then exclusively intended for the suppression of the Civil Disobedience Movement have been retained in the present Bill also and, therefore, I do not want to give credit to the Honourable Member in charge of the Bill that he has taken note of the fact that the Civil Disobedience Movement is in abeyance and, therefore, certain provisions have been repealed, and only such provisions have been retained as have got nothing to do with the Civil Disobedience Movement. That is a wrong statement of fact in my opinion.

Now, I want to know what was the justification for this measure?

Who required these powers. In a big speech and a very good speech, the Honourable Member in charge of the Bill has made out his case in support of this motion. He has stated

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that in 1932 various Provincial Governments expressed the urgent need of having some such extraordinary powers. He has quoted extensive extracts from the reports made by the Government of the Punjab and also by the Government of Bengal in 1932. But I am surprised to find that he has not quoted the opinions of any single Provincial Government urgently asking the Government of India to retain this law, so far as the present Bill is concerned, permanently on the Statute-book in one form or another. There must have been many Provincial Governments, I imagine, who would have said, perhaps, that as no such conditions exist today as they had existed previously, the continuance of these provisions was not called for, perhaps in their entirety, as a permanent measure. Then I would like to take up the third point in this connection, namely, this. This law is justified by him on the existence of certain conditions today,—that, though the Civil Disobedience Movement is in abeyance, according to him, he wanted to counteract certain other forces, such as Communism, communalism, terrorism, and so on. Well, Sir, I would like to say one thing, that I am perfectly sure that the sources which bring about Communism or even communalism are of a nature altogether different from the one which a Bill like this will ever be able to counteract. My Honourable friends have already successfully shown how and why and under what conditions these Communists can grow and become numerous in this country. And what are the reasons? Sir, unless the Government is prepared to analyse and find out the root causes and try to uproot those root causes, it will be difficult for them to combat Communism or any other "ism". Sir, so long as the root cause remains, I say all these are and will prove to be but superficial remedies. They may give ample powers to create an undesirable situation, a reign of terror in this country, but below that reign of terror, Sir, Communism, I say, or even communalism will grow and be fostered. And you ignore that! If, the executive creates a reign of terror in this country by the indiscriminate use of the extraordinary powers, as they have been doing, I am sure, they are creating the very conditions under which the disruptive forces like Communism and terrorism can thrive and prosper. (Hear, hear.) This is no cure for the remedy. On the other hand, it may aggravate the disease in such a manner that you will be bound to regard it as hopeless and beyond the scope of any remedy soon afterwards. Wait and see.

Sir, one of the reasons which the Honourable the Home Member has given to make this Bill permanent is a psychological one. He has said that one reason why they want to make the Bill a permanent one is that temporary measures are likely to create a feeling in the minds of those who dabble in these movements that very soon the restraints will be over and they are thus likely to cherish the hope that some day or other they may be enabled again to resume their reactionary activities. Sir, here I believe he has not correctly understood the psychology of these terrorists. Sir the terrorists and for the matter of that even the civil resisters are not like ordinary people; they are men who are made of sterner stuff than what my Honourable friend imagines. They have developed within themselves a certain mentality which has grown on account of certain forces that exist in this country. The point is this. Unless you give a fair chance to these persons—who are either law-breakers or terrorists or revolutionaries to engage in pursuits where they can utilize their talents

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honourably and usefully and in which their desire for public service can be gratified, unless some such opportunities are created for them, no change of heart in them can be possible. I am sure my Honourable friend, in seeking to make this law permanent and to deprive the press of the opportunities under which they cherish the hope of carrying on their propaganda, is going to defeat his own professed object, if he really wants to bring about a change of heart in these young men. I want the Government to understand that they have to create the conditions under which these young men will be engaged in a more honourable way and in which their natural desire for public service will be gratified. So long as you do not create proper avenues and channels for them, and so long as you treat them merely as suspects in this land, so long as you continue to harass them like that, I say, Sir, terrorism, instead of being crushed, will be driven underground. This is the very position which you are creating. Sir, this is all that my Honourable friend, Pandit Krishna Kant Malaviya, was trying in his speech the other day to explain to this House. He did not want to express his sympathy with murders. That is quite a wrong impression. What he wanted was this, that, if you want to deal with these terrorists, these misguided youths, then open your hearts frankly to respectable citizens in this country in whom they can trust, let there be a sincere understanding between the leaders in this country and the officials; there is no possibility of really tackling this problem effectively in any other way. My Honourable friend, Mr. James, who is always cautious in making his observations, missed the real purpose of the observations which my Honourable friend, Pandit Krishna Kant Malaviya, had to make on that point. This is all that he said. (Hear, hear.)

Sir, there was another point made by my Honourable friend, Pandit Govind Ballabh Pant, namely, where is the need of this law if you find that, after having these powers for so many years, the object of the previous legislation has not been served; and then what is the use of having a fresh law? Sir, the Honourable Member for Commerce, in his own way, tried to give a bit of an ingenious reply. He is a good lawyer, there is no question about that, but it was a special pleading; he looked to me like a lawyer arguing and advocating a hopeless cause for which he was briefed. It looked to me like this. He said, in all seriousness, well, if because of this law or in spite of this law, terrorism or such like things are not stifled, but on the other hand have been growing, if that is the reason advanced by you for the repeal of this law, well, why then don't you do away with the Indian Penal Code and the Criminal Procedure Code? Sir, that was the serious observation made by my Honourable friend, the Member in charge of the portfolio of Commerce. Sir, the Indian Penal Code and the Criminal Procedure Code are Acts which have nothing to do with the detection of crime. Figures were quoted to show that so many thousands of murders were committed and so few were detected, but what has the Indian Penal Code or the Criminal Procedure Code got to do with detection? If there is anybody who is to be blamed for that, it is the staff in charge of this work of detection. Sir, my Honourable friend should have understood the importance of the insinuation, the indictment that was contained in the statement made by my Honourable friend, Mr. Asaf Ali, and he failed to perceive the gravity of

the observation that was made that the Government allowed so many thousands of murders to go undetected. Serious offences like that go on undetected and it is a charge against the Governmental agency and not against the Indian Penal Code or the Criminal Procedure Code. The Honourable the Commerce Member should have certainly seen that point very clearly. Sir, what I want to say is this that there is no need for a law like this. The reason why I do not want to have this law is that it will defeat its own object and I have said this so often. Government should see whether by pursuing a policy of this nature they are likely to reconcile public opinion and to help to establish those conditions under which peaceful progress of this country can be ensured.

Now, what are you doing? The most powerful party in the country has come and sat in this House and conditions under which certain emergency measures were passed have undoubtedly disappeared. What is your reply to the change of programme which the most powerful party in the country has deliberately made? It is made with a view to see the *bona fides* of your professions which you have made times without number on the floor of this House that if certain conditions are created, Government will be willing to co-operate and withdraw all repression. Now, members of the Congress have come here and are prepared to offer their hand of co-operation and are ready to give you every kind of help in establishing conditions for the peaceful progress of this country. But if you continue to ask for measures like this, you will be creating obstacles in their way and making their co-operation with you absolutely impossible. Is this a statesmanlike attitude to take? I must tell you that you are doing this in defiance of public opinion and that is a point which you must take into consideration. During the last Budget Session I had the privilege of moving a cut motion to protest against this repressive policy and that motion was carried by an overwhelming majority of this House. That motion said that all persons who have been detained in jails under these repressive laws should be set at liberty and all repressive measures that have been in existence should be withdrawn. The House recorded a clear and unequivocal verdict on that motion. Now, what is the way in which you have been treating that verdict? You say that, though it was the verdict of this House, you must proceed in your own way because you are responsible for the peace and order of this country. And you feel in your supreme wisdom that the conditions of this country require that one more reactionary weapon be added to your armoury. Sir, the Statute-book of this Government is already blackened by the existence of so many repressive laws and I am sure the addition of this law will make it almost abominable if you keep it permanently.

Sir, when I got up to make my speech, I made up my mind to confine my remarks to a few points only and I also agreed to take up only a short time of the House. I want to keep to my promise and if you, Sir, think that I have exceeded that limit, you are at liberty to point that fact to me and I shall sit down. Now, Sir, it is said that this measure is not only for the benefit of all of us today but it will make the position of those who will be in charge of this Government later more safe and secure. Sir, we know what that Government will be under the new Government of India Act. I am sure no man will shed a tear if that Act is altogether dropped today. I have to



[Mr. M. S. Aney.]

make one suggestion to the Government. You are only heaping one reactionary law upon the other for the sake of perpetuating the regime of prospective reactionary rule. Why don't you drop that law and this measure as well? (Applause from the Congress Party Benches.) It is in the hands of the Government of India even now before the new Act is actually put into operation to make a suggestion to the Secretary of State to save this country from this domination of the new law and all the other laws that are to come in its train for the sake of making it workable. If such measures are necessary to make that law workable, you will never succeed in giving any kind of self-government to this country. We are not fools to believe you when you say that such powers are necessary in order to enable the future Ministers to do their work successfully. I regard that the Government of India are like Manthara,—the maid in attendance on the Queen who gave advice to the Queen of Ayodhya, Kai Kai, and the foolish lady out of a sense of selfish interest imposed conditions upon the old Raja Dasharatha. Those conditions were that Rama was to be exiled for 12 years and her own son Bharat was to become the crowned king. Her son came back only to rebuke his mother instead of accepting the crown. Dasharath was dead and ultimately she found that she was a widow and nowhere. That is going to be your position. (Laughter.) Rama, the real aspirant to the throne of Ayodhya, gloriously returned after exile and occupied the throne of Ayodhya. Indian people like Rama will get their Swaraj and come back to their own today or tomorrow, and you will have to share the unenviable fate of Manthara and Kai Kai.

This being the case, I want to give one piece of advice. Even now it is not too late for you to retrace your steps and be convinced that you are treading a wrong path. But if you think that nothing in this world can teach you wisdom, you are at liberty to do what you like and be prepared for the worst. With these words, Sir, I thank you once more for giving me an opportunity to speak and also the House for giving me a patient hearing for these few minutes that I had at my disposal. I wished to take up many other points and if I have not been able to take them up it was because I had a very short time at my command. However, I hope that other Honourable Members were able to convince the House that the old law was misused and there is no doubt that this Government will also abuse the powers which it is now asking us to give. I want to say, in conclusion, that these powers have not only been misused in Bengal and other parts of India, but also in my part of the country, the Central Provinces and Maharashtra. Sir, I oppose the measure. (Loud Applause from Congress Party Benches.)

**The Honourable Sir Nripendra Sircar** (Leader of the House) : Sir, in taking part in this debate, which, I presume, is at its concluding stage, I do not propose to start by raising any contentions or advancing any arguments, but I wish to lay before this House certain facts to enable it to judge as to what were the consequences when, on each of the three previous occasions, the experiment was tried of repealing press legislation. My Honourable friend, Mr. Abdul Matin Chaudhury, said that he was giving a cold narration of facts, but somehow or other my experience has been that cold facts generate in certain quarter more heat than angry declamations.

Now, coming to the point at once, the first Press Act, i.e., of 1878, gave certain powers of forfeiture of press to the executive. Under that Act, there was not even a semblance of recourse to Courts for challenging the action of the executive. That is what is referred to by Sir Lawrence Jenkins in the portion of his judgment which was read out to the House by my Honourable colleague, the Commerce Member.

Now, Sir, that Act came to be repealed. Later on, when the situation required that some more powers should be taken, nothing was done in the shape of press legislation, but the Government thought that the situation would be sufficiently met by tinkering with the Indian Penal Code, and the result of that was that in 1898, two new sections were introduced. The one was section 124-A which relates to sedition, and the second was section 153-A which relates to exciting class hatred.

Therefore, Sir, in 1898, the position was that there was no press legislation, although the Indian Penal Code had been strengthened by the addition of these two sections.

Let us see, Sir, what was happening between the years 1903 and 1910 or rather 1908 when there was no press legislation of any kind whatsoever. I think I need hardly remind this House that the terrorist movement in Bengal had practically no history or a negligible history before the days of the partition of Bengal. (Hear, hear.) Under cover of the partition agitation, at a time when there was no question of any repression, due to other causes into which I need not digress just now, there was any amount of terrorist activity. What was then happening to the press?

As soon as this agitation started, a number of papers came out, and those, who have come from Bengal or those who have studied the history of Bengal, cannot forget the name of the *Yugantar*, the *Sandhya*, the *Sarathi* and others. There was open incitement to assassination and murder as a political weapon. In those days, the camouflage of profession of non-violence was not known. They were inciting the people to violence. They said, that is the only way in which the country could be liberated. What was the effect of these papers? I need not give them in my own words, but I shall give you reference to cases where it has been found—by Court that those papers were allies in the campaign of conspiracy and murder. Before the Press Act came into operation, these newspapers, particularly the *Yugantar* and the *Sandhya*, were responsible for dissemination, on a very large scale, of incitement to violence. Sir, as I said, I will give you one or two instances from the judgments of Courts. In what is known as the Manicktola Conspiracy case.....

**An Honourable Member** : Oh ! You are beginning from there.

**The Honourable Sir Nripendra Sircar** : My Honourable friends will kindly make note of this fact, that I do not desire to give way either to casual interruptors or to habitual interruptors like my Honourable friend, Prof. Ranga, on the other side.

Now, Sir, in the Manicktola Conspiracy case—I am giving it from the judgment—the Court found that the accused employed newspapers in furtherance of the objects of the conspiracy, namely, assassination on a large scale. It found—(I am quoting the words)—the *Yugantar* was a limb of the conspiracy and that even young boys in remote parts of the country were corrupted by this newspaper.

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Now, Sir, I will give you one more. In the Naglla Conspiracy case, one of the documents exhibited was a little volume called "The Mukti Kône Pathê"—which means "In which way is the liberation"—and the judgment finds that this book consisted of reproductions of articles originally published in the *Yugantar*. These articles in the *Yugantar* point out that revolution has to be prepared in two stages, firstly, by the formation of public opinion, and, secondly, by brute force and collection of arms. "Mukti Kône Pathê" recommends publication of newspapers, and acknowledges the great service done to the revolutionaries by newspapers.

These newspapers, according to the findings of Courts, and what is common knowledge in Bengal, were the most potent allies in the cause of terrorism and they were the most useful agency for dissemination of these ideas of violence and murder as a political creed throughout the length and breadth of Bengal. This was the most powerful weapon in their hands. As it can be easily realised, the method of the terrorists by reason of the nature of their work must be to act in secret. It is not easy for them to get into touch with a large masses of men, but that difficulty was more than compensated by the publication of all these newspapers. The cult of murder was daily brought home to thousands, through the agency of the press.

Now, Sir, as I said, there was no press legislation at this time. The inevitable consequence of this class of writing came to be felt very soon, and, if I may remind this House, without going into unnecessary details, that the campaign of murder really started with the murder of Miss and Mrs. Kennedy in 1908, and a party to the conspiracy for this murder was Kanai Lal Dutt who murdered in jail a friend of his, who was another conspirator.

When things had come to that pass and when assassinations were taking place in the country, Government moved, and although this Government is described as greedy and credited with insatiable lust for power, as a matter of fact nothing was done in 1908 beyond passing the Act which was called the Newspapers (Incitement to Offences) Act of 1908. It is not surprising, but though it was not expected then, we know now, the Act of 1908 had very little effect in checking this dangerous propaganda with which the country had been over-run.

It is all very well to ask, after all how many papers were there of the kind of *Yugantar*. Sir, whether there were ten or whether there were 20 or 50, as I have shown from judgments of the highest Court in the land that the influence and the poisonous effect of these papers was incalculable and I agree with my Honourable friend, Dr. Deshmukh, if he is not asleep.....

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadan Urban) : I am listening to you very attentively.

**The Honourable Sir Nripendra Sircar** : .....that statistics should not be taken in too dry and scientific a manner. He reminded us that when emotion comes, logic goes to the wall. I agree again. And here these poisonous papers were playing upon the emotion of the youths of the country, and logic was giving way, leading to disastrous results.

I have told the House that the situation could not be controlled by the Act of 1908, and I would like to place before the House four or five lines from the findings of the Rowlatt Committee :

" Though the *Yugantar* disappeared, other newspapers sprang up, and we are convinced that these publications produced ever a new succession of instruments of murder and outrage, and to this source, altogether independent of other causes, is largely due the continuation and extension of conspiracy."

It was then, Sir, that the Act of 1910, about which so much has been said,—and I do not want to go into its provisions—which may shortly be described as a far more comprehensive Act, was passed. What was the effect ? The morality of the tone,—that has been our experience,—changes with the existence or repeal of press laws. When the press law of 1910 came into existence, there was certainly an improvement, if not at once, but gradual and steady.

I will not tire you with a long history, year by year, but, as you have been informed, in 1921, there was a Press Law Committee which recommended the repeal of the Act of 1910. At any rate, from April, 1922, there was no Press Act ; and, therefore, this is the second interregnum. From 1922, right up to 1930, when Ordinances and other press legislation was started, the period may be described as the second interregnum.

We have seen what happened during the years when there was no press law, on the first occasion, and how in the period 1903 to 1908, a section of the press was directly responsible for incitement to murder and violence. From 1922, there was no press law till we come to 1930.

In 1922, when the press law was abolished, the Press Law Committee considered it desirable,—I am giving from summary of their findings,—that the demand for repeal should be met, though they said that a weighty case had been made out by some Local Governments for retention. That is to say, the position was this, that although a strong case, according to the Committee, had been made out by some of the Governments for not repealing the law, yet they thought some risk should be taken and the popular demand should be met. In introducing the Bill for the repeal of the Act of 1910, Sir William Vincent, said :

" In moving this Bill, I am conscious I am taking risk at the present juncture."

And the risk was taken. This Government which is a bloodthirsty Government, anxious to have as much power as possible to crush down the people by all possible means, deliberately took the risk in 1922, in spite of the warnings given by the Local Governments, and the Act was repealed.

Now, let us see what was happening between 1922 and 1929. In 1922, as this House has been already reminded by one, if not two, of the speakers, there was the non-co-operation movement, a movement started with the deliberate object of paralysing and ultimately destroying Government by breaking its laws.

Now, Sir, it has been known that on occasions, and I should say, in many instances, contrary to the direction given by the founder of this movement, crowds or mobs of Civil Disobedients have broken into violence. The point that I want to stress is, that even where they have not been guilty of any acts of violence, the studied contempt of law and order and of the authorities, who have got to maintain law and order, created a

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violent mentality and created an atmosphere in which the young and unbalanced mind was predisposed to fall a victim to the inspirations of the terrorists. Now, Sir, as I said, by 1922, the Act was repealed. We have then the Chittagong Conference which met in 1922 shortly after the repeal of the Act of 1922. At this Conference, they decided,—and I say it deliberately, without actually quoting the language of the Resolutions and speeches which were made,—(i) not to have any objection to violence and to resume violence if possible, and (ii) what is more important for the precise point, I am pressing before this House, to use the press. The result was that, as soon as the Act was repealed in 1922, the *Yugantar* re-appeared, and, if I may say so, a brood of vipers appeared. Their names are too many; the more well-known are the *Sarathi*, the *Shankha* and the *Yugantar*. They all appeared within a short time of the repeal of the press law of 1910.

They had previously disappeared,—why? Was there no legitimate scope for newspapers? We have heard of newspapers being absolutely necessary for passing the torch of knowledge from hand to hand for propagation and exchange of ideas, for criticism, and the giving of information to the public. But this class of newspapers have no vocation left, they cannot meet the expenses for one week, if they are asked not to publish articles of dangerous nature, inciting people to violence. That is why they disappeared and why they re-appeared practically simultaneously with the repeal of Press Legislation in 1922. One fact is very significant. Not only in many cases the names of the newspapers were the same, but the management, the persons in charge of the papers, were the men who had been conducting these papers in the period 1904–1907. It may rightly be said that what disappeared as a result of press legislation,—the *Yugantar* and its tribe,—re-appeared simultaneously with the repeal of the law in 1922.

Now, Sir, what was happening in this period, 1922–29? My friend, Prof. Ranga, reminded me that, on the last occasion, I gave them 56 cases; he has not thanked me for not making it 86 or more as it could easily have been done. (*An Honourable Member*: “There is still time.”) I will not go into that aspect of the matter at all on this occasion, nor shall I give instances of glorification of murder or things of the kind which I dealt with on the last occasion.

We have been told that newspapers are required for spreading knowledge and increasing human happiness. Leaving alone the aspect of terrorism, and incitement to violence, let us have some idea of the actualities of the situation as to what a section of the gutter press was capable of doing in connection with fanning communal passions into flame.

Sir, I believe, many people, particularly those who come from Bengal, are aware of the name of the *Ananda Bazar Patrika*, which claims to have a larger number of subscribers than the *Statesman*; and, without entering into journalistic rivalries, one may say that it has a very large circulation. From the voluminous material available, I am giving instances from three districts and leave the House to judge as to what the effect of these writings would be on the masses.

In an article published in July, shortly I should say during the time of what is known as the Pabna riots of 1926, this paper asserted—and I have taken care to quote almost the exact words, so that it may not be said I am paraphrasing it:

“The Hindu public think that there is truth in the rumour circulated by Maulvis that Government have permitted the Mussalmans to loot Hindu houses for a week. Muslims in bodies are going in villages helping their co-religionists.”

In another article, in the same paper, after referring to the fiendish attack of, and the terrible oppression committed by, Moslems on Hindus, it deliberately excites the Hindus by ridiculing them as to why they are not retaliating—is it for fear of life?

A sample of the untruth and of the exaggeration which was indulged in, in connection with the communal trouble then existing, is given by the following quotation from another newspaper:

“Many villages in Pabna have today been converted into a cremation ground. People are fleeing from villages through fear. Their wealth and property have been looted: the images of their gods have been broken. The barbarians in broad daylight, without fear, are freely looting Hindu villagers, and the Hindus with their mothers and sisters are taking shelter in jungles with tigers and bears. The ruffians, with Satanic exaltation, have forced the Hindus to read the *Kalma* and tried to convert them to Islam. Are they Moslems or are they demons?”

Another paper, the *Bishwamitra*, had this writing:

“They have been unable to suppress the *goondas*, although numberless Hindu women have been dishonoured.”

This was the grossest exaggeration. I am sorry I have to make a reference to our Honourable President—but the paper goes on to say:

“One curious fact is that, in spite of all this bloodshed in Pabna, Haji Ghuznavi (not our Honourable friend here) and Sir Abdur Rahim have not thought fit to raise their fingers in protest.”

More than one paper insinuated or stated that Sir Abdur Rahim was party to a Machiavellian policy—he was an ally of the “third party” which had been exciting Muslims against Hindus, and why? For forming a Muslim bloc in the Bengal Council.

The *Sakti*, another paper, in a long venomous article under the caption “The Age of Nadir Shah” wrote:

“From the barbarous oppression and persecution that have been committed in Pabna, the question arises, whether Muslim religion means fiendishness.”

The *Hindustan* of Calcutta, writing on the situation, says:

“The Moslem plunderers come and loot houses, Hindu women hide themselves in jungles like dogs and jackals, seeing that their honour is in danger. The Moslems, who are fond of rioting, are wandering about in Pabna like mad beasts eager to destroy the property and honour of Hindus.”

The *Jagaran*, another paper, puts it in this language:

“We have heard that Mollas preach to illiterate Moslems that the Scriptures say that it is sin to remain a widow. For this reason one acquires profound virtue according to Islam by outraging by fraud, force or artifice, the honour of Hindus, particularly Hindu widows.”

A typical example of the glib platitude about the third party—the fighting communities having nothing to do with it—is shown by an article in the *Forward*—it is a long article:

“Possibly Sir Hugh Stephenson is not yet fully assured if the present communal tension is sufficient for Sir Abdur Rahim’s scheme of forming a Moslem bloc the want of which was keenly felt when dyarchy was killed in Bengal by Deshbandhu Das.”

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Our Honourable President was part and parcel of the third party which was following a Machiavellian policy of making the brothers quarrel among themselves.

The *Servant* in an article said :

"The cumulative effect of this campaign of Hindu hatred, the desecration of temples and images, defilement of houses, abduction of girls, has been that the Hindus living in villages have become panic-stricken, their women do not dare go out of the houses for fear of dishonour, and the men themselves live in constant fear of their Muhammadan neighbours."

Sir, in connection with this trouble in Pabna, I claim to know something about it, because, at that time, I was counsel in one of the cases that came to Court. This was a small matter, and, like any other ordinary squabble in a village, it would have died down in 48 hours : but it took months to subside and the trouble increased out of all proportion as a result of writings of this kind of which I have given you a few samples. ....

**Mr. Mohan Lal Saksena** (Lucknow Division : Non-Muhammadan Rural) : Did you condemn these writings then ?

**The Honourable Sir Nripendra Sircar** : I did. If you had been allowed to make that inquiry which you were prevented from making, you might have discovered the part played by the Press, had that been the object of your enquiry. Sir, that was done by the Government of Bengal under the special Act which my Honourable friend, Mr. Fuzlul Huq, helped in passing. (Laughter.)

**Mr. Fuzlul Huq** (Bakargunj cum Faridpur : Muhammadan Rural) : It was a hireling vote !

**The Honourable Sir Nripendra Sircar** : I am sorry, I could not hear that interruption ; but if you search the proceedings of the Legislative Council in Bengal, it will be found that he did support the Bengal Criminal Law Amendment Bill, although he decried it on the floor of the House. I have got the volumes here : in proper time I shall show that my friend is suffering from a curious lapse of memory. (Interruptions.) If I am allowed to go on without interruption, I may be able to carry out the gentlemen's agreement which I have arrived at with the Honourable the Leader of the Opposition ; but if this interruption goes on, my friend will surely understand that I am not bound by the bargain, on account of these half audible attempted interruptions.

Then, Sir, coming to another district, Hughli, the *Pallivasi*, writing under the caption "Orgy of Crime", stated :

"The news of repeated breaking of temples and images is making the blood grow warm in the veins of moribund Hindus. Not content with breaking temples and obstructing marriage processions, the miscreants are making Cow-korbanis. What Hindu is there, whose heart is not filled with hatred towards beastly Moslems. Lustful Moslems in batches are committing oppression on Hindu women."

Sir, I have given you samples from three districts, and not confined to one year. What, then, ....

**Bhai Parma Nand** (West Punjab : Non-Muhammadan) : You have discovered these after nine years ? You are speaking of things that occurred in 1926.

**The Honourable Sir Nripendra Sircar** : No, Sir ; if my Honourable friend will hold his soul in patience, he will know what I am going to

resently. This communal matter is rather unpleasant to my friend, Bhai Parma Nand. This is not confined to one year, nor was it discovered only today. As a matter of fact, I was going to tell the House that many of these papers were prosecuted, but, as has been stated by the Honourable the Home Member, the prosecution of dummy editors had no effect whatsoever. The infamous *Yugantar* was prosecuted five times between 1907 and 1908, and every time a man of straw was put forward. ....

**Bhai Parma Nand** : I am not talking of the *Yugantar*. ....

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable Member wishes to address the House, he must rise in his seat.

**The Honourable Sir Nripendra Sircar** : As I said, Sir, cold facts have heating effect in some quarters.

The situation, during the second interregnum, may be shortly summarised as follows : Throughout this period, a section of the press was flooding the country with articles urging people to break laws. Secondly, during this period, 1922 to 1929,—I purposely refrain from giving examples, because I dealt with this matter on the last occasion,—but this is the period when the glorification of murderers took an intensive form. One has got to turn to the pages of some of these papers only to see that column after column, day after day, there was nothing but canonisation of murderers, worshipping them, calling them saints and liberators, holding them as glorious examples to be followed by others.

Then, the third thing, that was going on, was the fanning of this communal bitterness. I presume, Sir, if any press law had been in existence, if any of these poisonous papers had been proceeded against by the authorities, we would have been told that the Satanic Government was crushing the spirit of Nationalism, that this torch of knowledge could no longer pass from hand to hand, that we could no longer have free discussion or free exchange of ideas which is so necessary for human advancement, as was pointed out by my friend, Pandit Govind Ballabh Pant. ....

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : You dispute your principle ?

**The Honourable Sir Nripendra Sircar** : I don't dispute it at all, so far as legitimate and permissible functions of the press is concerned. But these papers were not prevented from carrying the torch of knowledge, but they were prevented from emitting poison gas, which was the sole duty which they had taken upon themselves to discharge. ("Hear, hear" from Official Benches.)

I come now, Sir, to the third interregnum. The press legislation of 4 P.M. 1930 ceased to have any effect from March to end of October, 1930.

I need hardly remind the House that at this time the Press Ordinances were issued.

When the press law had been in operation, the situation had vastly improved, and this Government, greedy for power, once more took the risk in 1930 of repealing the press law.

Let us see, Sir, what happened within these six or seven months. We had, as was to be expected, because history had repeated itself twice and it

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was repeating itself for a third time,—the immediate appearance of articles, poems and stories,—poems and stories being the special feature of Bombay,—in glorification of murderers, of incitement to violence, unrestrained praise of persons like Bhagat Singh, Dinesh Gupta, Kanai Lal Dutti. This was the daily feature of numerous papers in most of the Provinces, as soon as the press law was repealed in 1930. One has only to read the articles to see the trend of them, and the object of most of them was in praise of murderers, and to indulge in outrageous and fulsome flattery of assassins. Any young person who, not having the subtlety of my friend, Pandit Malaviya, would at once be led to the conclusion that, after all, this is one of the noblest achievements possible for him, and that murder would earn for him the gratitude of a section of the press and the public. Then, the third, as I said, was the incitement to break all laws, because they are laws of a foreign Government. Then, fourthly, the articles like "Bravo Chittagong", somewhat on the lines of "Bravo Azad" of Pandit Malaviya, the "Martyrdom of Dinesh Gupta", published daily and in the most prominent fashion, would reasonably be expected to lead to the inevitable consequences of such writings, and you will find, Sir, that this period of six or seven months is crowded with terrorist outrages.

Can you give me, Sir, just a few minutes to tell you as to what happened within these six months?

I will just remind the House of the items without going into details. We have five cases, and I think I ought to take the precaution of saying that these remarks are confined to happenings in Bengal,—I do not intend these to apply to other provinces so far as this part of the argument is concerned. We had five cases of bomb throwing on police stations. The cases were tried in Court, and the accused were convicted.

In April, 1931, Mr. Peddie was murdered, and one has only to compare the writings in a certain section of the press in April, 1931, when there was no press law, with the writing which appeared on the death of Mr. Burge in 1934, when many of these papers had attained morality as the result of press legislation.

Then, Sir, we had the murder of Mr. Garlick, Sessions Judge, the attempt on Mr. Cassels, the murder of Mr. Ahsanulla, the police inspector of Chittagong, attempt on Mr. Dunro, the attempt on Mr. Villiers,—he was not killed, but was severely wounded,—and, during this third interregnum,—thanks to the spirit of lawlessness and of defiance of the constituted authorities created by Civil Disobedience or the law-breaking movement,—very intensive results were obtained within six months. The two movements were natural allies, having the same object, viz., paralysing and destroying the Government. That was the situation from April to November, 1930, when, for the third time, the press law had been repealed. History had shown the folly of repealing press laws for even six months. You will also notice from the dates, the periods during which this Government patiently waited before taking such a drastic step as the press legislation. On the first occasion, they waited from 1904, if not from the end of 1903. The first mild step was taken in 1908, and a real step was taken in 1910, a period of five to six years.

When the second press law was repealed, the Government waited for full seven years, relied on ordinary law and carried on prosecutions under section 153A and all other sections of the Indian Penal Code, and it was found to be ineffective.

The arguments for discontinuance shortly are these. First, it is said that terrorism is now negligible. Now, Sir, again I have no desire to go into facts and figures on this occasion, but my Honourable friend, Mr. Akhil Chandra Datta, either in his speech this time, or on the last occasion, or probably both, pointed out that there were a far less number of terrorist outrages in 1934 as compared with 1931-32. That is admitted. The number of outrages in 1934 were less. Probably, my Honourable friend has not taken notice of the fact that, in 1934, there were 49 cases in which arms, bombs, revolvers, had been found on searches. I am not referring to the discovery of arms, connected with those who were tried in Court and were convicted of specific acts of terrorism, but to cases of arms, found in illicit possession. These were 49 in number, and five cases are reported where no trace could be found of lost or stolen arms.

I think it is also a significant fact that, during these searches,—I do not remember the number—in some cases the police discovered country-made revolvers, one of them was exhibited in one case showing apparently that, in some part of the country, whether in Bengal or out of Bengal, I have no information, revolvers were being made.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Some revolvers are made by the informers themselves. That has been the finding of the Courts.

The Honourable Sir Nripendra Sircar : No, that is not the finding of the Court. I shall stand corrected if the Honourable Member will show me any judgment. The two cases which my Honourable friend thinks of and another case to which my Honourable friend did not refer—in those cases it was not that the revolvers were manufactured by the informers, nothing of the kind.

Mr. Akhil Chandra Datta : That is the finding.

The Honourable Sir Nripendra Sircar : That is not the finding in the cases I have in mind or he referred to. Once more, if I may make a short digression, those two cases which were cited by my Honourable friend go to show that the informers on these two occasions planted revolvers or bombs and laid a false charge against certain people.

Mr. Akhil Chandra Datta : Not only planted, but made.

The Honourable Sir Nripendra Sircar : No, Sir. I deny that. There is no use contradicting a thing more than thrice.

Mr. Akhil Chandra Datta : Anyway, there is the finding.

The Honourable Sir Nripendra Sircar : I said there is no finding. I have denied four times, and let us stop after four times.

In these cases, it was the wretched Government which started prosecution of these informers. In one case, the sentence was considered low, and it was again this wretched Government which went up in appeal for an enhancement of the sentence. (Interruption by Mr. Akhil Chandra Datta.) I think my Honourable friend is too dangerously near other interrupters and is getting their habit.

[Sir Nripendra Sircar.]

Let me try to remember where I digressed from. As I have said, I have no desire once more to go into facts relating to terrorism, but I would like to place before this House one and one document only.

I should explain what this document is. This is a letter, rather long, which purports to be written by a gentleman of the name of Krishnadas Singh Roy. Mr. Krishnadas Singh Roy is not a police informer. He lived at Sabarmati for some time. He is the author of a book which is called, "Seven Months with Gandhi"—"Mahatma" has been omitted by him, and not by me. He came to Bengal early in 1930 to launch the Civil Disobedience Movement. Early in April, 1930, he addressed meetings in Calcutta, full accounts of which will be found in the *Forward*, *Advance* and other papers. The meetings were organised by the North Calcutta District Congress Committee, and, two days later, after his first speech, Mr. Krishnadas was introduced to the audience in another meeting by Mr. Sen-Gupta. Rightly or wrongly, Mr. Krishnadas Singh Roy described himself as Secretary of Mahatma Gandhi. In his earlier speech, Mr. Krishnadas explained the various stages of complete independence, namely, (1) Petition, (2) Non-Co-Operation, (3) Civil Disobedience, and (4) Anarchy.

In December, 1930, he started what is well-known to my Bengal friends, I am sure, the "Bengal Council of Action". Mr. Krishnadas Singh Roy, according to a statement in the press, the correctness of which we cannot vouch for, and which statement appeared on the 15th December, 1934, was appointed office Secretary of the All-India Congress Committee.

This gentleman was extensively touring in Bengal, and, fortunately, he had much better luck than my Honourable friend, Mr. Saksena. He was extensively touring in Bengal, and, as he was having interviews with persons who were suspected to be terrorists, Government took the precaution,—a precaution which Mr. Saksena says has also been taken in his case, but about which I know nothing—Government took the precaution of intercepting the letters which he was writing. From aboard "Masuda" at Chandpur—he was touring in East Bengal—he wrote a letter addressed to Mahatma Gandhi which never reached Mahatma Gandhi, because it was intercepted.

**Mr. M. S. Aney :** By another Mahatma !

**The Honourable Sir Nripendra Sircar :** By another person acting under Statutory authority, and not the way in which you get hold of Hallett's circulars.

In February, 1931, this letter, written from aboard "Masuda", was intercepted. May I read some extracts from this letter ? I am only keeping back two names, I, for obvious reasons, do not want to disclose those two names. I will refer to them as Mr. A and Mr. B.

The writer is talking of the Congress Party in Bengal :

"I interviewed Mr. 'A' on the 7th evening. What I gathered from him is that he appreciated your position on the subject of release of prisoners."

I may just make one digression to remind the House that, as Honourable Members may know from the correspondence and from what I said on the 29th March, violent pressure was being put upon Mahatma

Gandhi to intercede with the Viceroy for the release, not only of Civil Disobedience prisoners, but of terrorists, to which pressure Mahatma Gandhi would not yield :

"I interviewed Mr. 'A' on the 7th evening. What I gathered from him is that he appreciated your position on the subject of release of prisoners, but he pleaded and will plead before you that the situation in Bengal required that the group of revolutionaries in Bengal, if possible, be satisfied. I think, Babu (*that is meant for Gandhi*),—I think, Babu, I have correctly represented my talk with Mr. 'A'. I am in a fix. When I came out of jail in October last, I realised, and Panditji agreed with me when I sought his advice in the matter, that it was not possible to revive the movement in Bengal and make the Congress felt unless all our resources were combined. That was what led me to approach him to join hands with us which led to the Council of Action. But this much I know, that, judged from the standpoint of non-violence, there is not much to choose between Mr. 'A' and Mr. 'B'."

The writer then proceeds to say :

"Mr. 'B's' party consists of :

- (1) Anushilan group of revolutionaries,
- (2) Yatish Babu's group of revolutionaries, also pledged to violence,
- (3) Communists pledged to violence and terrorism, fundamentally opposed to non-violence. A small group, but very devoted.

Mr. 'A's' party consists of :

- (1) *Yugantar* group of revolutionaries—policy guided from Calcutta and Ranchi, but the organisation has ramifications throughout Bengal. The present B. P. C. C. is under control of this group of men pledged to the cult of violence, but not opposed to mass movements of non-violent kind, it being the opinion of this group that such movement is most helpful towards preparing the ground for greater revolution which was bound to be based on violence.

Hence this group did not oppose but participated in the movement of 1921 as also of this present movement and is mainstay of Mr. 'A'.

Bengal politics is nothing but struggle for power (whether in the B. P. C. C. or in the Calcutta Corporation) between this group and the Anushilan group. Mr. 'A' and Mr. 'B' are pawns in the game.

- (2) Bepin Ganguli's group of revolutionaries, originally belonging to Mr. 'B's' party, but has now gone over to Mr. 'A's' party.

My own impression is that Mr. 'A' has got a compact party, with some amount of discipline, whereas Mr. 'B's' party is a more or less ramshackle one, with elements which are bound together only by their common opposition to the present executive of the B. P. C. C."

The authorities in Bengal are in no way indebted to Mr. Krishna Das for his statements, because this was also their inevitable conclusion, not merely from people who are called police informers, but from cases tried in Court and from other sources. From the 56 cases, cited by me, any one with a little patience will find out from the number of documents which have been exhibited in these cases that the conclusions of Mr. Krishnadas are wholly justified. From these and numerous other materials, the Government of Bengal were perfectly well aware that the Congress in Bengal cannot go on without the sympathy and help of the terrorists. They knew perfectly well that all this fight between two groups in Bengal is really a fight between Anushilan group and the *Yugantar* group, the two well-known parties of terrorists, one under the guidance of one party in Bengal Congress, and the other under the guidance of another party.



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A few, who are ignorant of the facts, may complain of the light grounds on which Government come to conclusions, but I can assure the House that the common belief, that, as soon as an informer comes and says that Mr. 'A' or Mr. 'B' has done something, Government proceed to take action, is entirely wrong. Government know that it is a tainted source, and, therefore, wholly unreliable, and no responsible high official will take any action only upon the information given by a common informer unless that is corroborated by other incidents or other evidence. (*An Honourable Member* : "Question.") The question cannot be put by anyone who knows the facts. I have now dealt with the argument that terrorism has disappeared, as concisely as time permits.

Now, I come to the next argument that the Civil Disobedience Movement has been suspended. Sir, we acknowledge, and, I think, Mr. Datta, referred to the circular of June, 1934, in which it was stated that Civil Disobedience has been suspended, but, Sir, is it not also a fact that the leaders of the movement, ever since the date of that circular, have gone on giving us warning after warning that we are labouring under a delusion, that the mentality has not changed, that the ideal has not been diluted, and that the movement may be started as soon as the retired forces get a suitable opportunity.

Now, as I said, it is the leaders of the non-co-operation movement who have been warning us of one delusion in thinking that we can proceed on the footing that this movement is dead.

I think one of the Honourable Members, Dr. Khare, said in a speech in this House "For immediate effects, I am not ashamed to admit that the Civil Disobedience Movement has failed. That does not mean our mentality has changed". Of course, not. We had warnings in this House too. I am coming to that in a minute.

Dr. Sitaramayya said that the "Congress cannot be expected to die because of its non-co-operation ideal". We have had it from Babu Rajendra Prasad the other day that this movement has been only suspended and not given up. We have been assured in this House that this movement is a kind of birthright. It cannot be given up. It cannot be suppressed and it is idle to legislate against it.

**Prof. N. G. Ranga** : Consult the Finance Member !

**The Honourable Sir Nripendra Sircar** : I can assure my friend, Mr. Ranga, that I am taking no offence at his interruption. I know it is something like an involuntary and automatic action.

Now, Sir, as regards "birthright", I presume it is the "birthright" of the Gond to offer human sacrifice. I believe it is the birthright and the belief of some orthodox Hindus to obstruct the Harijan using the King's highway, and it is also the sincere and religious belief and birthright of some fanatics to assassinate people who, they think, are non-believers. With their beliefs or with their sincerity or the amount of delusion, under which they are suffering, we are not concerned. There is no punishment for ideas : but, if, in pursuance of those ideas, overt acts are committed which are unlawful, then the Government must be prepared to do one of two things. It ought either to say : "We abdicate, come, my brethren, my non-violent brethren, and break one

another's heads" (Laughter), or it ought to pay no regard to what has been claimed as a birthright.

My Honourable friend, Dr. Deshmukh, in his very breezy speech, said : "Civil Disobedience is an idea". Well, Sir, in so far as it is an idea, it is not punishable, and nobody has said or even suggested that from this side. In preaching an idea, there is no offence, unless you are setting up people to commit violence or things of that kind. There is no harm if a man gets the idea and publishes anywhere that the best thing which can happen is to take over the properties of all propertied men without compensation ; that we should nationalise all the means of production, and, after all, it has been said that women are the means of production (*Cries of "Order, order"* from the Opposition Benches).....(*An Honourable Member* : "It is unworthy of you.").....

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : On a point of order, Sir, I submit, there is such a thing as a rule of decency which all Honourable Members, even those on the Government Front Benches, should observe. I submit, Sir, it is indecent to say that women are the means of production, I submit there are rules of decorum, and I do ask your ruling, Sir.

**The Honourable Sir Nripendra Sircar** : Sir, before you give your ruling, I should like to state that some men may preach this ; this has actually been preached ; I can give my Honourable friend books in which that has been preached. (*An Honourable Member* : "Never in India.") I have not said or suggested "in this country". What I am trying to show—if my Honourable friend will only not purposely misunderstand and restrain himself—I have not suggested that this has been done or can be done by any Indian ; but I am taking an extreme case to show that, even if one preaches such filthy ideas, which undoubtedly are abhorrent to all of us here, it is no crime, it is an idea, it is like "Civil Disobedience" an idea, and we have no quarrel with ideas, so long as you do not give effect to them by unlawful means.

Sir, about the breaking of laws being a birthright, I think it would be impossible to carry on any system of civilized Government if people are allowed to do that. (Interruption.) My interrupting friend can have his own opinion : he can keep it to himself.

No civilised Government can go on if anyone and everyone can come forward and pick out and choose laws and say that "this is the law which I am going to break". Sir, may I put it to the House in the very terse manner in which it was put by my Honourable friend, Mr. Satyamurti, in his speech in Bengal.

**Mr. S. Satyamurti** : You read it before ?

**The Honourable Sir Nripendra Sircar** : Not this portion.

**Mr. S. Satyamurti** : Read the whole of it.

**The Honourable Sir Nripendra Sircar** : That will take a very long time. My Honourable friend, Mr. Satyamurti, said in his speech at Calcutta :

"Satyagraha and non-payment of taxes and disobedience of laws are all very well, when we are fighting a foreign bureaucracy. But I dread to think of the future Swaraj Government, if it has continually to fight among its own citizens,—Satyagrahis,



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passive resisters and law-breakers. There is a dangerous doctrine today that Satyagraha is a more potent weapon than the ballot-box. It may be or it may not be, but no civilised Government can exist, if every citizen thereof claims the right to decide for himself whether a tax should be paid or not, or whether a law should be obeyed or not."

Sir, those are exactly our views: I have no doubt that when these unworthy people walk out from this side (*An Honourable Member*: "Driven out")—yes, or are driven out from this side, if then my Honourable friend (Mr. Satyamurti) is in charge of the affairs, in some province perhaps he will give a short shrift to the Justices.....

Mr. S. Satyamurti: We shall be prosecuting them in "Courts of law".

The Honourable Sir Nripendra Sircar: Yes, under this Act. The strongest argument in support of this Bill is to be gathered from what has happened on the floor of this House. I have referred to the assertion of right to start the Civil Disobedience Movement again, and I have no desire to refer to it again. We have been told that it is not going to be given up. Very well, let us proceed on the assumption that the army has only retreated, and is only biding its time, and is waiting to attack us till it is sufficiently strong again. May I refer to what my Honourable friend, Mr. Aney, said:

"This is not what Pandit Krishna Kant Malaviya said. What he meant was this, etc."

But we know what my Honourable friend, Pandit Krishna Kant Malaviya, said. We have got his words before us. But before I quote only three or four of his sentences, may I tell the House as to who was this Mr. Azad, for whom this poignant grief was expressed? Sir, in his speech, my Honourable friend, Pandit Malaviya, said:

"He was a great organiser, a gentleman to the core of his bones. Not one shot of Azad's missed the mark, who can help admiring this young man"—

and he admitted that Azad was a terrorist, otherwise there is no sense in the sentence used by him that "some people were trying to make Azad give up terrorism". Then, my friend said that he was a great organizer. Organizer of what? Does my Honourable friend suggest in his speech that Azad had any activities other than terrorism? Was he an organizer of nursing homes and hospitals? Or was he a great organizer of terrorists?

Now, Sir, that is Mr. Azad. And, further, Pandit Malaviya said:

"I never met him, I do not know him, but, of course, he must be a good man." (Laughter.)

Sir, this Mr. Azad, in the years 1924 and 1925, committed a series of ruthless dacoities, with murder, which culminated in the notorious train dacoity at Kakori near Lucknow and in which a van was looted and an innocent Indian passenger was shot to death. His complicity in the crimes was proved beyond doubt by other witnesses who were examined in his absence, but he would not face trial to challenge the mass of evidence produced against him. He became "a proclaimed and absconding offender" with a reward of Rs. 5,000 for his arrest.

While absconding in the Kakori Conspiracy case, he joined Bhagat Singh and others. There was strong evidence to prove that he covered Bhagat Singh and Rajguru when they murdered Mr. Saunders on the 17th December, 1928. He shot constable Chanan Singh dead when he was pursued. He thus again became an accused in the Lahore Conspiracy Case of 1930, in which he became a "proclaimed and absconding offender" with a further reward of Rs. 5,000 for his arrest. But he would not come and appear in Court! He would have been tried by the judiciary and not detained by the executive!

Mr. Azad, the admittedly successful organizer of terrorism, then joined the group of the accused in the Delhi Conspiracy Case. They not only committed dacoity on the Gadodia Stores, but they were manufacturing explosives in a house which, when searched, yielded explosives sufficient for the preparation of 6,000 bombs. Referring to this gentleman.....

Mr. S. Satyamurti: May I know from my Honourable friend what he is reading from? If he is reading from any document, I suggest that it should be placed on the table of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may inform the House what he is reading from.

The Honourable Sir Nripendra Sircar: Sir, when my Honourable friends say that on a certain occasion five persons were arrested and assaulted in Midnapore by the police, do they produce any documents in support of their statements? What I am reading is the purport extracted from three heavy paper books and these paper books are available to anybody.

Referring to Azad, Pandit Malaviya stated:

"He was a great organiser, a gentleman to the core of his bones. Not one shot of Azad's missed the mark, who can help admiring this youngman? I say, Sir, we Indians could have slept soundly without caring for the defence of our country, by making him our Commander-in-Chief. We could have placed him in charge of the Army."

Sir, my Honourable friend, Pandit Malaviya, an exponent of the creed of non-violence, a follower of the Civil Disobedience Movement, has nothing, I regret to say, but unstinted praise and admiration for the murderers, and, whatever the inner state of his feelings may be, this kind of speech read by the young and the unbalanced can lead to one conclusion, the conclusion to which I have already referred. (Applause from Official Benches and Official Box.)

Mr. S. Satyamurti: I rise on a point of order. I see cheers from the Official Box. They have no right to cheer from there. They are mere visitors and they ought to be called to order.

Mr. President (The Honourable Sir Abdur Rahim): The occupants of the Official Box should not cheer.

The Honourable Sir Nripendra Sircar: The cheers, I believe, are from the official Benches. Sir, my Honourable friend, Pandit Malaviya, is equally a violent admirer of Kanai Lal Dutt. Why? Because he was one of the men who was responsible for the murder of two defenceless innocent women, Mrs. and Miss Kennedy, and who has also at his credit the additional fact of murdering.....

**Pandit Krishna Kant Malaviya** (Benares and Gorakhpur Divisions : Non-Muhammedan Rural) : I said that the editor of the *Pioneer* admired him.

**The Honourable Sir Nripendra Sircar** : I am not giving way. If there is any personal explanation which the Honourable Member wants to make, he should take the Chair's permission. I am quoting from his speech as it was taken down.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is not giving way, and if the Honourable Member (Pandit Krishna Kant Malaviya) has any personal explanation to offer, he can do that at the end of his speech.

**The Honourable Sir Nripendra Sircar** : I know this much that my Honourable friend had taken the precaution—rather an unusual one—of taking away the manuscript for correcting it twice instead of the usual process of correcting it once.

**Mr. M. S. Aney** : Whence did the Honourable Member get that information ?

**The Honourable Sir Nripendra Sircar** : If my Honourable friend is thinking that I got hold of it as my friend got of the Hallett Circular, he is wrong. That is not the way I got it. I got it by perfectly legitimate means.

**Pandit Krishna Kant Malaviya** : On a point of personal explanation. When I was talking about Kanai Lal Dutt, the Honourable the Home Member inquired from me as to who was the editor of the *Pioneer*. I said that I do not remember the name. It was about 1908, perhaps the editor was Mr. Chasney. But I was not sure about it. This being the case, my Honourable friend, the Law Member, should remember it.

**The Honourable Sir Nripendra Sircar** : That is altogether irrelevant, because I had not referred to that incident at all. But, as a matter of fact, it is incorrect to say that the *Pioneer* had glorified the deeds (which are the words used by my Honourable friend) of Kanai Lal Dutt.

**Pandit Krishna Kant Malaviya** : My exact words are "He paid a tribute to that man".

**The Honourable Sir Nripendra Sircar** : If this is the evidence before the House, then it is clear that the Civil Disobedience is suspended only for a time (whatever the reasons may be), and it may come on at any time. Judging by the applause with which the part of the speech of my Honourable friend, Pandit Malaviya, which I have quoted, was received, can we not infer that he is not shining in solitary glory. If that is the evidence before this House, is this House going to be told that all causes for the continuance of this Act have disappeared ? Reasons for continuance are as great as they were before.

Sir, Sardar Sant Singh gave us a warning. He said that the Government will have to pay a very heavy price if they do not learn by the lessons of history. Sir, we have learnt by the lessons of history. We tried the repeal of press laws three times, and every time the history has shown that repeal is followed by the springing

up of a number of papers which indulge mainly in the glorification of murder, incitement to violence, breaking of laws and fanning into flame of communal passions. That is what history has taught us and as it is the executive on whom, at the present moment, falls the duty of maintaining law and order, they will be failing in their duty if they would not ask this House to continue this Act instead of repealing it.

Sir, one word I must say about my Honourable friend, Mr. Asaf Ali, with regard to the threat which he held over Members. He said, if you vote in support of the consideration of the Bill, then there is no chance of your coming next time. Now, Sir, those to whom this remark is addressed may either think that the motion ought to be supported on its merits or their conclusions may be otherwise. If you think that it ought not to be supported, then you do not require the bogey of the disaster which will meet you at the next election. If you think on the merits that it ought to be supported, then are you going to be told that whatever your honest conviction may be, please do not vote for it, because, in the opinion of my Honourable friend, Mr. Asaf Ali, you will not come back.

**Mr. S. Satyamurti** : Where are your friends of last year ? They are all gone.

**The Honourable Sir Nripendra Sircar** : I am glad that you are coming back to form by interrupting. May I remind the House that Mr. Gaya Prasad Singh, Mr. Bhuput Sing, Mr. S. C. Mitra, Sir Hari Singh Gour, Mr. Amar Nath Dutt, Mr. Jog, all those who violently resisted the reference to the Select Committee have not been returned by a grateful country. (Official Applause.) I hope my Honourable friend, the Leader of the Opposition, will not mind if I take a little more time than I wanted to.

**Mr. Bhulabhai J. Desai** : The Honourable Member has exceeded his time.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can go on.

**The Honourable Sir Nripendra Sircar** : I hope, Sir, you will give me some rebate for the interruptions.

Now, Sir, may I have a passing word about my Honourable friend, Mr. Fuziul Huq, who boldly asserted that, if you look to the proceedings of the Legislative Council in Bengal, you will find that he never supported the Criminal Law Amendment Bill. Sir, I have got the proceedings of what happened in the Bengal Council before me. The Bill was moved and asked to be taken into consideration on the 21st August, 1930, in the Bengal Council by the Honourable Mr. Prentice. Sir, on that date the House sat till 7 p.m. or a little later than 7 p.m. There were six divisions, and, if the records are right, there was no voting on that occasion by Mr. Fuziul Huq at all. He can very well say that he did not support on that date that Bill, as we might also say, he did not oppose the Bill on that date.

But, Sir, the next day, that is on the 22nd August, in the first division, there was no voting by Mr. Huq ; the second division was occasioned by Mr. Satish Chandra Roy having moved an amendment which was to this effect. As Honourable Members are aware, under

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this Act, men suspected by the executive can on executive suspicion be detained in jail. I am giving this in colloquial language. Mr. Satish Chandra Roy moved an amendment that they should at least be told in writing as to what the charges are. What did my Honourable friend, Mr. Huq, do? Did he support the Government? Yes, he did.

Then, there are two more divisions. I won't tire the House with details as to the occasions on which he supported the Government, in passing the Criminal Law Amendment Bill—a Bill which, as he has been stated by one of the Honourable Members here, with which statement I am in entire agreement, a Bill which gives hundred times more power to the executive than the Bill we are discussing—that is the Bill which my Honourable friend supported, and when he was informed of this by my Honourable friend, Sir Abdul Halim Ghuznavi, my Honourable friend, Mr. Fuzlul Huq, got up and said: “If you look into the records, you will find that I have not supported even on a single occasion”. That is the position.

✓ Sir, the Honourable the Commerce Member referred to the speech of my Honourable friend, Mr. Satyamurti, who said that when we get Swaraj—Swaraj is the panacea for all the ills including failure of monsoon—rains will fall from heaven. My Honourable friend, Mr. Satyamurti, contradicted and said: “What I meant was that in our time, when rain does fall, we shall not allow it to waste”. There was tremendous applause from his friends. Let us see what is the report as given in the press, because, after all, we have to proceed on published reports, and they are not contradicted by my Honourable friend. I am quoting from the *Madras Mail*.

Mr. S. Satyamurti: My enemy.

The Honourable Sir Nripendra Sircar: What he said was this: we will bring water from the heavens—and, so far as the text of his speech is concerned, they are the same in all the newspapers, and the *Madras Mail*—the enemy of my Honourable friend,—may have twisted the headlines. Now, let me read from the extract of his speech:

“There are many rivers in this country, but no water. Whom are we to blame, God, the Government or our enemies, the Justice party. At no time, in the hoary history of India, has India experienced such a dearth of water and poverty. But in the days of swaraj we will bring water from the heavens as Bhagiratha did in the days of the epic and make it flow in all the rivers.”

Mr. S. Satyamurti: On a point of personal explanation. I was speaking in my mother tongue, i.e., Tamil. I was speaking colloquially as I always do in my part of the country, and I can do so now; however, it is no good for this House. What I did say and what I meant was that, as in the epic days, Bhagiratha did bring water from the heavens and as he dug canals—that is a well-known story in our epics—we must also conserve our water and make them flow into all the rivers. I do say that when we get Swaraj, we shall construct more irrigation works than this Government has done. ✓

The Honourable Sir Nripendra Sircar: Sir, I am glad that I do not know that language, Tamil. It is such a dangerous language that my Honourable friend had often recourse to the defences, namely, that he spoke in Tamil.

Before I resume my seat, I may be permitted to summarise my position concisely. I say we have tried the experiment of repeal of Press Laws three times, and every time with disastrous results. I say, Sir, that the Press Act has not suppressed the Press.

My Honourable friend, Pandit Govind Ballabh Pant's figures do not bear out the conclusion arrived at by him. In fact, Sir, the progressive increase has not only been maintained, but it has been much greater after the Press Act was introduced for the last time in 1930. That is what the figures show. What my Honourable friend did was that he lumped up the figures for seven years. We must always remember that the newspaper reading public is increasing and that newspapers are increasing. Have I made a mistake in summing up what my Honourable friend said.

Pandit Govind Ballabh Pant: Where am I wrong? That is the explanation I want. They are increasing; but the facts are there that they increased between 1922 and 1930 in much greater proportion than between 1910 and 1922. I stand on the statistics which are published in Government publications. I would place the statistics before the Finance Member and ask him to decide as an umpire.

The Honourable Sir Nripendra Sircar: I took some trouble to work out the statistics from year to year. I find in 1920-21 it has increased by 26, next there was an increase of 77. I have got all the figures. Then there was an unexpected reduction in 1925 and 1926 by 23 which of course was the time when there was no press legislation. However, that is not relevant. I find from the figures for 1930 to 1934 that the increase in 1931, was 61, in 1932, it was 84, in 1933, it was 85 and in 1934, it was 335, and so on. Sir, one has only to read the papers in the morning which we receive and to see what criticism has been stopped by this legislation. Criticism reasonable, and unreasonable, and partly reasonable and partly unreasonable, criticisms bitter and severe—I am making no point or grievance about it, all these are quite entitled to appear and are appearing in the papers now. Criticisms most severe and sometimes extremely bitter have come out now in the daily columns of the newspapers every morning. What has been stopped? The grievance is that what has been stopped is that you cannot incite people to murder, and the other matters which the Honourable the Home Member has mentioned.

Pandit Govind Ballabh Pant: Do not these papers come within the purview of the scope of the present Act? If you wanted it, why did you not stop it?

The Honourable Sir Nripendra Sircar: If I take my friend's assumption to be right that we could stop them.....

Pandit Govind Ballabh Pant: I do not want you to take my assumption, but to answer it as an expert whether it is so or not.

The Honourable Sir Nripendra Sircar: Either I can stop it and I am not stopping it. That would be charging Government with a generosity which has never been done before. But surely I cannot answer a question whether a paper comes within it or not. There may be a particular article which comes within it. I have no special paper in mind, but if it is my friend's reading that some of these papers do urge things which come within this Act and we have not prosecuted them, if I am right in the assumption.....

**Pandit Govind Ballabh Pant :** I am putting this to the Honourable the Law Member. My suggestion is that the Act as it stands today with its comprehensive scope is such that every single paper can be roped in only if Government wanted to do so. I want to know whether that impression of mine is correct or not, and I seek your expert advice ; I am not putting it as an argument at all.

**The Honourable Sir Nripendra Sircar :** My advice is that all papers cannot be roped in, and, even where they can be roped in, no action is taken, unless they are so objectionable that they should be roped in, in public interest.

Sir, I am afraid I have come to the limit of my time. I have put the points which I desired to make about the continuance of the Act as shortly as I could. I have no desire to go into any of the sections except that I may be allowed, before I resume my seat, to point out that certain matters in connection with law which fell from my Honourable friend, Mr. Satyamurti, do not seem to be correct. They are not very important, but I may refer for instance to this. I find from his speech a statement that in England you cannot convict for sedition unless there is an overt act. If he has said that, it is not correct. I have looked up the English law of sedition and find that an overt act is not necessary. But after all it is a minute point.

Then, Sir, either my Honourable friend or somebody else said that what is called peaceful picketing is no offence in England. I beg to differ from him and I will refer my Honourable friend to Archbold's Criminal Practice. He will find there reference to Statutes which enact that inducement by what is called peaceful picketing has been made punishable. But I do not think I should tire the House with small matters like these. I submit, Sir, the present position of the House has to be remembered. We are having legislation discussed in this House. I know that the legislation is being done by at least one section who have admiration not for law but for breaking the law. And I mean no offence, but law-breakers are now the law-makers, and that applies to a large section of this House. One has got to remember what was so clearly stated by the Leader of the Opposition in the clearest language when he delivered his short speech of six lines on the Silver Jubilee grant. He said : " You cannot expect us to directly or indirectly help in any measure which will help this present rule ". I am not giving his exact words though I have got them here. That is to say, the test to apply in connection with any measure is whether that measure is going directly or indirectly to help this Government ; if it helps them to maintain law and order, if it enables them to smoothly carry on the administration, they must vote against it.

If the Criminal Law Amendment Act helps this Government, which is a Government which according to them has got to be extinguished and paralysed, if this Bill helps this Government, then they must oppose it. No measure must directly or indirectly help this Government ; that is the test to be applied. I submit, Sir, those who, however much they may be dissatisfied with the present Constitution, are not willing to see that the Government should succumb to subversive methods, should support this Bill. Sir, I support the motion.

**Mr. Bhulabhai J. Desai :** Sir, I wish to amend the last statement that the Honourable the Leader of the House quoted from what I am stated to have said in connection with

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the Silver Jubilee celebrations. I have always held, and I still hold, that I will not support this Government or any Government for the matter of that, contrary to the interests of my own country and contrary to my own convictions. If that is any satisfaction to those who, for the last one hour and a half, have been treating this House to an *argumentum ad hominem*, never going anywhere even approximately near to the subject under discussion, they can have it. They ought to have realised that it was not their business to get up and merely carry on and take man by man and contradiction by contradiction of single individual acts or sentences and feel that they have proved their case. If they think so, I leave that flattering unction to be laid to their soul by themselves. I expect a somewhat higher level, indeed a much higher level, of debate, argument, persuasion and conviction than the one with which we have been entertained. I say that, and the more so, because of the respect that I personally have for the Leader of the House as he well knows. But, none the less, he had to deflect the argument ; he had to get out of the argument ; he had to get at a tangent ; he had to entertain some of his friends who felt a little low during the course of this discussion ; and I am very glad that they have been very much entertained indeed.

Sir, I stand before this House confessedly a man who at one time broke what was called " law " in the sense in which it is used by Government in the definition of Austin, the great jurist. But, from that, even for a lawyer of the eminence of the Law Member to get up and say that the line that divides us two is the law-breaker and the law-maker is indeed a logic which my mind fails to fathom altogether. Undoubtedly there are many on the other side, I hope and trust, who, as and when their conscience requires, their national interest demands, would not be wanting in courage as not to break the law. I make a present to them of the argument which was advanced that I was one of those people,—and I particularly accept the title,—who dared break what was called law which I shall presently describe. During the time that I have allotted to myself, I will say that I will not indulge in that type of argument of a personal nature, though I could very well do so. I have got a long line of speakers on the other side, and I know how to deal with every single one of them, either personally or in their statements. But it is not a dignified thing to do : and, lawbreaker that I am, I wish to set a better example, if I may. We oppose this Bill forgetting all the past : we oppose this Bill on the grounds, which I shall presently state, of the well being of the State, which my friends are at present trying to govern and carry on, and we also oppose the Bill for the very nature of the provisions which are contained in the proposed enactment. When it comes to law, let me remind my Honourable friends on the other side that it is easy to cheer a very cheap observation, but I may remind them that law, in the sense in which Austin gave it, means the expression of the will of the sovereign power to do or to omit to do a particular act ordained to any of the citizens with a sanction behind it : in that sense, what was then promulgated was law. But, before a State could expect obedience to law, it has also got to see that what they give as law is not what supports their supreme absolute tyrannical authority, but a law which accords with the well being of society and which it becomes the duty of every citizen to support in the interests of the common good : The law which they promulgated did not accord either with justice or the well-being or progress of my country ; and that was the law I have broken, and I am not in the least ashamed of having

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done so. Indeed I am one of those who are fully familiar with how the provisions which are sought to be retained now have been worked ; and it will be my duty, without wearying the House and within the limits of my time, to tell them exactly what they have done of which they cannot be very proud. To the extent to which they will make laws and propose laws of the type they are doing today, they must be prepared for Civil Disobedience. I am not one of those who are afraid to meet the argument when you are told " Oh, but we are told that Civil Disobedience will come some day, and, therefore, we must arm ourselves ". Let them arm themselves all the time ; but if they arm themselves all the time more and more by the type of what is called law, restricting the liberty of the subject as we apprehend it, I am not at all afraid to tell you that if that is the ground on which you want this law, at all events, so far as we are concerned, you will not have it, not in your interest, not in our interest, but in those very interests which you profess to protect. You profess that you wish to govern the State, as Mr. Griffiths said, founded on the will of the people ; and indeed you may defy the will of the people ; but you cannot shut your eyes to the existence of the will of the people ; and if you think that you have entrenched yourself by means of measures of this character, so that, in your own unstinted absolute authority, you will find it easier to govern, you may carry on with the course that you have set to yourselves.

I fully remember the somewhat animated address of my friend, Mr. James, yesterday. He told us—and I want him to believe that I appreciate it—that we shall get the liberty of the press that we deserve, and we shall get the kind of government that we deserve. It is for that, and we shall get the kind of government that we deserve. It is for that, it is in defence of those very desserts that I stand before you this evening. I wish to assure him that we shall deserve the freedom of the press by the rejection of this Bill (*Opposition cries of " Hear, hear "*) if there is any nationalism in us, if there is any self-respect, if there is any intelligence in any part of the House. For we shall undoubtedly deserve this measure of freedom from the restrictions of the proposed Bill, if only our will will prevail ; because, at one time, we broke the law, we have not become unfit to think, we have not become unfit to judge : perhaps we are all the more rendered stronger and better fit to judge what the elements of the law ought to be and not merely every freakish will and expression of the Sovereign Power, because it happens to have sanction behind it. We shall not bow our heads, however strong that sanction may be ; and after the insult which was hurled at us that it was a camouflage—this non-violence—I wish they would not quote Mahatma Gandhi again ; in one breath they call him as an apostle of non-violence,—and when it suits them, they turn round and laugh or think they raise a laugh—but they do not realise that they raise a laugh at their own expense, at their own timidity, at their own pusillanimity, at their own want of patriotism. Sir, we on this side stand for non-violence and truth, and will ever do so, God willing ; and no amount of ridicule, no amount of contempt, no amount of insinuation will ever swerve us from that straight path, and we hope we shall tread it to the honour of our country and perhaps to the glory of the civilized world. (*Opposition Cheers.*) It is no use indulging in this pettyfogging manner of indirect thrusts which for a time calls a few cheers and thumpings. That is not the way to judge of us. If you expect us to think that you are honourable men, that we should treat you as

such, then you must realise that there are certainly as honourable, if not much more honourable, men on this side of the House ; and why do you make this a personal question ? Sir Muhammad Zafrullah or Sir Nripendra Nath should not treat this as a mere personal issue as if it was a question between us and them, or between Mahatma Gandhi and the Government of the country. It is a sorry plight, the way in which the issues have been presented on this Bill during the course of this discussion. It has got nothing to do with errors of Mr. Satyamurti or the mistakes of Mr. Asaf Ali or even the lapse of memory, as it is called, of any individual. That is not the way to judge of measures of this kind.

But I realised one thing during the course of this debate, and it makes me sorry for it ; and that is that those on the other side do not believe that freedom or liberty has got any good influence : They do not also believe that, so far as inculcation of knowledge by the press is concerned, it is any good. It is doing good only if their will is to prevail, if their qualifications are to be given effect to and their restrictions are there. I am one of those on the other hand who is a realist. Some of you may call yourself realists : for you realism is nothing more than that we should acquiesce in what you want us to do. That is a realism which I have not yet learnt. I am a realist in the sense that I fully appreciate the indirect and the direct consequences of every measure that you bring before this House, the effect it will have in the long run on the minds and the education of the people at large ; and that your professions if they accord with your convictions, you ought not to have brought this Bill. We, therefore, believe that you have begun at the wrong end : you are administrators, pure and simple, and it is an unfortunate part that the administrator and the legislator should ever get together in one person. For indeed the executive cannot approach these issues from the larger and broader point of view, except what serves them and assists them, and except what they think will make their work and their task comfortable and easy. It is a matter of no consequence whatever to them what deleterious and deteriorating influence it will have either on the growth of the public mind or men. To them all that matters is a comfortable easy Government. Well, that being their state of mind, of course they say : " Did I not tell you that, during the course of these years, so many articles were written, and have I not shown that there are so many poisonous articles ? " And, therefore, what ? Therefore, according to them, the logical result is that they want a measure of this kind to prevent any articles being written. In fact, if I am not doing an injustice to Sir Muhammad Zafrullah, he said : " If you do not like this, then the logical conclusion is to repeal the whole of the Penal Code. " In other words, if you will not have a restriction on the press, you might as well have no restriction on anything at all, not even theft and murder. If that is the state of mind of the administrator, in which he has placed himself, I agree that there is little in common, that there can be little in common between those who ask this law and those who refuse it : for the way they look at and read history is " What does it matter ? Some newspapers do this sort of thing, and this is the logical consequence : what does it matter if they are three or five or ten ? " But do they realise and do they understand how many—and it is a thing which cannot be proved—may have grown but for the baneful influence of your repression ? (*Opposition Cheers.*)



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I am almost reminded on this occasion, after hearing the speeches that I have done, of the saying that the times are out of joint and men have lost their reason ("Hear, hear" from Congress Party Benches), and I have not the slightest doubt that, if they had not been mere administrators, if they had not been in the position in which they are, I may have appealed to them with better effect, but whether I do that or not, I owe it to them, to say that because the Government require a measure, therefore a gift must be made to them. To such men, with all the high education they have, with the positions they have filled, with the honourable life they have led, it could not be that their honour, rooted in dishonour, stands, because they would vote for the Bill, because they must.

The position, Sir, is this. I am one of those who believe that the matter is not to be tested in the way in which the administrator tests this matter. "I find it difficult to carry on the administration comfortably in my province, there was a little trouble, if you give me a little more power, I hope there will be none". That is not the approach by any decent Government of any kind according to our conception, and I have been assured, and I take that assurance without any cynicism or without feeling that, within a reasonable period of time, we have no chance of so working the Government as to be ever responsible. I take it as a compliment that if the conditions of Government are those which are laid down by Honourable Members on the other side, if the objects of the Government are those which are laid down by Members on the other side, I quite agree, it is not a Government we would care to touch at all. We will certainly carry on and remain under subjection until, whether by means of Satyagraha or any other form of struggle founded on truth and non-violence, we see to it that the Government is what it ought to be, until it becomes in our view fit, to take charge of it and willing to take charge of it to the extent to which we can. After all, who are those who speak of power? They are of us. They might easily have been on this side of the House, and it is a matter of complete despondency to me that we talk as if we have no points in common, as if the one side must look at us with suspicion and the only thing we deserve is suppression, repression, if not extinction. If that is your motive, I am going to make a present of all these motives to you to carry on that Government. We have been under it for 150 years, and we shall remain under it longer, but we shall not touch or assist that type of Government, an expression which again I repeat,—so long as it does not serve the interests of my country, and, in so far as it is against the interests of my country. ("Hear, hear" from Congress Party Benches.) It is, Sir, with these feelings that I rise to oppose this motion. Of course, it is easy to say, "Oh, what have you got to do? You are not administrators, you can refuse this to us, but you want a vote next time". I do not want to mention the name of the learned gentleman who said it, but I know who said it,—"What is wrong in a vote?"—this is what he said. By your very sentences you entirely give away your case. If my countrymen are going to give me a vote, because I vote against this Bill, what is the conclusion it leads to? The conclusion is that my countrymen think that I was right in opposing this measure. ("Hear,

hear" from Congress Party Benches.) Therefore, what is there so insidious, what is there so base, what is there so wrong, when it was said: "Yes, you will have to face your constituency". In fact, when that was said, we give an acid test of what the country thinks, feels and requires. If the country is behind us, and if you think that the country will return us, because we oppose this measure, you entirely destroy your own case. In these little personal supposed repartees, the implications for the moment are not perceived. But I welcome the suggestion that if we wish to face our constituency, if we wish to get a vote, we must oppose this measure. Why not? It is an actual test of what the country requires and demands, not in the comfortable situation of my friend, Mr. James, who can say, you cannot have this, you cannot have that. He is neither the Government, nor one of us (Laughter), and yet how could he say that you cannot have this and you cannot have that. That exactly accords with what I have read in Mr. Ramsay Macdonald's Book. The position of the European in India and the position of the Anglo-Indian press in India is, to the extent to which it subserves their interests, to support the Government, and for the rest of the time to preach to us (Loud Laughter), and I hope and trust that, whenever there is a better purpose in the Government, I would regard them, as I wish they would regard themselves, as members of the same Indian community. (Hear, hear.) And if they do regard themselves as such, I hope and trust, they will not talk in the manner in which they do talk in a very comprehensive term: "Oh, these Congressmen". That is about all that we get (Laughter) by way of admiration, respect, or understanding from our friends on the other side. Well, Sir, all I can say is this, that before we can proceed to a real discussion of the actual measure which is before the House, we must fully understand the premises from which we start. I am one of those who would ask the House to start from two premises. When a quotation was read out from Sheridan's book, I suppose they all thought,—now it has become a common place,—liberty of the press, liberty of man,—"Oh,—they are common place, they are no use to us, they are very elementary things, they are all right in schools, to us grown up men, administrators, liberty of the subject is only a secondary matter—restricted as to make our positions comfortable". If that is the approach, then, I say, it is entirely wrong. You must start from the premises, as civilized men, if you have any intelligence, you must start with the premises that the liberty of man and the liberty of the press are the first fundamentals with which you ought to start before we begin to legislate (Hear, hear), and if you want to legislate in the sense in which you mean, there is nothing in common between us. I am not at all afraid of telling you that if you make your laws worse and worse still, we may some day resort to Satyagraha, and if you stand for that creed, principally of force, of non-recognition of liberty of men and liberty of press, let this House have a present from those who believe in those uncivilized doctrines. I have nothing in common with them, and I do not venture to ask for their vote, and I do not want their vote, and I won't ask for it. Therefore, it is, Sir, that we must start in matters of this kind with great fundamentals. Now, only one sentence was quoted from Sheridan and it was said: "Oh, Sheridan called the press a great engine, but great engines are very powerful engines, and very powerful engines are very undesirable engines, and very undesirable engines are

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very dangerous engines". If I may return that compliment, I may say that engine there (the Government of India today) which moves with all the oil, with all the fuel, with the blood that my countrymen provide, should not be an engine of tyranny. At all events, the engine of press cannot be so tyrannical, but the engine of an autocratic Government can be worse, and we see the plight of this country today. Therefore, we are one of those who stand for two broad principles from different standpoints, and to the extent to which the liberty of the subject and the liberty of the press is to be restricted for subversing the higher interests and the more common interests of society. But when the object is "Oh, you will start the struggle again, you will perhaps expect us to change our form of Government". That is the argument that is presented from the opposite Benches. "You, Congressmen, are going to have a Satyagraha struggle, and then we must beware". And why? "Not because of any bad reason or good reason, but because we do not want to improve, we want to remain, where you are". My Honourable friends may call it birthright or not, I do not wish to use that expression, but I hope and trust that there is something in human mind, some noble quality or character that makes man man, and if that quality is some day raised in us, we hope and trust that we shall struggle,—we shall struggle all the time notwithstanding this Press Act or fifty other Press Acts. (Hear, hear.) Therefore, if you are going to forge instruments, in order that you may destroy the moral power of the Congress, I think you are coming to the wrong house to ask for the passing of this Bill. Whether we get power or not, we certainly shall have the satisfaction of approaching every piece of legislation of this kind from the right angle and the right point of view. All right minded men, be they administrators, or not, will recognise the two principles.

I now come to one or two other matters on which this Bill is sought to be justified. I say that this is sought to be justified on the ground that there is a possibility, even a probability, of a Satyagraha struggle in future. We are here to caution you that you, by your own act, are forging the instruments, the very danger which you wish to avert. If you go on making laws suppressing men,—men, if they are men, will struggle, and no amount of administrative authority will prevent the possibility and the growth of that struggle. Then, it is said that there is terrorism, that there is Communism, that there is communalism. I am not one of those who flinch from the fact: "On your own confession you have only suspended the Civil Disobedience Movement, you have not abandoned it, and, therefore, we should have an Act." I make a present of that argument. I do not wish to make the smallest secret of the fact that if you restrain, and unduly restrain the liberty of men, if you do not improve the constitution of the Government as it exists, you must be prepared for a Satyagraha struggle. It is those who are afraid of that confession—my Honourable friend almost gloried in the idea that they had extracted an admission, what they thought an unwary admission from my Honourable friend, Mr. Satyamurti. There is nothing unwary about it, no, nothing of the kind, nothing that we are ashamed of, nothing that we do not believe, nothing that we desire to conceal. But, none the less, we are here to tell you, don't do things in order only to accentuate the situation, so that this struggle may be rendered necessary. There-

fore, please don't bring forward the argument; "Because there may be a possibility"—yes you do not like Satyagraha, of course you don't. How would you like it? You do not want to change, you want to retain all the power, you want to retain all the exploitation, and I do not expect you will like it. I am not one of those who is under a delusion that you are ever going to like it, but, at the same time, I want you to know that we shall resort to it in the teeth of any laws that you frame which make it necessary for us to do so. The blame, the responsibility is entirely yours, and not ours, and, therefore, if this Bill is asked for on the ground that if it is made law, it shall put an end, to what? Not to the exercise of the right of Satyagraha, but to the abolition from human mind of the principle of Satyagraha. Even Sir Harry Haig had a better sense of humour and a better sense of justice than his successor. He said: "We cannot expect,—we can only expect by the word 'suspension', that you won't exercise the right that you possess, but we do not expect that you will forswear your creed." But his successor goes further. Once people are clothed with authority of any kind, absolute and unquestioned, they have always a habit of mind in which they say, you shall surrender and surrender in the most abject manner. If we are not given the Government that we desire, and, I hope, in the language of Mr. James, that we deserve, as early as we can,—Satyagraha is the only means left to man other than force. It is not merely a question of foreign Government and foreign citizen. Wherever there is an undue concentration of power, whether in their own country of England or elsewhere, the struggle by the man to shake off the tyranny of the superior is the rule of life and shall remain the rule of life, and that we shall not forswear our faith in Satyagraha. Therefore, we come back to the two grounds which were stated,—terrorism and Communism.

As regards terrorism, the first point that I wish to make is this. My Honourable friend, Sir Muhammad Zafrullah Khan, read out a few extracts from the speech of Sir Harry Haig at the end of the debate last time in which he did refer to terrorism and Communism. I have again made myself sure, and I do not wish to go over the ground once again,—I have made myself thoroughly sure, the words that he has used are: "The object of the Bill, the purpose of the Bill can be described in two or three words, Civil Disobedience Movement." Not only that, but I think those on the other side, clever administrators as they are, cleverer lawyers as they are,—I am sure, they will understand the implication. If these were the evils which pre-existed before the Civil Disobedience, which were intended to be dealt with by the Act, there could be no meaning or purpose or sense in limiting it to three years. With such logic as I possess, and I commend this view to the rest of the House, it is impossible to believe that those permanent evils as they are called, if they were to be met by means of this legislation, there could have been any question of limiting to a period of years. Therefore, it is beyond all doubt and beyond all question that it was intended for the purpose of meeting only the Civil Disobedience Movement. It only illustrates the fact that, once power is enjoyed, it is difficult to give it up. I remember reading all these questions and answers in my solitude at Nasik. Sir Harry Haig went on enlarging the formula from time to time. First he said, the moment the Civil Disobedience is suspended, the extraordinary laws will all cease to operate. After a little time, he became a little more alert and vigilant. He said, but not for a period of six months, it may be—



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in the language of my Honourable friend, it has become a little fashionable—a camouflage, and, therefore, we must wait for a period of six months after the suspension to see that it is genuine. If it is genuine in the sense that for all time you will have absolute Government and we shall be subject citizens, then you are satisfied. But if you mean that this suspension is *bonâ fide* in the sense in which such struggles and cessations of them are *bonâ fide*, you must take it from us that it is a *bonâ fide* suspension, and, therefore, that period of six months and more has gone. And, yet, when the vision of the next December comes, these laws would not be there, the *Yugantars* will rise.

The picture that my Honourable friend painted is all right as an advocate. It is all right for an advocate, but if, out of 1,600 newspapers circulating in the country with millions and millions of copies, if you take the 365 days of the year, and these things are printed and circulated by the millions, if you can only pick up this yellow pamphlet and the one-and-a-half hours' speech of my Honourable friend, that has proved our case. I venture to say that it is impossible that, out of 1,600 papers, multiplied by 365, omitting Sundays we should have 313 days,—that you should be able to pick up a dozen or 100 articles during a period of one year, the very exception proves the rule by the very confession of those who seemed to think that they have made out a case from labours and pains to which they had to go in order to print a pamphlet with translations and a few more cases, as my Honourable friend, Mr. Govind Ballabh Pant, said, if it were brought up to date. But, with all your resources, all your powers, all your Secretaries, all your C. I. D.'s, if you can only produce instances of the abuse of the power to the extent and in the manner it exists today, then, I say, you stand self-condemned. That is to say, you have not made out a case for the purpose of renewing the powers that you want. I will not repeat the arguments that were addressed to the House as to the manner and the effect of this legislation or the other argument that the number of convictions bear such an infinitesimal proportion to the number of publications. I put it to you as ordinary normal men, if, out of thousands and thousands of daily publications, you can pick up only a hundred or two, leading to violence or incitement to violence, you can please yourself and say "how nice, how good, how spicy". But the fact remains that the number of articles which the Government have been able to produce as the best specimens of those which have been the subject of their research from the year 1922 to the year 1935, and the number of prosecutions that they have produced prove the contrary. You may turn round and tell me "You must remember that there were periods when the press law was not in existence". I am going to read to you with your forbearance a short statement from a journalist whose probity, whose integrity and whose moderation, a favourite word with you, is beyond all question. This is what he said at the last Journalists' Conference which was an altogether representative gathering, if you look at the number of editors and pressmen who were present. Mr. Ramananda Chatterjee said this :

"Friends, I wish to remind you that, though capital punishment has either been removed from the Statute-book or fallen into abeyance in very many civilized countries it not only exists in India, but may be has been inflicted on newspapers without any trial, without a trial by even a court martial. Securities are demanded again and again, and finally there may come the extinction of the paper concerned and even the confiscation of its press. It is often a long-drawn affair, which ordinary executions

are not. I have no doubt this subject of capital punishment by instalments, inflicted on newspapers, will receive your attention."

You are very fond of indulging in the phrase "A Government must govern". I dare say, it must; but I hope there are those on the other side who also realise that there is another side to this case. If they say that the Government must govern, I hope the citizens will turn round and say: "Yes, only so long as you properly govern". They seem to think that there is no second side to this question. They seem to think all the time "We know what is good for you. You don't know what is good for you". They seem to think that these few articles are responsible for creating the terrorist activity. I should like to believe that that type of mind is honest. Imagine asking us, on the basis of these few articles, to believe that the newspapers are responsible for bringing about this terrorist activity. We are not such credulous fools. There may be others who are prepared to believe it, but none on this side at all events. You want us to believe that because a few articles are written, therefore springs up a terrorist at the other end of the psychological factory. I ask you not to be under any such delusion. I understand, the Honourable Member, who comes from the Midnapore district, is a man of great erudition, great education. I ask him to read the history of the world. There has never been a revolution in this world which has not had, as its immediate and proximate cause, the tyrannical abuse of powers by those who govern. Of that you may be quite certain. Therefore, it is not the newspaper which creates the terrorist. It is the state of the country's subjection that creates it. I am here to say what is the root cause which is responsible for bringing the terrorist into existence. The French Revolution was not created by Voltaire or Rousseau. It was created by the grinding condition of the peasantry at that time. You may, therefore, take it from me that we are not such children as to be taught by you that terrorists are produced by the *Yugantar* or some other paper raising its head. We are not going to accept that proposition. I admit, it is undoubtedly an evil. We are of those who do not stand for these methods. We condemn these ways, but how can we, as human beings, deny that those misguided fellows laid down their lives for something in which they did believe. You may deny it if you like. You may call him a criminal, but you cannot deny, that however wrong and misguided the man and however atrocious the crime, that there was at the back of it all a noble motive which impelled him to lay down his life. You cannot ask me to dismiss it altogether. I am going to condemn him. I am going to tell you that you have rightly killed him, but I am going to tell you at the same time that you created the soil which made it possible for that sentiment to grow and but for which he would have been a better and an innocent man. After all, I shall ask you: "why does he do it?" Is it out of mere frolic? No, because he believes, wrongly I admit, that, by doing the act that he does, he is going to achieve the freedom of his country. What is wrong in making that statement? I am not feeling so abashed or downhearted at being heckled by anybody else as my friend Pandit Krishna Kant Malaviya. (Pandit Krishna Kant Malaviya: "I am not abashed.") I mean you can easily exaggerate these things. Have some sense of proportion in the words of my friend, Sir Muhammad Zafrullah. Have some sense of justice. Have some sense of propriety. Don't expect me to render my allegiance to you under all circumstances. That you will not have. That you will never have and that you do not deserve in the

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words of my friend, Mr. James. Therefore, you must not look at these matters from the way in which they are looked. The revolutionary commits crimes, and, yet, when it is a successful revolution, it becomes the Government established by law in the eye of constitutional law. So let us not go into hysterics over these things. I cannot deny that it is an evil which must be met in the best way you can. You may not accept our view, but we believe the proper method is to eradicate the cause. You believe that the proper method is to suppress it for the time being. Well, whether you succeed in suppressing it or not, it is your own business. I know you will tell me : "you are not there to govern, you don't know the business". Sir, thank God, during the public life I look forward to, I won't have to handle the heritage of this type of Government.

I now come very briefly to section 5, and seeing that I only have a quarter of an hour, I shall go over each section very briefly, without dilating upon it.

**The Honourable Sir Henry Craik** (Home Member) : Take as long as you can.

**Mr. Bhulabhai J. Desai** : If you prefer it, certainly. Sir, I am one of those who believe that, if I am likely to convince you—I should present you my case, and I want you to take it not merely as a case placed in the way which it has been sometimes placed ; I want you to believe that we start with some accepted principles of human life, conduct and construction of society ; and if I start with these principles, if you believe them in your own land, do not think that we are so low, we are so depraved, we are so degenerate that there are different principles to be applied in our country. Thank God, we at all events, during the last few years, have come to think and believe that we shall be men enough to observe the application of the same principles which are applied in most civilised societies anywhere else : and, if you think we deserve a lower treatment, at all events I appeal to my friends on the other side who think with me : "Don't, for your own honour, associate with them." (Hear, hear.)

Sir, I come now to section 5. There is only one observation I have got to make on that section 5. There was a certain amount of confusion—whether it was a misunderstanding or not, I cannot say ; but I think my Honourable friend, Sir Zafrullah Khan, will not deny that section 5 makes punishable that which, by an act of the executive, has been regarded as unpunishable, so that you begin with that assumption. Then, what it makes punishable is its circulation or repetition : and it makes it punishable if the Local Government has certified that the passage published contains, in the opinion of the Local Government, seditious or other matter referred to in section 4A, and so on. I, therefore, say, Sir, that is *par excellence* executive upon executive ! There is first the executive order of proscription, there is the second executive order of certification that it is seditious,—and, on that, well, what has the devil of a magistrate got to do ? All he has got to do is this. He asks : "Is this article proscribed ?" The police-man says : "Yes." Then he asks : "Is this the writing certified ?" The police-man says : "Yes." Then he says : "Sentenced to six months." (Laughter.) You seek to clothe certain things with forms of law, because you yourself are afraid that naked autocracy will expose you to a certain amount of disgrace. What

happened during the last Civil Disobedience Movement ? Take my own case. I was arrested one fine morning and taken to Nasik on the allegation that I was disturbing the peace of the land. I was detained there for two months. I am going to show you, Sir, what this "law and order" is of which you are so proud, and what "law" is of which you are so proud. Sir, if this is "law", you must be prepared for its disobedience. (Hear, hear.) Then, a very suave Secretary to Government comes round and says : "I have got an order for you, because you are going out tomorrow. You will remain within the precincts of Nasik in which you have got no house, no food, no water. If you get out of that place, you have committed an offence". Imagine the word "offence". Having done that, the magistrate comes on to me after two or three days. I happened to remain in the city, because I wanted to meet my children ; and, at the end of three days, the magistrate comes round and says : "It is very inconvenient, Mr. Desai, you can neither practise your profession nor do anything else. What is the good of that ? Why don't you do this ? If you drive past my Bungalow (*that is, a furlong outside*), you thereby commit an offence. Then, your car will be boarded by my Deputy Inspector of Police. Then, you will come to my house ; you do not want to embarrass us by a trial Court which is sure to attract large crowds. Then, I will punish you. And, then, I will send you to jail". (Laughter.) Sir, this is what you call "law", "justice", "trial" ! Instead of that, it would have been much more honest, much more straightforward, during the course of that movement, to say : "I suspect A. B. I sentence him to five years without any trial on the mere order of the executive Government that he be imprisoned for a period of five years". But they realise, shrewd as they are,—that they must make it appear to the people that a magistrate has tried me for an offence : and, therefore, it is with a view to creating a false, deceptive effect upon the mind that you resort to these mere forms. (Hear, hear.) I would, rather, that the executive had the power to confine in jail a man who they did not like. Therefore, you are at pains to invent "forms",—and we, Sir, are here to make them "naked" and make them out to be atrocious which they are. (Loud Applause.) What you want to do is to put in a section under which a man will be taken to a magistrate, then a certificate will be presented and everything else leading to a conviction. That is what happened to me. "Imprisonment for two years, and Rs. 10,000 fine"—for what ? "You went out of Nasik". Is that an offence ? Sir, I never knew travelling in India was an offence,—but that is your executive law, those are the "laws" you expect us to obey, and, if we do not obey it, you say it is a breach of law and order ! You create the "law breakers" by the very hypocrisy of your ways. (Cries of "Shame, shame.")

Then, take section 8 : picketing. My friend, the Law Member, said he had looked up some law, and, well, I also have looked up some law, but the question is not if either of us have looked up the law, but what is the section ? My friend, Mr. Satyamurti, pointed out that if a man uses any force during the course of the prosecution of his aim to picket, he is punishable and I hope it is correct. I hope it is also correct that there is such a section as section 504 which makes insult also an offence. Therefore, if you use force, if you use insult as part of your propaganda of picketing, you are within the mischief of the law, and, therefore, you will be punished. But what you want is something more. Even though

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a person may not use force, even though he may not insult, you want to prevent him from peacefully telling a man what he owes to his country, and that you call "interference with the freedom of contract". Sir, is there no such thing as public opinion? Freedom of contract, to do what? To starve my children and feed the foreigner? Sir, that is a freedom of contract which my countrymen do not want. (Hear, hear.) That is the mischief which I am up against. It is no use telling me what a few boys did at a cinema; because a particular instrument may be debased, therefore its use cannot be made punishable. The fact remains, what you don't want is, what you don't like is that my countrymen should have freedom, and I have had some experience of picketing—I claim it with some measure of pride—in the year 1932, from the 4th January to the 25th July. I have been a witness to a young woman standing with her hands folded as a mere indication that people going to buy foreign articles do the wrong to their country. You cannot take the bread out of your children and feed outsiders. If it is wrong, I think we must be allowed to do the wrong. If you make that punishable, we cannot help seeing the sinister motive behind it, and the assistance that you give for any legislation of this kind is an assistance which is fraught with danger to my country. We wish to preserve the land. Who daresay that picketing is unlawful in England? I know myself of a case, and, I am sure, many of you must have read about it. There was a foreign woman who had the misfortune to own a milliner's shop in Bond Street and ladies in the highest society in England caused it to be shut down in a period of four days. I wonder which Government would have regarded this act as punishable. Therefore, it is no use saying that if you promote Swadeshi, it is not punishable. If you do that without resort to picketing it is like tying a man's legs and then asking him to run. You have to say that we can encourage Swadeshi, because you have to pay lip respect to accepted nationalist principles, and you have to pay respect to things which even out of decency you cannot deny. Therefore, you must say: Practise Swadeshi. How can you say that you want to prevent Swadeshi? You won't be able to see your own face. Therefore, you have got to say: Promote Swadeshi, but do not peacefully persuade your countrymen that it is in the interests of your own countrymen that they should buy your goods and not foreign goods. It is a piece of nationalism; it is a piece of national right, and it is a piece of national duty which, whether it was an offence or not, we shall continue to do. Sir, I am only trying to point out to you that every section of this Act is aimed at the destruction of national spirit, national life, national movement and national regeneration. It can very easily be said that there is terrorism, there is Communism or some other "ism" and, therefore, this law is needed. I hope my Honourable friend, Mr. Yamin Khan, won't say that there is communalism in it.

**Mr. Muhammad Yamin Khan:** Picketing.

**Mr. Bhulabhai J. Desai:** Is picketing communalism? Well, Sir, I will pass on. I have no time, and, therefore, I will not deal with the question of cognizable and non-cognizable, and so on. My friend said: We must make it cognizable, because the poor devil of a shopkeeper may not complain.

Now, I come to the press section. So far as the press section is concerned, nobody has ever attempted to read it, and it is taken for granted that it is such a nice piece of legislation that it will bring about the great

millennium which the learned Leader of the House talks about. He has not even cared to look at the section. That section is this:

"In sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, after the clause.....[I shall only read (1) because that has been the subject, at all events, of a well-known prosecution.] (1) which tend directly or indirectly to bring into hatred or contempt His Majesty or the Government established by law, or to encourage, or incite any person to interfere with the administration of law."

Now, Sir, I wish to present to the House the views that have been held by the three High Courts in India, not so much because they are the views which cannot be otherwise expressed, but because of the great respect that you have, and when you have seen the exposition of what this section means and involves, I trust you will appreciate it. The first judgment to which I wish to call your attention has already been referred to, namely, the judgment of Sir Lawrence Jenkins. My Honourable friend, Sir Muhammad Zafrullah Khan, interrupted the reader and said: "Oh, you have read only the first portion: what was the rest?" I will tell you what the rest of it was. Take that very case, and do you know what he said? He said:

"I have read the article. It is an honourable article; it is a proper article. But the whole process of the law (in the language of your judgment in *Madras*, Sir) is reversed."

If you are called upon to show cause why you are not within the section. That is the first objection. The second objection is that the Judges have in all the three cases held:

"In our opinion, all these are perfectly innocent writings."

The first of these articles was by my late lamented friend, Mr. Mohamed Ali, the second was by Dr. Annie Besant, and the third was by Pothan Joseph, the editor of the *Bombay Chronicle*. In all these cases, be it said to the credit of the judiciary, they all said:

"We are helpless; we are the minions of the law; and we cannot help them."

This is the law you now ask us to pass. Therefore, be careful that you do not lay down any such rules. Sir Lawrence Jenkins, in agreement with Sir Abdur Rahim, held in this case:

"There is no article on earth, however innocent, which does not come within the clutches of this law."

That was the reason why my friend, Pandit Govind Ballabh Pant, dared ask that question to the Leader of the House, but he evaded it, because there was no other way of getting out of it. Dr. Annie Besant wrote about Home Rule, and His Lordship was obliged to say:

"Who can say that it may not tend indirectly to do something of that kind."

Now, with regard to contempt. You must earn respect, you must deserve respect, you cannot enforce respect. Therefore, I say that the matter of contempt is a matter of mutual accommodation of conduct on your part with a reaction on our part. If, therefore, you are going to make contempt punishable, because, forsooth, by any act of his, your officer may make himself worthy of that contempt, then you should not make that punishable in the manner you have done. No justice loving man, no man who loves the liberty of the press will ever stand or vote for this measure. It was assumed throughout the course of the argument, but nobody ever approached the question from the point of view of the all-embracing

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nature of the section. Sir Lawrence Jenkins pointed out that even a standard work of literature can easily come under this Act. I am quoting his actual words. Supposing I say liberty is good and we must struggle for it, I am quite certain that you will say that it tends indirectly to bring the present Government into contempt, and we are trying to get something out of you. Sir, there are so many ways of getting at us by means of this law, and it is so comprehensive, that I must, at all events, give a few words which I cannot help reading out to you. I have always seen that when laws are passed purely on broad grounds without consideration of the language which it is intended to hit, it proves a most powerful and potent instrument of mischief in the hands of the administrator. I will give you a modest instance that has occurred. In the year 1908, by creating a scare which perhaps might or might not have been justifiable, the Criminal Law Amendment Act was passed. Every Member on the other side who got up—I have read their speeches—said that there was so much murder in the land and also looting and other forms of offence that it was necessary to put it down. Therefore, they must have the Act. And the section ran like this: Whereas, etc., etc., an association which is likely to be carried by violence may be declared unlawful, and also any other association which, in the opinion of the Government, is likely to cause breach of peace. I am one of those who, in the first Civil Disobedience Movement argued numerous cases before the High Court of Bombay, and I put it to their Lordships of the High Court: “Do you really mean that an association which is, we shall say, a praying association—all that the Government have to do is to say that a Congressman is in charge of it and so declare it an illegal association, and, as soon as it is declared illegal, that association comes under the operations of section 17—should be called an unlawful assembly”. I did my best to ask him to say, for at least heaven’s sake read the words ‘assisting illegal operations of an illegal association’, but the Judge said: “No, if you assist the operation of any association, whatever it may be, you must be declared unlawful”. That is how the Statutes have always been abused. Therefore, I never rely on any statement of any assurance given at the time (Hear, hear.) Instances have occurred in the past where assurances have been given. In fact, two instances have been given. If a man on this side of this House gets up and says something, on the other side gets up my Honourable friend, Mr. Griffiths, and says: “How mild these provisions are. I have never seen more mild provisions”. May I ask him, when some one of us is prosecuted and when somebody else is the Judge, Mr. Griffiths will not come and help us, and yet he says this is the law by which an unconscious and unvigilant and stupid people are scared away and they want to oppose such a simple and mild law. Now, I will read a passage from that judgment of Sir Lawrence Jenkins. Sir, this is what the Judge says:

“The Advocate General has admitted, and, I think, very properly, that the pamphlet is not seditious and does not offend against any provision of the Criminal Law of India. But he has contended and rightly in my opinion that the provisions of the Press Act extend far beyond the Criminal law; and he has argued that the burden of proof is cast on the applicant so that however meritorious the pamphlet may be, still if the applicant cannot establish the negative the Act requires his application must fail.”

That is precisely what happened to us. We have once had a law which was assumed by many of the Members opposite including my

Honourable friend, Sir Zafrullah Khan, and that law was the Criminal Law Amendment Act, and, as that law is there, the present Bill is its logic. I have not dealt with these two sections of forfeiture, because I do not wish to exceed my time limit. If there was logic, how did it escape them in 1908? There is no logic in this sense that you want to cast your fangs or net much wider or longer in order only to suppress us. I say, we will not be suppressed. It is in that way, therefore, there is no logic. You have got to the point of declaring an association unlawful, and yet you may not carry all the provisions that you have hitherto given, because, if you were logical men, if your draftsmen were not stupid, I am sure, they would have known how to draft this Bill in 1908. But they did not then do so? With reference to what? With reference to associations professedly committed to violence and murder, and yet they did not think it right to add those provisions about forfeiture.

“If the applicant cannot establish the negative, the Act requires his application must fail. And what is the negative?”

Please hear the negative. It will throw some light, it will have some little open windows which please do not shut them out:

“It is not enough for the applicant to show that the words of the pamphlet are likely to bring into hatred or contempt any class or section of His Majesty’s subjects in British India or that they have not a tendency in fact to bring about that result. But he must go further and show that it is impossible for them to have that tendency either directly or indirectly and whether by way of inference, suggestion, allusion, metaphor or implication. Nor is that all, for we find that the legislature has added to this the all-embracing phrase ‘or otherwise’.”

What I wish to point out to my Honourable friends is this. The language of the section is such that none of us know in what way a man may be caught. It is all very well to say, do not read the section, leave it. It is all very well to speak about some *Yugantar* or *Sandhya*, there is no ratiocination, there is no logic. It is all very well to have the *Yugantar* at one end and the terrorist at the other end and squeeze all the rest in between for argument. This is the way this case has been argued by the other side, and, I, therefore, do beg of every Member of the House, after he has known the wide implications, I would appeal even to my Honourable friend, Mr. James, that he will not stand for a piece of legislation that enables the Government to forfeit the security and ultimately the Press, with the aid of that all embracing section which, in the wisdom or unwisdom of Government, it is possible to make an order against and the negative cannot be proved.

Sir, I have done. I shall summarise my points in a few sentences. I say, Sir, it is perfectly useless to state in a legislature: “This Bill will not affect you. It is a very innocent law. You will not be hurt; only the wicked press will be hurt”. These are the kind of arguments that no responsible man, no sensible legislator, no people who have the power and the initiative of legislation of a big land consisting of one-fifth of the human race will take seriously. They must take their task very seriously and very earnestly and not in this flippant way. They seem to think: “It is enough for us to say, Oh! it will not affect us, it does not work hardship to us; the laws are made and they are given by the Government in their beneficence and not to create any hardship”. That is not the test to look at the law introduced in the Legislature. The test of a good law is the necessity of it, its propriety, its subservience for the good of

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the society ; there is no other test and we stand by that test. We say that no man may curtail the liberty of another man or the liberty of the Press unless it is required to subserve the important purpose that we may hold dear, and, starting from that premise, I have examined each section and each point of view, and, for the reasons I have given, I oppose the measure. (Loud Cheers.)

**Mr. M. Asaf Ali :** Sir, I move that the question be now put.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the question be now put.”

The motion was adopted.

**The Honourable Sir Henry Craik :** Sir, I am glad that we have come to a point in this debate on which the entire House is in agreement, that is that the debate should now end. There is no one who is more heartily in agreement with that than myself. In approaching my task of winding up the debate, I would most seriously ask for the forbearance and the indulgence of the House. In the first place, the House will agree that a mere administrator like myself, in the Honourable Mr. Desai's opinion almost the lowest of human beings, is handicapped by having to follow two extremely eminent lawyers ; and secondly, I am handicapped by the fact that a strong sense of duty has kept me in this House during the six days of the debate. I think I can honestly say that I have not missed, almost literally, one word of what has been said, and while my Honourable friends on each side of me and my Honourable friends opposite were free to slip out and enjoy cigarette or a cup of tea or whatever form of solace they prefer, I have sat here. “ The boy on the burning deck ” was not in it ! Thirdly, I am the only person taking part in this debate twice, the only person who is privileged, or rather I should say who is under an obligation, to speak twice. I can tell the House in all honesty that if there is one thing in this world that I dislike more than listening to speeches it is making them. I am profoundly bored, as I have no doubt a great many in the House are, with my own speeches. I have the deepest sympathy with that eminent statesman, the late Duke of Devonshire, who is credibly reported to have fallen asleep when addressing the House of Lords. I am in danger of doing that myself. I will do my best to be brief as I know the House is weary and wants “ to cut the cackle and come to the ‘ osses ’ ” But, before I come to my two main points, there are one or two small things which, if the House will allow me, I should like to clear up. The first is in regard to section 5 of the present Act, which the Leader of the Opposition referred to in tones of some indignation. I do not think it is generally understood that when Government proscribes a document, book or newspaper, that action in my experience,—and my experience is fairly wide,—is in at least three cases out of five taken on the complaint of the person who feels himself insulted or aggrieved by the document. And speed is of the essence of the matter. If a document is to be proscribed, if it is a really harmful document that grossly insults some other person in his religious beliefs,—and that is the commonest case in which the section is used,—proscription is useless unless it is done at once. And if that action could only be taken after a court had come to a finding that the document was

sedition or offensive to the religious beliefs of other persons, then that action would be perfectly useless. I can give an instance of that which will be within the recollection of many Honourable Members. Some years ago, I think it was in 1926 or 1927, a book was published called “ Rangila Rasul ” which was taken by all Muslims as a gross insult to their Prophet. Feeling after the publication of that book ran extremely high, so high that if Government had not taken prompt steps to proscribe it and to seize all available copies, there undoubtedly would have been communal rioting on a large scale in many places in the Punjab. As it was, the author of that work was subsequently murdered by some one who took the insult to heart. That, Sir, is the sort of thing with which the ordinary law does not profess to deal, and my point is that action of that kind, if it is to be effective, must be taken at once without the delay involved in a reference to the Courts.

The second point that I should like to take up is the one made by my Honourable friend, the Leader of the Opposition, in regard to picketing. He repudiated with great scorn the argument that picketing is an interference with the freedom of contract. “ Nonsense ” he said ; “ The only sort of contract it interferes with is the contract that I shall starve my children in order that the foreigner shall benefit ”. That is a two-edged argument, because picketing may be carried out not in the interest of the whole community, not even in the interests of that part of the community which is represented by the Congress, but in the interests of one section to the detriment of another. Oddly enough I have here an article which has appeared in the last few days in a newspaper called the *Milap* of Lahore, a Hindu organ of the strongly nationalist type. It reproduces an article from a Hindu paper of Peshawar, the *Frontier Advocate*, also I understand a nationalist paper. This article complains bitterly of picketing going on at present at Nowshera Kalan, picketing by Muslims of Muslims who go and buy things in Hindu shops. “ Buy Muslim ” is the latest cry, and possibly,—I do not deny it,—a very legitimate cry. But some Muslims are picketing in order to prevent other Muslims from visiting Hindu shops, and indeed the article alleges that if the picketers catch one doing so they blacken his face, and the Hindu shopkeepers are not unnaturally protesting. My Honourable friend, the Leader of the Opposition, was a little premature in denying altogether that there can be anything communal about picketing. Here is an instance of picketing on communal lines that is going on at this moment.

Another point that has been taken by both the Leader of the Opposition and the Deputy Leader is this yellow pamphlet of 25 pages. The line they have taken is : “ Is this all that you can show of undesirable writings in the press ? Here you are with your great Secretariat at your disposal and all that you can produce is this little thin pamphlet of 25 pages.” I admit, Sir, that this pamphlet might have been made a great deal more effective, but as I said in my opening speech, I have in dealing with the press such an enormous mass of material that my difficulty is where to select. Here is my mass of material, 429 foolscap pages of extracts of seditious or inflammatory or communal writings in the press ; in the case of one province there are 53 pages alone of extracts between the expiry of the first press Ordinance and the promulgation of the second one, a period of less than six months. Any Honourable Member who cares to wade through this mass of sedition, incitement to murder,



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obscenity and vulgarity is welcome to do so ; but I warn Honourable Members that it takes a strong stomach to get through more than a few pages at a time. There is, therefore, no force in the argument that this yellow pamphlet is all that we can produce.

I should like to go back, if I may very briefly, to the argument put forward, notably by Mr. Satyamurti, that the ordinary law is sufficient to deal with the worst sections of the press, because that argument led him to make in the course of what I thought at the time an excellent and well-reasoned speech a somewhat personal attack on myself. The Honourable Member was arguing that the ordinary Penal Code is sufficient for punishing offences committed by the press and he was dealing with my argument that it is not so because of the common device of the dummy editor, and the impossibility of securing the conviction of the man really responsible. He said that if there are people who go on abetting these dummy editors why don't we get hold of them. I said we cannot prove it. The Honourable Member then entirely shifted his ground and said : " Therefore, you punish innocent people against whom you cannot prove the guilt. That is the greatest confession you can make against this Bill ; you cannot prove a thing and yet you must punish him." I said that we know it, that is who is really responsible. And then the Honourable Member said something which I know he did not mean and which he would not have said if he had not been carried away by excitement. He said I knew nothing. I think the Honourable Member has not really appreciated the position. What happens is that a newspaper is registered with a dummy as editor. The dummy is usually, as I have said, an ex-convict for whom the jail has no terrors. He has no legitimate duties to perform though possibly he may be used to lick stamps or post letters ; but his job is, when there is a conviction, to go to jail. I quoted the case of two newspapers within my knowledge which had been prosecuted, I forget now how often, but certainly six or seven times in one year, and in each case the dummy editor went to jail. The Honourable Member wants to know why I cannot get the man who is really responsible. In each case, I know perfectly well who the person is ; everybody knows it and he himself glories in it ; he is the proprietor and of course the real editor. But how can I get him ? The only way would be if I could find in the press a manuscript in his handwriting. But they are too astute for that. Directly a manuscript is set up in type, it is torn up, and there is no possibility of proving the authorship. We have tried again and again. The device is like so many of the ingenious tricks thought out by the man who starts to get round the law. There is no flaw in it and indeed the device of the dummy editor goes on even under the present law. But my point is that the Honourable Member was wrong in thinking that the ordinary law is sufficient to catch these people ; and moreover there is this about the ordinary law, and this argument has not been met by a single speaker on the other side of the House. The ordinary law may in certain cases, if it can be applied, punish the evil doer ; but the mischief is done. What we aim at is not to punish the evil doer but to prevent the mischief being done ; and that applies with peculiar force to the case of publications in the press. It is little or no use punishing a man who publishes an article inciting to communal hatred or to murder, because before you can punish him the mischief is done. The whole virtue of this

law is that it is preventive and not punitive. As I say that is an argument which no speaker on the other side has even attempted to meet.

Another point that has been taken is that this law has been used with such severity that 400 or 500 newspapers or presses that had applied for permission to start had not in fact been started. The retort to that is, is it after all so very serious a thing that the country should be deprived of 400 or 500 newspapers which were intended to be run by men of so little substance and so little responsibility that they could not get a backer to pay up 500 rupees or a thousand rupees as guarantee of their responsibility ? Some Honourable Member, I forget who but I think it was Mr. Joshi, rebutted that argument by saying that it was most unfair that these poor men should not have an opportunity of making their livelihood as journalists. I do not know if that argument is put forward seriously, but really when you consider the character of the mushroom class of Indian newspapers it is, I think, very difficult to say seriously that the country is the poorer because there are 500 fewer of them than there might have been. Really is journalism, either the editing of newspapers or writing for newspapers, a profession that ought to be taken up by a man who is entirely penniless himself and of so little repute or so friendless that nobody will even put up a few hundred rupees to guarantee his responsibility ? In that connection the House may be interested to hear that some years ago a very respected and very eminent journalist told me quite seriously that at that time—it was when the Press Act was not in force—if you put up Rs. 50 you could find someone to start a newspaper. This was in fact constantly done. It might only run for a day or two : its sole object would be blackmail or something like that ; but there were dozens of people prepared to come forward and declare themselves as editors of a newspaper which they knew had only Rs. 50 behind it and whose sole object was to attack or blackmail some individual ; and, mind you, it is very often a paying proposition. If one man pays you Rs. 50 to start this newspaper, the odds are that the victim would be quite ready to pay Rs. 100 to stop it, and there you are in a vicious circle. My friend told me this quite seriously ; it was no exaggeration : he knew perfectly well what he was talking about : he is dead now but he had been a working journalist all his life.

I am afraid I have taken longer than I had intended over what are really preliminary points and of comparatively minor importance. I come now to what is certainly the part of the Bill that has attracted most of the criticism—I mean those sections which continue the existing Emergency Press Act. I think it is important that the House should bear in mind that while the press is, I quite agree, a potential engine of the greatest value to the country, it is also a potential engine of the greatest evil. There is no medium or no machinery which can be used to the harm of the country so easily as the Press, and I am not exaggerating when I say that in India there is a certain section of the press—I hope not a large section—which is constantly so used. This section of the press owes allegiance to no principles and to no party. It is run entirely for personal profit and generally run for the personal profit of a single individual. Such a newspaper to gain its profit must be right in the swim. If sedition is the fashion, it must be as seditious as possible. If communal unrest is in the air it must seek out and publish causes of unrest and give currency to rumours likely to fan that unrest. It is journalism of that

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kind and presses that feed that journalism that this Act attacks ; but not newspapers with a proper sense of responsibility and balance.

Now, I am afraid this argument has been used before, but it is so essential that I will repeat it very briefly : the experience of the three periods within which press legislation was suspended has shown, I think, conclusively that directly that legislation is suspended the deterioration in the tone of a certain section of the press is serious and immediate. It seems to me as certain as that the day follows the night that if we again relax those provisions, exactly the same effect will be produced ; and if any one does not believe that, they have only to turn to the speech made by the Honourable Member, Mr. Krishna Kant Malaviya, who claims to be a working journalist. If anything said in this debate has been a strong argument in favour of this Bill, that speech was, because, even now, when this legislation is in force, the Honourable Member comes forward in open praise of murderers. It seems to me idle to assert that the same result will not be produced again if we take the same action as we took on those three occasions and relax this law. While on that subject, I would like with great respect to refer very briefly to what Mr. Bhulabhai Desai said in summing up his opinions about that speech. I cannot quarrel with the views he takes, that is his own affair, but I think that though he put his point of view extremely shrewdly and extremely cleverly, I must, I fear, differ from him at least in this, that even if he feels like that, it is a pity that he says so publicly. He is perfectly entitled,—I do not deny for a moment,—he is perfectly entitled to think of these people as brave and misguided youths. Personally, I do not share that view at all. If I have formed any views about them, I would look on them rather as mad dogs, as dangerous animals ; but even if he holds that view, I must say it does seem to me unfortunate that he should give expression to that view in public, not of course that it is likely to have any effect on sensible men of mature years, but I do think that when a leader of his eminence publishes such a view, it is exactly the kind of thing which does have or is likely to have an effect on immature minds.

Now, Sir, I have done with the press sections, and I have no doubt everybody will be relieved at hearing it. The main argument of a good many, but not all, of the speakers on the other side against the whole scheme of this legislation seemed to me to be based on a denial that the dangers which I apprehend existed at all. They took the view that these dangers existed only in my prolific imagination, that as a matter of fact there is no terrorism, that communal unrest does not really exist, and that communism is a figment of my brain and nothing else. Of course, it is useless to dispute with people like that, because I do not know what their sources of information may be and they do not know what my sources of information are. I will only say this, that if there can be any efficient part of such a universally condemned machine as the Government of India, it seems to me that it is its intelligence system, which is extraordinarily wide, extremely prompt and is, in my opinion,—possibly other Honourable Members will not agree,—very shrewdly drawn up. And my information,—I happen to be more or less at the centre of this system,—definitely is what I stated to the House, namely that terrorism, although there has been some slight diminution in Bengal, is by no means dead. Within the last five months we have had, I think, 25 terrorist incidents.

Three of them were murders, one a very determined, but fortunately not successful attempted murder, and the rest of them dacoities, robberies, the discovery of arms, the discovery of bombs and so on. Now, by no means all these incidents were confined to Bengal. Eight, I think, were in the United Provinces, one, the attempted murder to which I referred, was in Ajmer, two were in Assam, and I think one or two in Bihar and the Punjab. These are all incidents that have occurred since the 1st of April last. In the face of that, it is idle to assert that terrorism is a mere bugbear, and that as a movement it is dead.

As regards communal unrest, all I can say is that every Local Government informs me of incidents that are portentous and threatening, and the whole country knows that since we last met, there has been bloodshed at Ferozabad, at Champaran, at Lahore, and only the other day at Secunderabad, that is to say, in the United Provinces, in the Punjab, in the South of India, and in Bihar. There again, it seems to me that you are merely behaving like the ostrich and burying your head in the sand if you say that danger exists.

As regards Communism, much less is known about it, because as I said before it is a movement that works secretly and underground, but I suppose I am in a better position than any one else in this House to know what there is to be known of its methods. I do not assert that Communism is a movement which is likely to come to the top in India for some years to come, but undoubtedly it is a dangerous movement and one which is likely to raise its head when it finds a favourable opportunity, and when it does so we must have weapons to deal with it.

The denial of the existence of all dangers was not, however, the view, as I have said, taken by all speakers on the other side, and notably, I think, it was not the view of the Honourable Member from Madras. I don't think he denied for a moment the existence of the dangers which I foreshadowed, but he took the line : " Oh, yes, those dangers may be there, but we can deal with them perfectly well under the ordinary law, and as for future Governments, they can deal with them perfectly well without special laws ". Well, now, I sometimes wonder whether optimism so complete as that of my friend deserves our admiration, or whether we should weep at its pathetic side. The Honourable Member has cast himself for the rôle of Chief Minister under the new form of Government and I sincerely trust that he may live to realise that ambition ; but let him remember that most of his friends, at any rate all of them who know that they themselves have no possible chance of ever securing office, are likely to be trying to wreck his Government. How is he going to deal with these efforts of his friends if he has only the ordinary law as a weapon for dealing with such dangers ? Let me assure him, speaking from experience of a good many years of trying to cope with Civil Disobedience, that it is not a matter that can be dealt with under the ordinary law. If it had been possible, we should have been only too glad to do so. It was only with the help of special measures that we were able to suppress it. I am afraid if that is the hope in which the Honourable Member is going to accept office, his period of office will be comparatively a brief one. (Laughter from Government Party Benches.) I really do not see how any Minister of the future, even so able and versatile a gentleman as the Honourable Member from Madras, can hope to resist the subversive movements and forces that will criticise and attack his ministry without



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the special powers which we have found necessary. Remember, he will have an uncontrolled press, a great part of it run by his political opponents, he will have no power of declaring any association illegal, in fact it seems to me he will be perfectly helpless and will inevitably be driven out of office in a week or two.

Sir, I have noticed all through this debate a repetition of such phrases,—and I have no doubt these phrases enshrine very great principles,—such phrases as the freedom of the individual, freedom of the press, liberty of speech, liberty of association and so on. Those are of course very fine principles, but the mere repetition of fine principles does not, to my mind, carry any great measure of conviction. In fact, their constant repetition seems to me to rub the guilt off and reduce these principles into tedious “cliches”. I think two frequent iteration of such principles is a little bit inclined to make speakers lose their sense of proportion. After all, whose freedom is it we are attacking by this Bill? Against whose liberty is the Bill designed? Against the revolutionary, against the sedition-monger, against the terrorist, against the communist, but not surely against the average peaceful citizen who is none of those four things. How is the average citizen affected by the Bill? Let the House consider. Has any lawyer been affected, any merchant, any shop-keeper, any artisan, any landlord, any tenant? Certainly not. It is only, as I have said, those four classes against whom the Bill is directed. And what have those classes done to deserve it? Surely they have interfered most seriously with the liberty of other people. Take the victims of the terrorists. Can there be a more serious interference, a more drastic interference with liberty than murdering a man? Again who have been the victims of the Civil Disobedience Movement? The man who has been picketed, the merchant who sees his trade steadily declining, the shop-keeper who sees his clients scared or frightened away, the lawyer who is prevented from going to court, the student who is prevented from carrying on his studies, the Government servant who is restrained by the boycott from enjoying the ordinary conveniences of life. Is that not interference with liberty, is that not trespassing on the freedom of the individual? Surely, that is a far worse infringement of liberty than anything that is proposed by this Bill. Those are the people whom any Government is bound to protect in the pursuit their lawful occupations, and any Government that failed to give them that elementary form of protection from movements, all of which are in essence unlawful, would be failing grossly in its duty. That, Sir, seems to me to be the issue before this House. Naturally the Congress are bitterly opposed to this Bill. The main plank of their political programme is the repeal of all repressive laws, and the one they desire most to repeal is this law which brought about the end and collapse of the Civil Disobedience Movement. They make no secret of the fact that the movement will be revived, and revived whenever it suits their convenience. We should be fools in such a situation to deprive ourselves of this weapon which has been successful in the past, and to start all over again meeting such a movement, as the Congress always wish us to meet their attacks, with one hand tied behind our back? Why should we?

I regret that I have been so long. The time has now come when the issue must be put to the test. The Honourable Member from Delhi gives

a Nazi salute and waves his hand in agreement. He exhorted the elected Members of the House to remember that every one who votes in favour of this Bill will be bound to lose his seat. To put that at its highest, it is surely the merest opportunism. I do not ask Members to vote on such a ground. I ask them to follow the dictates of their conscience. Honourable Members opposite came to this House a year ago pledged in advance to do their utmost to repeal this Bill. I am not appealing to them, I know it would be useless, but to those Honourable Members who have come here with an open mind. I would ask them not to think what the result will be in their constituency, but to vote honestly according to their conscience. Let them bear in mind what are the real issues before the House. Are we going to give the new form of Government a chance of developing in moderately peaceful conditions? Are we going to give them some means of grappling with the antagonistic forces which are certain to encompass and attack them? Or are we, in our inveterate desire to destroy and discredit the present administration,—are we going to let loose on the country again those forces of chaos and anarchy which produced such misery and such economic loss in 1931 and 1932? (Loud and Continued Applause.)

**Mr. President** (The Honourable Sir Abdur Rahim) : The question

7 P.M. is :

“That the Bill to amend the Criminal Law be taken into consideration.”

The Assembly divided :

AYES—61.

Abdoola Haroon, Seth Haji.  
Abdul Aziz, Khan Bahadur Mian.  
Acheson, Mr. J. G.  
Ahmad Nawaz Khan, Major Nawab.  
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.  
Anwar-ul-Azim, Mr. Muhammad.  
Ayyar, Diwan Bahadur R. V. Krishna.  
Ayyar, Rao Bahadur A. A. Venkatarama.  
Bajoria, Babu Baijnath.  
Bajpai, Sir Girja Shankar.  
Bhat, Mr. Madhusudan Damodar.  
Bhutto, Mr. Nabi Baksh Illahi Baksh.  
Blackwell, Mr. J. H.  
Bower, Mr. E. H. M.  
Boyle, Mr. J. D.  
Chapman-Mortimer, Mr. T.  
Chatarji, Mr. J. M.  
Clow, Mr. A. G.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
Desai, Mr. S. P.  
DeSouza, Dr. F. X.  
Fazli-i-Haq Piracha, Khan Sahib Shaikh.  
Gajapatiraj, Maharaj Kumar Vijaya Ananda.  
Ghiasuddin, Mr. M.  
Ghuznavi, Sir Abdul Halim.  
Graham, Sir Lancelot.  
Griffiths, Mr. P. J.  
Grigg, The Honourable Sir James.  
Hands, Mr. A. S.  
Hidayatallah, Sir Ghulam Hussain.  
Hockenhull, Mr. F. W.  
Hossack, Mr. W. B.

James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Lal Chand, Captain Rao Bahadur Chaudhri.  
Lee, Mr. D. J. N.  
Lister, Mr. T.  
Lloyd, Mr. A. H.  
MacLachlan, Mr. D.  
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.  
Milligan, Mr. J. A.  
Mitchell, The Honourable Mr. D. G.  
Morgan, Mr. G.  
Muhammad Nauman, Mr.  
Mukherjee, Rai Bahadur Sir Satya Charan.  
Owen, Mr. L.  
Rajah, Rao Bahadur M. C.  
Rau, Mr. P. R.  
Row, Mr. K. Sanjiva.  
Sarma, Mr. R. S.  
Scott, Mr. J. Ramsay.  
Sher Muhammad Khan, Captain Sardar.  
Singh, Mr. Pradyumna Prashad.  
Sinha, Raja Bahadur Harihar Prosad Narayan.  
Sircar, The Honourable Sir Nripendra.  
Tottenham, Mr. G. R. F.  
Yakub, Sir Muhammad.  
Yamin Khan, Mr. Muhammad.  
Zafrullah Khan, The Honourable Sir Muhammad.  
Ziauddin Ahmad, Dr.

## NOES—71.

Aaron, Mr. Samuel.  
 Abdul Matin Chaudhury, Mr.  
 Aney, Mr. M. S.  
 Asaf Ali, Mr. M.  
 Ayyangar, Mr. M. Ananthasayanam.  
 Azhar Ali, Mr. Muhammad.  
 Ba Si, U.  
 Badi-uz-Zaman, Maulvi.  
 Badrul Hasan, Maulvi.  
 Banerjee, Dr. P. N.  
 Baqui, Mr. M. A.  
 Bardaloi, Srijut N. C.  
 Bhagavan Das, Dr.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Chetty, Mr. Sami Venkatachalam.  
 Chunder, Mr. N. C.  
 Das, Mr. B.  
 Das, Mr. Basanta Kumar.  
 Das, Pandit Nilakantha.  
 Datta, Mr. Akhil Chandra.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Dr. G. V.  
 Essak Sait, Mr. H. A. Sathar H.  
 Fuzul Huq, Mr. A. K.  
 Gadgil, Mr. N. V.  
 Gauba, Mr. K. L.  
 Ghulam Bhik Nairang, Syed.  
 Giri, Mr. V. V.  
 Govind Das, Seth.  
 Gupta, Mr. Ghaushiam Singh.  
 Hosmani, Mr. S. K.  
 Jedhe, Mr. K. M.  
 Jogendra Singh, Sardar.  
 Joshi, Mr. N. M.  
 Khan Sahib, Dr.

Khare, Dr. N. B.  
 Lalchand Navalrai, Mr.  
 Laljee, Mr. Huseenbhai Abdullabhai.  
 Maitra, Pandit Lakshmi Kanta.  
 Malaviya, Pandit Krishna Kant.  
 Mangul Singh, Sardar.  
 Mudaliar, Mr. C. N. Muthuranga.  
 Muhammad Ahmad Kazmi, Qazi.  
 Murtuza Sahib Bahadur, Maulvi Syed.  
 Nageswara Rao, Mr. K.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pant, Pandit Govind Ballabh.  
 Parma Nand, Bhai.  
 Raghubir Narayan Singh, Choudhri.  
 Rajan, Dr. T. S. S.  
 Raju, Mr. P. S. Kumaraswami.  
 Ranga, Prof. N. G.  
 Saksena, Mr. Mohan Lal.  
 Sant Singh, Sardar.  
 Satyamurti, Mr. S.  
 Sham Lal, Mr.  
 Shaikat Ali, Maulana.  
 Sheodass Daga, Seth.  
 Siddique Ali Khan, Khan Sahib Nawab.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Anugrah Narayan.  
 Sinha, Mr. Satya Narayan.  
 Sinha, Mr. Shri Krishna.  
 Soni, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Thein Maung, Dr.  
 Thein Maung, U.  
 Umar Aly Shah, Mr.  
 Varma, Mr. B. B.  
 Vissanji, Mr. Mathuradas.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 13th September, 1935.

## LEGISLATIVE ASSEMBLY.

Friday, 13th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## QUESTIONS AND ANSWERS.

## THIRD CLASS CARRIAGES ON MAIL TRAINS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

324. \*Prof. N. G. Ranga : (a) Are Government aware of the fact that there is now no uniformity observed by Madras and Southern Mahratta Railway and South Indian Railway in placing their third class carriages on their Mail Trains and that owing to the third class carriages being attached in different positions on different days in different sections of the Mail Trains, the passengers who have to board the Mail trains on any of the small stations in the three or five minutes halts are put to considerable trouble, inconvenience and danger ?

(b) Are Government aware that there are often too few third class carriages for the number of passengers to be carried as compared with the first class accommodation provided on the Mail trains ?

(c) If so, are Government prepared to consider the advisability of increasing the number of third class carriages on all Mail trains of all the railways, regulating the first class accommodation as need arises ?

Mr. P. R. Rau : (a) The Agent, Madras and Southern Mahratta Railway, states that the mail trains on that line are worked with set rakes and the position of the vehicles is never altered except in abnormal circumstances.

The Agent, South Indian Railway, states that the position of third class carriages on their express trains has remained constant during the last three years. Through carriages running between specified points which have indication boards giving the name of the starting and destination stations are attached in the position in which it is most convenient for shunting purposes at junctions.

(b) The number of each class of carriage provided on the various trains is determined by the volume of the traffic offered. Both the Agents state that spare third class stock is stabled at various stations, and station masters have instructions to attach them to trains whenever necessity arises.

(c) The composition of trains must be determined by local conditions which vary from section to section on the different railways, and it is impracticable for Government to regulate such details of railway working.

**Prof. N. G. Ranga :** Are Government aware of the fact that even at junction stations, such as Waltair and Bezwada, when request is made and notice is given for additional third class carriages because of the existing overcrowding, no action is taken ?

**Mr. P. R. Rau :** I am not aware of that.

**Prof. N. G. Ranga :** Will Government see that one or two third class carriages at least are attached to every mail train that passes between Waltair and Madras ?

**Mr. P. R. Rau :** Sir, this is a matter of local interest, and I think it is desirable that the Honourable Member should take it up in the Local Advisory Council.

**Prof. N. G. Ranga :** In view of the fact that no Member of this House is a member of the Local Advisory Council, will the Honourable Member in charge of the Department be good enough to convey the wish of this House that there should be more third class carriages attached to the mail train running between Waltair and Madras and also between Madras and Colombo ?

**Mr. P. R. Rau :** I shall be glad to send a copy of my Honourable friend's observations to the Agents.

#### LUGGAGE ALLOWANCE GIVEN TO THIRD CLASS PASSENGERS.

325. **\*Prof. N. G. Ranga :** (a) Will Government be pleased to state the luggage allowances given on different trains for each of the third class passengers ?

(b) Are Government prepared to consider the advisability of increasing such luggage allowance by another three pounds ?

**P. R. Rau :** (a) On practically all railways, the free allowance of luggage is 25 seers in addition to bedding, walking sticks, umbrellas and such articles of food as may be required on the journey.

(b) On the recommendation of the Indian Railway Conference Association, the free allowance was raised in December, 1929, from 15 seers to 25 seers. Government are not prepared to consider any further enhancement under present conditions.

**Prof. N. G. Ranga :** In view of the fact that this question was considered so long ago as 1929, are not Government of the opinion that time has come when these things should be reconsidered in view of the increasing rail-road competition ?

**Mr. P. R. Rau :** As a member of the Public Accounts Committee, my Honourable friend was most assiduous in asking the railways to increase their net earnings.

**Prof. N. G. Ranga :** It is only because we are anxious that the railways should increase their earnings that we ask that the conveniences afforded to the third class passengers should be increased. Will Government, therefore, consider the advisability of increasing the facilities of third class passengers in this direction ?

**Mr. P. R. Rau :** I do not think that the addition of three seers to 25 seers is likely to increase traffic.

#### WEIGHING MACHINES ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

326. **\*Prof. N. G. Ranga :** (a) Are Government aware of the fact that at many places the weighing machines of the Madras and Southern Mahratta Railway are very defective, to the detriment of the third class passengers and that weighing machines are often not properly and sufficiently tested ?

(b) Are Government aware that the weighing machine installed for third class passengers at the central station, Madras and Southern Mahratta Railway, Madras, was found on the 12th July to show 3 lbs. more than that installed for the first and second class passengers ?

(c) Do Government propose to see that special care is taken to test periodically the weighing machines installed in all stations and especially those machines intended for the third class passengers ?

**Mr. P. R. Rau :** (a) and (b). The Agent, Madras and Southern Mahratta Railway, states that the Administration is not aware of the facts alleged.

(c) Government are satisfied that the instructions issued by the Madras and Southern Mahratta Railway Administration for the care and handling of weighing machines provide for as high a standard of accuracy being maintained as is practicable. They understand that similar instructions have been issued on other railways.

**Prof. N. G. Ranga :** In view of the fact that I myself have had this experience at the Madras Central Station and drew the attention of the Station Master also on that day to this particular defect, will Government try to refresh their memory as well as their information and see that such inaccurate information is not placed before this House ?

**Mr. P. R. Rau :** I understand that my Honourable friend's general allegation is based on one single instance, and when he has brought it to the notice of the authorities concerned, I am sure, that defect must have been rectified.

**Prof. N. G. Ranga :** Is it not a fact that the Honourable Member in his answer has stated that this particular defect to which I have drawn attention as far as the Madras Central Station is concerned does not exist and did not exist on that day ?

**Mr. P. R. Rau :** I could not follow the Honourable Member's question. Will he kindly repeat it ?

**Prof. N. G. Ranga :** What is your answer to part (a) of my question ?

**Mr. P. R. Rau :** The answer to parts (a) and (b) is :

"The Agent, Madras and Southern Mahratta Railway, states that the Administration is not aware of the facts alleged."

**Prof. N. G. Ranga :** In view of the fact that I myself have had this experience and drew the attention of the Station Master to this defect, I wish to inform the Honourable Member that his information is absolutely wrong and that that kind of information should not be placed on the table of the House.

**Mr. P. R. Rau :** May I ask whether my Honourable friend made a complaint in writing to the Agent of the Railway or what steps did he take to bring the defect to the notice of the Agent ?

**Prof. N. G. Ranga :** I personally informed him of what had happened.

**Mr. P. R. Rau :** In such cases, it is probably desirable for the Honourable Member to write to the Agent about it.

**Prof. N. G. Ranga :** I hope the Honourable Member will provide me with the expenses that I will incur on correspondence.

#### WEIGHT OF LUGGAGE OF THIRD CLASS PASSENGERS.

327. **\*Prof. N. G. Ranga :** Are Government prepared to consider the advisability of instructing the Railways to see that passengers, especially the third class passengers, are not troubled at any of the intermediate stations or junctions about the weight of their luggages, if they bear with them the railway receipt for their luggage from their starting stations and that if any doubt is felt about the correctness of the weight recorded on the receipt, that fact may be communicated to the station master of the destination through the guard on duty ?

**Mr. P. R. Rau :** I will convey the Honourable Member's suggestion to the Indian Railway Conference Association for their consideration.

#### GOVERNMENT'S POLICY TOWARDS COMMUNISM.

328. **\*Prof. N. G. Ranga :** (a) Are Government aware of the judgment given by Justices Williams and Jacks on the 17th of July in the High Court of Calcutta in setting aside the sentence on Kamala Krishna Sircar on the kind of propaganda carried on in favour of the establishment of a Bolshevik form of Government in India provided violent means are not advocated ?

(b) If so, will Government place on the table of the House the full text of that judgment ?

(c) Are Government prepared to revise their policy in the light of that judgment towards communists, communist organisations and communist propaganda and also their G. O. on communists ?

**The Honourable Sir Henry Craik :** (a) and (b). A copy of the judgment is laid on the table.

(c) The judgment had reference to prosecutions under the provisions of section 124-A of the Indian Penal Code. No question of revising the policy of Government towards Communism arises.

#### IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

Criminal Appellate Jurisdiction.

The 17th July, 1935.

Present :

The Honourable Mr. Justice Lort-Williams

and

The Honourable Mr. Justice Jack.

Appeal No. 173 of 1935.

Kamal Krishna Sircar, .. .. . Appellant,  
versus

The Emperor .. .. . Respondent.

For the Accused—Mr. B. Das, Counsel, with Mr. Hiran Kumar Roy.

For the Crown—Mr. D. N. Bhattacharya, officiating Deputy Legal Remembrancer.

Lort-Williams, J.—

In this case, the appellant was convicted of sedition under section 124A, Indian Penal Code, and sentenced to rigorous imprisonment for one year.

The speech in which he made the remarks complained of was delivered at Shradhdhananda Park on November 22, 1934. There was a meeting of the Bengal Youth League, and there was a red banner with hammer, sickle and star. The audience were composed mostly of Bengali youths of the student community and a number of speeches were made.

The accused moved a resolution, expressing emphatic condemnation of Government legislation as being calculated to gag the working class movement in India, in declaring the Communist party of India and various trade unions and labour organisations illegal, while anti-working class organisations like the Indian National Congress and the Congress Socialist Party had not been banned, and had been allowed to prosecute their aims of sabotaging the real class struggle for emancipating the toiling masses of India. The resolution also condemned the banning of the Communist party of India and other militant class organisations in the Punjab and Bombay.

In his speech the accused referred to these orders made by the Government, and explained that what was meant was that the Government by such banning of certain organisations were making it easier for the organisations which were carried on by the well-to-do and the capitalists one of the aims of which was to put down the workers' movement, to pursue the new reformist movements which were favoured by these other bodies. The rich, Gandhi and the Congress were all lumped together by the speaker as being supported by the Government. Then he proceeded to deal with the Round Table Conference and pointed out that at one time the Government had declared the Congress illegal, but that it was the object of the Government, and by reference the speaker obviously wanted to include all Governments, to encourage the reformist movement as a method of checking the revolutionary movement represented by the Communist party, the Bolsheviks and others. The rest of the speech was a mere recital of facts either of recent or past history. A great deal of it was obviously taken from well-known and quite respectable books which have been published recently about the world economic depression, the alleged failure of the capitalistic system, and the necessity of finding some other method for the distribution of goods. In fact, all that the speech amounted to was a recommendation of the Bolshevik form of Government as preferable to what is generally called the "capitalistic" form of Government, i.e., the present form of Government. And all that the speaker did was to encourage the young men, whom he was addressing, to join the Bengal Youth League and to carry on a propaganda for the purpose of inducing as large a number of people in India as possible to become supporters of the idea of communism as represented by the present Bolshevik system in Russia.

It is really absurd to say that speeches of this kind amount to sedition. If such were the case, then every argument against the present form of Government and in favour of some other form of Government might be alleged to lead to hatred of the

Government, and it might be suggested that such ideas brought the Government into contempt. To suggest some other form of Government is not necessarily to bring the present Government into hatred or contempt.

The learned Magistrate, who tried the case, obviously takes a strong view with regard to Bolshevism. He does not like it; neither do I, nor do a very large number of sensible people. That does not mean that one may not make speeches of the kind. I do not like quite a lot of things that people do constantly from day to day. That is no reason for suggesting that those people are guilty of sedition or of attempting to bring the Government into hatred or contempt.

In my opinion, it is not wise to institute prosecution against the makers of speeches of this kind. The effect of it is to give the impression that the Government are desirous of taking the kind of steps which, we understand, have been taken in countries like Germany and Italy, where the right of free speech has practically disappeared. So far as we know, that is not the present position in India. In any case, the present speech is a long way from coming within the provisions of section 124A, Indian Penal Code.

The conviction and sentence passed on the appellant are, accordingly, set aside, and he is acquitted.

The appellant, who is on bail, will be discharged from his bail-bond.

(Sd.) J. LORT-WILLIAMS.

The 17th July, 1935.

Jack, J.—

I agree.

(Sd.) R. E. JACK.

The 17th July, 1935.

J. W. McKAY,

Secretary to the Bengal Legislative Council.

CALCUTTA ;

The 10th August, 1935.

**Mr. S. Satyamurti** : What is the policy of Government towards Communism ?

**The Honourable Sir Henry Craik** : That was defined at considerable length in a statement I laid on the table in reply to a question about this time last year. The Honourable Member will find it in the Library.

**Mr. S. Satyamurti** : Do Government propose to continue to punish opinions, even if those opinions are not expressed in favour of any acts of violence ?

**The Honourable Sir Henry Craik** : It has never been the policy of Government to punish opinions so long as those opinions are not published.

**Mr. S. Satyamurti** : Do Government propose to punish the opinions even in those publications, which do not incite to any acts of violence ?

**The Honourable Sir Henry Craik** : So long as those opinions do not incite to acts of violence or encourage disaffection or tend to bring Government into hatred or contempt, it is not the policy of Government to punish them.

**Prof. N. G. Ranga** : Is it wrong to publish in original the Communist manifesto issued by Karl Marx and also to translate it ?

**The Honourable Sir Henry Craik** : That depends upon the contents of the manifesto.

#### TRADE TREATIES WITH ITALY AND ROUMANIA.

329. **\*Prof. N. G. Ranga** : (a) Will Government be pleased to state whether they have been able to conclude any trade treaties with Italy and Roumania in order to remove or reduce the import duties recently levied by those Governments upon our Indian Imports ?

(b) If not, what stage has been reached by their negotiations with the Governments of those countries ?

(c) When were those negotiations begun ?

(d) When are they expected to be concluded ?

(e) If trade treaties are concluded, what are the terms of such treaties ?

(f) How do those terms compare with those of the treaties concluded by Great Britain with Italy during this year ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) to (f). I would invite the Honourable Member's attention to the replies given to Mr. T. S. Avinashilingam Chettiar's starred questions Nos. 4 and 5.

#### MARKETING OF AGRICULTURAL PRODUCE IN FOREIGN COUNTRIES.

330. **\*Prof. N. G. Ranga** : (a) Will Government be pleased to state the progress made by the marketing section of the Imperial Council of Agriculture in carrying on any marketing surveys or in organising marketing of any of the Agricultural produce ?

(b) Are Government prepared to consider the advisability of publishing a periodical survey of the prospects for the marketing of Agricultural produce in foreign countries with the aid of the reports received from the Trade Commissioners ?

**Sir Girja Shankar Bajpai** : (a) A copy of the progress report of the marketing scheme till the end of June, 1935, as circulated to the Advisory Board of the Imperial Council of Agricultural Research, has been placed in the Library.

(b) The quarterly reports issued by the Indian Trade Commissioners already contain sufficient information regarding the marketing of Indian agricultural products in foreign countries and the prospects of expansion of the trade. These reports are published in the *Indian Trade Journal*.

**Prof. N. G. Ranga** : Will Government consider the advisability of publishing a comprehensive report of all the remarks made by the Trade Commissioners, so that it will be easy for those who are interested in agricultural problems to get it and study it ?

**Sir Girja Shankar Bajpai** : I have already informed my Honourable friend that quarterly reports, which I have no doubt are as comprehensive as the subject matter requires, are issued and published in the *Indian Trade Journal*.

# LOSS SUSTAINED BY THE PEASANTS IN THE QUETTA EARTHQUAKE.

331. \*Prof. N. G. Ranga : (a) Will Government be pleased to state if they have estimated the loss sustained by the peasants in the Quetta earthquake ?

(b) If so, how much is that loss ?

(c) How many peasants have been made homeless and landless ?

(d) What are the steps taken or proposed to be taken to settle them anywhere else and provide them with land ?

(e) Will Government state whether any lands in the newly irrigated portions of the Punjab or Sind are proposed to be granted to them ?

Mr. J. G. Acheson : (a) Yes, Sir.

(b) Approximately rupees five and a half lakhs.

(c) About 2,676 houses were destroyed and roughly 12,800 peasants were rendered homeless. No peasants have been rendered landless as damage to land has been comparatively insignificant.

(d) Grants have been made for the reconstruction of houses but as there has been no appreciable damage to land it has not been found necessary to take steps to settle the peasants elsewhere.

(e) No, Sir.

Prof. N. G. Ranga : In view of the fact that in the report published by the Government of India it is said that this earthquake has affected several hundreds of square miles of land, does the answer given by the Honourable Member relate to all the peasants affected by the earthquake ?

Mr. J. G. Acheson : Does the Honourable Member want to know if my answer refers to the whole of the area ? If so, yes, Sir.

Mr. Lalchand Navalrai : May I know if the lands of these peasants have been destroyed ?

Mr. J. G. Acheson : There were quite a considerable number of casualties among the villagers ; but they were not so heavy as in the city.

Mr. Lalchand Navalrai : I was asking whether the cultivated lands were affected ?

Mr. J. G. Acheson : I thought the Honourable Member was enquiring about loss of life. Land has scarcely been affected. That also applies to orchards which are, of course, very important in Baluchistan.

# GRANT FOR THE DEVELOPMENT OF THE HANDLOOM WEAVING INDUSTRY TO THE MADRAS PRESIDENCY.

332. \*Prof. N. G. Ranga : (a) Will Government be pleased to state (i) the principles on which they are allocating the handloom weaving development grant between the various provinces, (ii) if such a principle was objected to by the Madras Government, and (iii) if so, on what grounds ?

(b) Are Government aware of the fact that the Madras Government has been spending larger sums upon the development of handloom weaving than other Provincial Governments and is it a fact that the expenditure of Provincial Governments on handloom weaving only during the last four or five years was taken into consideration, and that the Madras Presidency gets very much less than what is really due to her, if her total expenditure during the last decade is considered ?

(c) Are Government prepared to reconsider their method of allocating the grant so as to allot more to the Madras Presidency ?

The Honourable Mr. D. G. Mitchell : (a) (i). The Sixth Industries Conference proposed that the grant for the first year should be distributed half in proportion to the consumption of cotton yarn in handloom weaving in the provinces and half in proportion to the actual expenditure of the Local Governments on the improvement of the cotton handloom weaving industry under certain specified heads during the five years ending the 31st March, 1934. This basis was accepted by Government for the first 17 months of the scheme, i.e., up to the 31st March, 1936.

(a) (ii). No.

(a) (iii). Does not arise.

(b) The reply to the first part is in the negative and to the second part in the affirmative. As regards the last part, the allocation was made according to the principles recommended by the Conference.

(c) The basis of allocation of grants in future years will be considered by the Seventh Industries Conference to be held in October.

Prof. N. G. Ranga : Have Government any scheme by which this total grant is likely to be increased in the near future ?

The Honourable Mr. D. G. Mitchell : I believe at the present moment there is little prospect of the total grant being increased.

# BILL *re* EXEMPTION OF A PORTION OF THE LANDS OWNED BY PEASANTS FROM THE PROPERTIES LIABLE TO BE ATTACHED FOR THE PAYMENT OF DEBTS.

333. \*Prof. N. G. Ranga : (a) Will Government be pleased to state if they are thinking of introducing legislation to amend the Civil Procedure Code Act of 1908 so as to exempt a portion of the lands owned by peasants from the property or properties liable to be attached for the payment of debts ?

(b) If so, when will such a Bill be introduced into the Assembly ?

(c) If not, are Government prepared to consider the advisability of introducing such a Bill ?

The Honourable Sir Henry Craik : (a) The answer is in the negative.

(b) Does not arise.

(c) As the Honourable Member is aware, Mr. Ananthasayanam Ayyangar gave notice, last Session, of his intention to move for the introduction of a Bill to amend section 60 of the Civil Procedure Code with the same object in view. Notice of a Bill which *inter alia* seeks to protect

from attachment small agricultural holdings has also been received from the Honourable Member himself. Government will have an opportunity in due course of stating their attitude on the subject in the House in connection with these Bills.

**Prof. N. G. Ranga :** What is the attitude of Government towards the Bill proposed to be introduced by Mr. Ananthasayanam Ayyangar ?

**The Honourable Sir Henry Craik :** I have said that Government will have an opportunity of stating their attitude when the Bill comes up.

#### CLAIMS OVER THE WATERS OF THE TUNGABHADRA RIVER.

334. **\*Prof. N. G. Ranga :** (a) Will Government be pleased to state what progress has been made in regard to the request of the Madras Government that the Government of India should appoint a tribunal to decide the claims of the four Governments over the waters of the Tungabhadra river ?

(b) What is the reply received from the Bombay Government ?

(c) What are the obstacles standing in the way of developing this project ?

**The Honourable Mr. D. G. Mitchell :** (a) The proposal that a Court of Arbitration should be appointed has been put to the Governments of Bombay, Mysore and Hyderabad.

(b) The Government of Bombay have agreed to the appointment of a Court.

(c) The project is beset by political, engineering and financial difficulties.

**Prof. N. G. Ranga :** What is the nature of the reply received by the Government of India from the Mysore Government ?

**The Honourable Mr. D. G. Mitchell :** So far no reply has been received.

**Prof. N. G. Ranga :** How long ago did the Government of India address the Mysore Government ?

**The Honourable Mr. D. G. Mitchell :** I want notice.

**Prof. N. G. Ranga :** Will the Government of India remind the Mysore Government to send an early reply ?

**The Honourable Mr. D. G. Mitchell :** We have already done so.

#### ACTS PASSED BY PROVINCIAL LEGISLATURES TO RELIEVE THE BURDEN OF AGRICULTURAL INDEBTEDNESS.

335. **\*Prof. N. G. Ranga :** Will Government be pleased to place in the Library of the House the Acts passed since 1934 by various Provincial Legislatures to relieve the burden of agricultural indebtedness in order to enable the House to see how far the recommendations of the Economic Conference 1934 have been carried out ?

**The Honourable Sir Nripendra Sircar :** I lay on the table a list of Acts, copies of which have been placed in the Library of the Indian Legislature.

#### List of Acts.

The Agriculturists' Loans United Provinces (Amendment) Act, 1934.

The Assam Money Lenders Act, 1934.

The Central Provinces Debt Conciliation (Amendment) Act, 1934.

The Central Provinces Debt Conciliation (Amendment) Act, 1935.

The Central Provinces Money Lenders Act, 1934.

The Madras Co-operative Land Mortgage Banks Act, 1934.

The Madras Debtors' Protection Act, 1934.

The North-West Frontier Province Redemption of Mortgages Act, 1935.

The Punjab Relief of Indebtedness Act, 1934.

The United Provinces Agriculturists' Relief Act, 1934.

The United Provinces Agriculturists' Relief (Amendment) Act, 1935.

The United Provinces Encumbered Estates Act, 1934.

The United Provinces Encumbered Estates (Amendment) Act, 1935.

The United Provinces Regulation of Sales Act, 1934.

The United Provinces Temporary Regulation of Execution Act, 1934.

The Usurious Loans (Central Provinces Amendment) Act, 1934.

The Usurious Loans (North-West Frontier Province Amendment) Act, 1935.

The Usurious Loans (United Provinces Amendment) Act, 1934.

#### AGREEMENT WITH THE KATHIAWAR STATES ABOUT CUSTOMS.

336. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether any agreement has been arrived at between them and the Kathiawar States about customs ; and

(b) if so, what the terms of the agreement are ?

**The Honourable Sir James Grigg :** I am not yet in a position to make any statement on this subject.

**Mr. S. Satyamurti :** May I know what the position is ? Is it that a lot of smuggling is going on through the Kathiawar ports ?

**The Honourable Sir James Grigg :** I do not think there is smuggling, for that can be checked at Viramgam line. But it is a matter of common suspicion that rebates are being given.

**Mr. S. Satyamurti :** Have Government lost large sums of money over this ?

**The Honourable Sir James Grigg :** The problem is not only one of loss of revenue, but of diversion of trade from Bombay. In one case, of course, the diversion of trade, which is held by the Durbar to be within the terms of their treaty, has been very heavy indeed, and the diversion of revenue has consequently been very big also.

**Mr. S. Satyamurti :** Why is there such a diversion of trade ?

**The Honourable Sir James Grigg :** I think the Honourable Member had better leave me to try and deal with that question. I will promise to make a statement as soon as I can.

**Mr. S. Satyamurti :** Before the next Budget Session ? If so, I shall not ask any more questions.



**The Honourable Sir James Grigg :** I hope so ; but I cannot make any promise.

**Mr. S. Satyamurti :** In view of this *non-possumus* attitude, my Honourable friend will forgive me for using that word, I want to know why there is this continual diversion of trade from Bombay to Kathiawar ports. There is something which my Honourable friend does not want to disclose and which exists.

**The Honourable Sir James Grigg :** One obvious reason is that for certain areas the Kathiawar ports have a definite economic advantage in having a shorter railway route as compared with the ports of British India. But that is not the whole story.

**Mr. S. Satyamurti :** What is the whole story ?

**The Honourable Sir James Grigg :** I am not in a position to say.

**Mr. S. Satyamurti :** Will the Honourable Member expedite this matter, as much as possible ?

**The Honourable Sir James Grigg :** I am trying to do so.

**Mr. S. Satyamurti :** Are Government spending large sums of money to buy up their opposition ?

**The Honourable Sir James Grigg :** The Honourable Member is now fishing.

#### FORMATION OF COFFEE POOLS IN KENYA WITH A VIEW TO DRIVE OUT THE INDIAN SETTLERS.

337. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the attempt of the White settlers in Kenya to form coffee pools with a view to drive out the Indian traders in the same way as they are being driven out of the clove trade in Zanzibar ;

(b) if not, whether they are prepared to make enquiries in the matter ; and

(c) what steps they propose to take ?

**Sir Girja Shankar Bajpai :** (a) to (c). Government have seen reports in the Press of certain proposals said to have been made by an unofficial organisation called the Coffee Board of Kenya for the better distribution of coffee but have received no representations on the subject from the Indian community in Kenya, and do not, therefore, propose to take any action in the matter.

#### TRANSFER OF THE CIVIL AND MILITARY ADMINISTRATION OF GILGIT TO THE GOVERNMENT OF INDIA.

338. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether it is a fact that the treaty between the Kashmir Government and the Government of India, whereby the civil and military administration of the Gilgit area will be transferred to the Government of India, has been signed ; and

(b) the extra cost involved in this transfer ?

**Mr. J. G. Acheson :** (a) The Honourable Member's attention is invited to the communiqué on the subject issued on the 8th January, 1935.

(b) Nil.

**Mr. S. Satyamurti :** So there is no extra cost at all ?

**Mr. J. G. Acheson :** No, Sir ; on the contrary, there has been a net saving of approximately one lakh.

#### CUSTOMS QUESTIONS RELATING TO THE KATHIAWAR AND MARITIME STATES.

339. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether it is a fact that an important conference between the officers of the Political Department and the Central Board of Revenue was held early in May to discuss the issue relating to customs questions with the Maritime and Kathiawar States ;

(b) what the points were that were discussed ; and

(c) what the decisions are ?

**The Honourable Sir James Grigg :** Inter-departmental conferences constitute a normal method of Secretariat procedure in important and complicated cases, and this method has been frequently adopted in dealing with customs questions. The proceedings of such conferences, like the noting on Secretariat files, are confidential, and I am unable to disclose any information in regard to this particular or any other one.

**Mr. S. Satyamurti :** Will these decisions be taken by Government, before they are placed before this House ?

**The Honourable Sir James Grigg :** I think that is extremely likely.

**Mr. S. Satyamurti :** In view of the fact that a lot of money is involved in this matter, and Government are not in as strong a position as it ought to be in view of this proposed Federation, will Government try to strengthen themselves by taking the opinion of this House, representing as it does the Indian taxpayer ?

**The Honourable Sir James Grigg :** I do not admit the Honourable Member's premise.

#### RELIEF TO THE FAMILIES OF THE PUBLIC SERVANTS KILLED IN THE EARTHQUAKE AT QUETTA.

340. **\*Mr. Lalchand Navalrai :** Do Government propose to provide any earthquake compassionate allowance, or some such relief, for the families of those public servants killed in the earthquake at Quetta ? If so, which and under what conditions ?

**The Honourable Sir James Grigg :** In regard to certain establishments whose conditions of service are regulated by the Royal Warrant and the King's Regulations for the Royal Air Force, it has been held by competent authority that death in the earthquake at Quetta should be treated as attributable to military service. The dependents of deceased members of such establishments become, therefore, eligible for pensions. The same principle will be applied in the Indian Army. In regard to establishments for which the rules prescribe two scales of pension, the

question of which scale should be applied is under consideration. Under the rules applicable to civil personnel contained in the Civil Service Regulations, no pensions are admissible to the dependents of such personnel killed in the earthquake, but the Government of India have decided to relax these rules and to grant pensions and gratuities.

**Mr. Lalchand Navalrai :** Will any gratuity be given where pension is not allowable ?

**The Honourable Sir James Grigg :** I assume the Honourable Member is concerning himself only with the civilian personnel. I said that, under the rules applicable to civil personnel contained in the Civil Service Regulations, no pensions are admissible to the dependants of such personnel killed in the earthquake, but the Government of India have decided to relax these rules and to grant pensions and gratuities.

#### CONSTRUCTION OF ROADS IN ASSAM.

341. **\*Srijut N. C. Bardaloi :** (a) Is it a fact that the Central Reserve Fund for Development of Roads from income derived from petrol tax, amounted to over four lakhs ?

(b) Will Government be pleased to state how much of it was derived from petrol raised and refined in the Assam oil-fields ?

(c) What was the amount allocated to Assam from the Central Reserve Fund ?

(d) How much of that sum was spent in the Assam Valley ?

(e) Is the oil-field situated in the Assam Valley ?

(f) What are the areas of Assam Valley Districts and the Surma Valley Districts, excluding Hill Districts, separately ?

(g) How many miles of *kutch*a roads exist in the Assam Valley and how many miles of *pucca* roads ?

(h) Are Government prepared to take up the question of construction of roads in Assam, so that the country may be opened up ?

**The Honourable Mr. D. G. Mitchell :** (a) Yes. On a ten per cent. basis the annual credit to the reserve was about Rs. ten lakhs per annum. On a 15 per cent. basis (from 1934-35) the annual credit is likely to be over Rs. 15 lakhs per annum.

(b) The quantity of petrol produced in Assam is not constant, but the production in recent years is equivalent to a credit to the reserve in the Road Account of between 1½ and two lakhs of rupees per annum.

(c) Rs. 27.30 lakhs. This grant has been made partly from revenue already received and a lump sum contribution of Rs. 40 lakhs, and partly by anticipating future revenue.

(d) A sum of Rs. 14.25 lakhs has been allocated to the Assam Valley, but works are only now being commenced and the expenditure to date is negligible.

(e) Yes.

(f) The combined areas of the Goalpara, Kamrup, Darrang, Nowgong, Sibsagar, and Lakhimpur districts in the Assam Valley are

23,932 square miles and the combined areas of the Sylhet and Cachar Plains districts in the Surma Valley are 9,340 square miles.

(g) The Government of India have no information. The total mileage in Assam is 600 miles of metalled and 7,186 miles of unmetalled roads.

(h) The Government of India have already made very substantial grants to Assam as indicated in reply to part (c) of the question.

**Srijut N. C. Bardaloi :** Of course the Government of India have made substantial grants, but are Government aware that, in the northern portion of Assam from Dhubri to Lakshmipur, i.e., one-half of Assam, there are no metalled roads, and in the southern portion all the important roads of Kamrup to Goalpara are *cutch*a ? And will Government consider these facts when they consider the question of contribution to the Road Fund ?

**The Honourable Mr. D. G. Mitchell :** The Government of India have already taken into consideration the well-known fact that Assam is very badly off for roads. As regards the allocation between the two different valleys, that must be left to the Local Government.

**Mr. F. W. Hockenhuil :** Will the Honourable Member tell us whether any schemes have already been sanctioned from the central fund ?

**The Honourable Mr. D. G. Mitchell :** Yes, quite a large number.

#### CLAIMS FOR PROMOTIONS AND PREFERMENTS OF ASSAMESE SOLDIERS.

342. **\*Srijut N. C. Bardaloi :** (a) Will Government be pleased to state how many natives of Assam Valley Districts, belonging to the Koch, Rajbangsi, Kachari, Jharuas, Mikir and Saloi castes are serving in the Regiment known as "Assam Rifles", who are stationed to guard the North-Eastern Frontier ?

(b) Will Government state how many persons of those castes fought in the Great War ?

(c) Will Government enquire of the Assam Government and inform this House whether the Assamese soldiers of these castes were praised for their bravery and fighting qualities by the respective commanders of the regiments in which they served during the War ?

(d) Will Government state whether fairly educated youths of the above castes are now finding employment in the Gurkha regiments in larger numbers ? If not, why not ?

(e) Will Government state who, besides the following, are now holding non-commissioned officers' ranks among the soldiers in the North-Eastern Frontier, who are inhabitants of the Assam Valley Districts :

- (1) Jemadar Debi Singh Mech,
- (2) Jemadar Dhananjay Kachari,
- (3) Havildar Gangaprasad Rajbangsi,
- (4) Hayildar Tarak Chandra Rajbangsi,
- (5) Havildar Bahadur Chandra Uzir,
- (6) Havildar Jatra Mikir,
- (7) Havildar Mayaram Rajbangsi ?

(f) Are Government prepared to take steps to recruit more men from among these castes ?

(g) Are Government prepared to consider the claims for promotions and preferments of these soldiers, who belong to British India, in the same way as in the case of inhabitants of Nepal ?

**The Honourable Sir Henry Craik :** (a) 348.

(b) 448.

(c) Several Commanding Officers expressed appreciation of the fine services rendered by men of the Assam Rifles generally, but no particular classes or castes were specially mentioned.

(d) Practically no Assamese with any education apply for enlistment in the Assam Rifles, and they are not recruited to Gurkha Regiments of the Army because they are not Gurkhas.

(e) Besides the men named in the question there are five Subedars, three Jemadars, 19 Havildars and 17 Naiks who are inhabitants of the Assam Valley districts. A list of their names can be laid on the table if the Honourable Member wishes.

(f) According to the class composition of the Assam Rifles the number of Assamese should be 37½ per cent. This percentage has never been reached by recruits from these or other Assamese castes. Government would be glad to see them come forward in larger numbers provided they intend to stick to the service.

(g) Promotion is made by merit alone and the claims of all castes and tribes are equally considered.

**Srijut N. C. Bardaloi :** Is it a fact that those Assamese, who are in the ranks of non-commissioned officers, are mostly well educated and belong to the educated classes ? Will Government take these facts into consideration in matters of promotion ?

**The Honourable Sir Henry Craik :** My information is that, on enlistment, practically none of the recruits are educated. Possibly they receive some education in the regiment ; but presuming they all enlist as sepoy in the first instance, my information is not in accordance with that of the Honourable Member.

**Srijut N. C. Bardaloi :** As a matter of fact, I may inform the Honourable Member that they all originally enlist as sepoy, but only in matters of promotion somehow their race intervenes and the Gurkhas get promotion and they do not get the promotion which they deserve. Will the Honourable Member make an inquiry into this grievance ?

**The Honourable Sir Henry Craik :** I do not quite see what I am to inquire into. I have said that promotion is made by merit alone, and the claims of all castes and tribes are equally considered.

#### ASSAM VALLEY PLANTERS' ASSOCIATION.

343. **\*Srijut N. C. Bardaloi :** (a) Are Government aware that an Indian Planters' Association, known as the Assam Valley Planters' Association, has been started in Assam ?

(b) Are Government prepared to give representation to this body on the Tea Cess Committee as well as on the Tea Licensing Committee ?

(c) Have Government instructed the Tea Cess Committee to take in representative Indians in the executive of the Tea Cess Committee, as well as in the general committee, as assured by Sir Joseph Bhore during the last Session of this House ?

(d) Do Government propose to lay down the method of electing Indian members to the above bodies, so that Indian planters of Assam Valley may also get representation ?

**The Honourable Sir Muhammad Zafrulla Khan :** (a) No, Sir.

(b) In view of the reply to part (a) of the question, Government are unable to express any opinion as to the desirability of giving representation to the body referred to.

(c) Government are unaware that any assurance of the nature mentioned was given by Sir Joseph Bhore last Session.

(d) Government understand that the existing provisions of the Indian Tea Cess Act and the Indian Tea Control Act have in effect provided for the representation of Indian planters of the Assam Valley on the Indian Tea Cess Committee and the Indian Tea Licensing Committee.

**Srijut N. C. Bardaloi :** That is not my question : my question is this : certainly it provides for representation of the people interested, in the Assam Valley, especially those who are members of the association like the Indian Tea Association ; but the pledge given by the Honourable Sir Joseph Bhore in the last Assembly was that the Government will see that Indians are taken into the executive committee as well as the general committee of the Association : have Government done anything towards that ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already submitted that Government are unaware that any assurance of the nature mentioned was given by Sir Joseph Bhore last Session.

**Srijut N. C. Bardaloi :** It should be in the Assembly Proceedings. I am the person who started it, and, in his reply, Sir Joseph Bhore said that Government in future would see that more Indians are taken in in this committee : that was one of the conditions why the Bill was supported by me.

**The Honourable Sir Muhammad Zafrullah Khan :** I believe all that Sir Joseph Bhore gave an assurance about was that when the Tea Cess Association puts forward more comprehensive proposals for the amendment of the Tea Cess Act, the question of the proper representation of Indian interests on the committee would be carefully borne in mind. That stage has not yet arrived. Any assurance given by Sir Joseph Bhore will be fully honoured.

#### APPOINTMENT OF AN INDIAN AS THE CHAIRMAN OF THE BOMBAY PORT TRUST.

344. **\*Srijut N. C. Bardaloi :** Will Government be pleased to state if there is any bar to the appointment of an Indian as the Chairman of the Bombay Port Trust ?

**The Honourable Sir Muhammad Zafrullah Khan :** None.

**Srijut N. C. Bardaloi :** Have the Indian Merchants' Chamber and Bureau and other bodies been urging the desirability of appointing an Indian during the last 11 years ?

**The Honourable Sir Muhammad Zafrullah Khan :** The desirability of appointing Indians has been urged in several questions to which I have already given a reply.

**Mr. S. Satyamurti :** Then, why has no Indian been appointed ? Is there no Indian fit for that place ?

**The Honourable Sir Muhammad Zafrullah Khan :** Indians have on several occasions been Chairmen of Port Trusts.

**Mr. S. Satyamurti :** Here in Bombay ?

**The Honourable Sir Muhammad Zafrullah Khan :** Not in Bombay.

**Mr. S. Satyamurti :** Why not ? Are there no Indians in Bombay ? I thought it was an Indian city.

**The Honourable Sir Muhammad Zafrullah Khan :** No answer is necessary—Bombay is an Indian city.

**Mr. S. Satyamurti :** Are there no competent Indians to be Chairmen of the Port Trust there, when Indians can be Commerce Members ?

(No answer.)

**Srijut N. C. Bardaloi :** Is it a fact that the administration of the Port Trust has been extravagant ?

**The Honourable Sir Muhammad Zafrullah Khan :** No.

**Mr. Lalchand Navalrai :** May I know if there has been an Indian Chairman of the Karachi Port Trust ?

**The Honourable Sir Muhammad Zafrullah Khan :** Not so far as I am aware.

**Mr. Lalchand Navalrai :** Then, which are those other places ?

**The Honourable Sir Muhammad Zafrullah Khan :** The other places are Aden and Chittagong : I believe a question to that effect has already been put down, and, when it is reached, I will be able to reply to it more fully.

**Srijut N. C. Bardaloi :** Is it true that the financial difficulties of the Port Trust have contributed to the diversion of trade from Bombay.

**The Honourable Sir Muhammad Zafrullah Khan :** I believe there is a question with regard to the alleged extravagant administration of the Bombay Port Trust put down, and, when it is reached, I will be able to give a reply.

#### ENQUIRY INTO THE FINANCIAL RELATIONS BETWEEN INDIA AND BURMA.

345. **\*Srijut N. C. Bardaloi :** Have Government taken any steps to associate members of this House and the public with the enquiry into the financial relations between India and Burma finally ?

**The Honourable Sir James Grigg :** If the Honourable Member is referring to the financial adjustments between the two Governments, I would remind him that the subject is to be debated in this House during the present Session.

#### DISABILITIES OF INDIANS IN ZANZIBAR.

346. **\*Srijut N. C. Bardaloi :** What steps have Government taken to remove the disabilities from which Indians in Zanzibar are suffering, as reported by the Government representative sent there to investigate the grievances of Indians ?

**Sir Girja Shankar Bajpai :** The attention of the Honourable Member is invited to the reply given by me on the 4th September, 1935, to Mr. S. Satyamurti's question No. 118.

#### INDIANS IN COCHIN-CHINA, JAVA, CEYLON AND SINGAPORE.

347. **\*Srijut N. C. Bardaloi :** Are Government aware that Indians in Cochin-China, Java, Ceylon and Singapore are being ill-treated ? If so, what steps are Government taking to remedy the same ?

**Mr. J. G. Acheson :** The reply to the Honourable Member's question is as follows :

(I) (a) An expulsion order against certain Indian Chettiar Bankers by the Indo China Government was cancelled upon representations being made by the Government of India through His Majesty's Government and diplomatic channels.

(b) There is no truth in the allegation that Indians in Ceylon and Singapore are being ill-treated.

(c) Government have received no complaints of ill-treatment of Indians in Java.

(II) The question does not arise.

#### ABOLITION OF THE INDIA STORES DEPARTMENT IN LONDON.

348. **\*Srijut N. C. Bardaloi :** (a) Is it a fact that the High Commissioner in England has to attend many social and political functions ?

(b) Is it a fact that he is a layman as regards Stores purchases are concerned ?

(c) Do Government propose to abolish the Stores Department in London and entrust the Indian Stores Department with the duties of inspection and other necessary functions in connection with the large purchases for Government in India and abroad ?

**The Honourable Mr. D. G. Mitchell :** (a) Yes.

(b) I do not know what my Honourable friend means by 'layman'. The position of the High Commissioner is the same as that of any person holding high office who has experts working under him.

(c) No ; the Government of India are considering the possibility of amalgamating the London Store Department and the Indian Stores Department.

**Mr. Lalchand Navalrai :** May I know, when this amalgamation takes place, whether it will be in England or in India ?

**The Honourable Mr. D. G. Mitchell :** The investigation has still to be carried out, and it is impossible to give any exact date at present.

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LEGISLATIVE ASSEMBLY.

[13TH SEP. 1935.]

**EFFECT OF THE OTTAWA AGREEMENT ON INDIA AND THE DOMINIONS.**

349. \*Srijut N. C. Bardaloi : (a) Has the Ottawa Pact benefitted the British producers on account of substantial preferential duties ?

(b) Will Government state to what extent India has benefitted on account of that Pact ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Government do not propose to offer an opinion on the results of the Ottawa Trade Agreement pending the discussion of the matter in the next Budget Session. Meanwhile, a report on the working of the Ottawa Agreement for the year 1934-35 will be laid on the table of the House at an early date.

**Mr. S. Satyamurti :** When does this Pact expire ?

**The Honourable Sir Muhammad Zafrullah Khan :** I believe some time in the spring of 1936.

**Mr. S. Satyamurti :** Will Government place the matter before the House, before the expiry ?

**The Honourable Sir Muhammad Zafrullah Khan :** I believe so : it will be possible to do so, I think.

**Srijut N. C. Bardaloi :** Is it a fact that from England 224 crores worth of articles less was exported to India ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already replied to all questions in detail on this matter.

**PURCHASE OF IRON AND STEEL MATERIALS BY INDIAN RAILWAYS.**

350. \*Srijut N. C. Bardaloi : Are the Railways in India purchasing all available iron and steel materials in India, or mostly in the United Kingdom ?

**Mr. P. R. Rau :** State-managed Railways in India follow the Stores Purchase Rules and purchase all their requirements of articles manufactured from iron and steel in India on the rupee tender system. Preference is given to articles of Indian manufacture when the quality is satisfactory and the price not unreasonable.

Company-managed Railways also make large purchases of iron and steel articles of Indian manufacture.

**Pandit Lakshmi Kanta Maitra :** May I know from the Honourable Member the extent of the purchases made in England ?

**Mr. P. R. Rau :** I must have notice.

**Mr. S. Satyamurti :** What is the percentage of iron and steel materials purchased by Company-managed Railways outside this country every year ?

**Mr. P. R. Rau :** I am afraid I have not got the figures here : I shall be glad to get them if my Honourable friend so desires.

**ENQUIRY INTO THE SYSTEM OF LEVYING INCOME-TAX.**

351. \*Srijut N. C. Bardaloi : (a) Is there any chance of an enquiry by British experts about the system of levying income-tax ?

(b) If so, do Government propose to see that Indian businessmen are also associated with that Committee ?

**The Honourable Sir James Grigg :** I would refer the Honourable Member to the reply to question No. 35 asked by Sardar Sant Singh.

**RE-TRANSFER OF SYLHET TO BENGAL.**

352. \*Srijut N. C. Bardaloi : (a) Are Government aware that a resolution was passed in the Assam Legislative Council some time back, at the instance of the members from Sylhet, that Sylhet should be transferred to Bengal on the ground that Sylhet is a part of Bengal by race and culture and as such it should be re-transferred to Bengal ?

(b) Do Government now propose to consider the question, in view of that resolution ?

**The Honourable Sir Henry Craik :** (a) I am aware of the Resolutions which have been discussed in the Local Legislative Council on this subject from time to time. But I might remind the Honourable Member that the last of these Resolutions, that was passed in 1928, *opposed* the transfer of Sylhet to Bengal. A Resolution moved in favour of the transfer in 1932 was withdrawn after discussion.

(b) No.

**Srijut N. C. Bardaloi :** Is the Honourable Member aware that there is a strong movement in the Assam Valley districts regarding this transfer of Sylhet to Bengal which is now being carried on ?

**The Honourable Sir Henry Craik :** If there is such a feeling, it has not been reflected in the Local Legislative Council.

**Pandit Lakshmi Kanta Maitra :** Is the Honourable Member aware that the people of Sylhet are in favour of being transferred to Bengal ?

**The Honourable Sir Henry Craik :** I am not aware that there is any unanimity of feeling in that direction.

**Pandit Lakshmi Kanta Maitra :** Is the Honourable Member aware that there is a vast volume of public opinion among the people of Sylhet that they should be transferred to Bengal ?

**The Honourable Sir Henry Craik :** No doubt there is some opinion in favour of the transfer : I am not prepared to admit that it is large.

**Pandit Lakshmi Kanta Maitra :** Is the Honourable Member aware that the Assamese people are willing that the people of Sylhet should be taken over by Bengal ?

**The Honourable Sir Henry Craik :** I have already said that, if there is such a feeling, it is not reflected in the decisions of the Legislative Council.

## REPORT AND RECOMMENDATIONS OF THE COCOANUT INDUSTRY COMMITTEE.

353. \*Mr. Samuel Aaron : Will Government be pleased :

(a) to state whether they have considered the report and the recommendations of the Committee appointed to enquire into the cocoanut industry in India ;

(b) if so, to place on the table of this House a copy of the report of the Committee ; and

(c) to state what they have already done, or propose to do, to protect this industry from foreign competition ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) to (c). The Report and the recommendations of the sub-committee are under the consideration of the Government of India. The question of releasing the Report will be considered after the Government of India have completed their examination of the case.

**Prof. N. G. Ranga :** When did Government receive that Report ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have not got the exact date.

**Dr. T. S. S. Rajan :** May I know how long has this Report been under the consideration of the Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** It has been under the consideration of the Government of India for some weeks, but I do not believe there has been any undue delay in considering this matter.

**Mr. Samuel Aaron :** May I know if there has been any increase in duty on cocoanuts ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is obvious I cannot give an answer to that question before consideration of the Report has been completed.

## EXPORT AND IMPORT TRADE BETWEEN INDIA AND CEYLON.

354. \*Mr. Samuel Aaron : Will Government please state :

(a) if it is a fact that the Government of Ceylon have sent, or propose to send, a representative of theirs to confer with the Government of India and enter into a pact in regard to the export and import trade between India and Ceylon ; and

(b) if so, at what stage the matter stands at present ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) In May, 1933, an official deputation from the Government of Ceylon visited Simla to discuss the question of the reciprocal grant of preferences between India and Ceylon.

(b) The discussions have been suspended pending a decision as to the appropriateness of the existing import duties on cocoanuts and cocoanut products.

**Mr. T. S. Avinashilingam Chettiar :** When do they propose to take up the discussion again ?

**The Honourable Sir Muhammad Zafrullah Khan :** After they have come to some decision with regard to the scale of duty on cocoanuts and cocoanut products.

**Mr. F. E. James :** May I ask, Sir, in view of the fact that this matter has been pending for a long time now, whether the Honourable the Commerce Member will do his best to expedite Government conclusions after they consider the Report ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have recently been in the Kerala country, and several representations were made to me that the scale of duties on cocoanuts and cocoanut products required the immediate attention of the Government, and, being impressed by those representations, I am trying to do my very best to expedite the decision on the matter.

## LEGITIMATE RIGHTS OF INDIANS IN CEYLON.

355. \*Mr. Samuel Aaron : (a) With reference to their reply to parts (d) and (e) of the starred question No. 428, dated the 22nd February, 1935, regarding the legitimate rights of Indian Settlers in Ceylon, will Government please state whether any notice has been received from the Government of Ceylon regarding the appointment of a commission ; and

(b) if so, what action has been taken by Government in the matter ?

**Sir Girja Shankar Bajpai :** (a) No, Sir.

(b) Does not arise.

## RECOMMENDATIONS OF THE DRUGS ENQUIRY COMMITTEE.

356. \*Mr. Mathuradas Vissanji : (a) Is it a fact that the Drugs Enquiry Committee, appointed by the Government of India, submitted their report so far back as 1931 ?

(b) Have Government received representations from the Indian Merchants' Chamber and other Chambers of Commerce, as also from the Federation of Indian Chambers of Commerce and Industry, urging Government to initiate necessary legislation giving effect to the recommendations of the Drugs Enquiry Committee ?

(c) If so, will Government be pleased to state the reasons, if any, why action has been delayed for such a long time on this matter of all-India importance ?

(d) Are Government aware that, throughout the country, cases of adulteration of drugs, etc., are on the increase every year and that the public suffer helplessly through want of necessary and effective legislation to check this evil ?

(e) Will Government be pleased to state when they intend introducing a Bill giving effect to the various recommendations of the Drugs Enquiry Committee ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) Government have received such representations from several commercial associations.

(c) and (e). Legislation can be effective only if organisations to enforce its provisions as proposed by the Committee are set up both by the Government of India and by the Provinces. For financial reasons this has not been found possible so far. No scheme undertaken by the Government of India alone could be effective.

(d) The position may possibly be as stated by the Honourable Member.

#### BANIA SHOPS IN THE MARKET BAZAR, KASAUJI.

357. \*Sirdar Jogendra Singh (on behalf of Mr. Sham Lal) : (a) Is it a fact that up to the year 1928 all kinds of shops, including what are called *bania* shops, or provision shops, were allowed to be opened, and continued to be in the Market Bazar, Kasauli, without any objection on the part of the Cantonment Authority ?

(b) Is it a fact that owing to a few plague cases having occurred in 1928, all *bania* or provision shops were closed down in order to prevent the breeding of rats, supposed to carry plague germs ?

(c) Are Government aware that there are a large number of stalls in the Market Bazar owned by the Cantonment Authority and rented yearly for unusually large sums and that, despite the prohibition of *bania* shops, all sorts of provisions and Indian sweetmeats have been allowed to be kept in the stalls, in spite of the repeated objections raised by the shopkeepers of Kasauli ?

(d) Is it a fact that in 1934 three shop-keepers, namely, Messrs. Baroo Mall & Sons, L. Mansa Ram Sud, and Messrs. Ram Chand Bool Chand, were allowed the monopoly for opening *bania* shops in the Market Bazar ?

(e) Are Government aware that the result of monopoly granted to these shop-keepers has been the practical ruin of the business of old and permanent shop-keepers in the old bazar of Kasauli ?

(f) Are Government aware that there exists a great feeling of resentment over this policy of discrimination and favouritism of the Cantonment Authority, and a number of representations had been made by All-India Cantonments' Association and the shop-keepers of Kasauli ?

(g) Are Government prepared to take immediate steps to see that either the *bania* shops and provision shops are removed from the Market Bazar, or all persons, without any discrimination, are allowed to open such shops in the Market Bazar on equal terms and conditions ?

Mr. G. R. F. Tottenham : (a) and (b). Yes.

(c) There are 37 stalls in the Market Bazar, Kasauli Cantonment, which belong to the Cantonment Authority and have existed there for a long time. These stalls are leased annually on rents which are either auctioned or determined by tenders. This year seven stalls were rented to betelsellers who also sell sweetmeats, tea, biscuits, etc. The sale of *dhal*, ghee and other foodstuffs is prohibited.

(d) In 1934, three licenses were given to the persons named, but there was no question of monopoly.

(e) No.

(f) Government understood that the Cantonment Authority has received many representations and has given them due consideration. There is no intention of granting a monopoly to any of the shopkeepers. The Cantonment Authority do not consider it desirable to allow more *bania* shops dealing in food grains in that locality owing to its close proximity to the barracks. Rats are increasing in the Cantonment.

(g) Government are not prepared to interfere in the municipal administration of the Cantonment.

#### ENQUIRY INTO THE CONDUCT OF AN IMPERIAL SERVICE OFFICER.

358. \*Sardar Sant Singh : (a) Will Government please state the number of Imperial Services officers who have been tried under Act XXXVII of 1850 ?

(b) Will Government please state how many of them were tried by one Commissioner and how many by two or more ?

(c) Will Government please state who is the competent authority to order an enquiry into the conduct of an Imperial Service officer ?

(d) Will Government please state whether any Local Government has any authority to order or institute an enquiry, under Act XXXVII of 1850, into the conduct of an Imperial Service officer ?

The Honourable Sir Henry Craik : (a), (b) and (c). I would refer the Honourable Member to the reply given to Sardar Mangal Singh's starred question No. 313.

(d) No.

#### PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

359. \*Sardar Sant Singh : (a) Will Government please state the number of Permanent Way Inspectors on the North Western Railway ? How many of them are Hindus, Sikhs, Muslims, Anglo-Indians, domiciled Europeans, Indian Christians, and Parsis ?

(b) What is the total population of the Sikhs in the Punjab, North-West Frontier Provinces, Sindh and the Delhi Province, through which the North Western Railway passes ?

(c) What is the proportion of Sikhs to the population of the Muslims, Hindus, Anglo-Indians, domiciled Europeans, Indian Christians and Parsis ?

(d) Has the attention of Government been drawn to the notice issued by the North Western Railway, inviting applications for admission to the Walton Training School, Lahore Cantt., to undergo training as Permanent Way Apprentices from the 16th September, 1935 ? If so, what proportion of the vacancies has been reserved for each community and why ?

Mr. P. R. Rau : (a) The available information will be found in the North Western Railway Classified List of subordinate staff of all Branches in receipt of Rs. 250 per mensem and over or on scales of pay rising to Rs. 250 per mensem and over, a copy of which is in the Library of the House.



(b) and (c). I would refer the Honourable Member to the Census of India, 1931, Volume I, India, Part II, a copy of which is in the Library of the House.

(d) The Agent, North Western Railway, reports that of the ten vacancies, eight have been reserved—six for Muslims, one for Anglo-Indians and one for other minority communities. These proportions were fixed in accordance with the instructions regarding the representation of Muslims and other minority communities in railway service.

**EQUIPMENT OF THE AJMER RAILWAY WORKSHOPS WITH ADDITIONAL PLANT AND MACHINERY FOR THE MANUFACTURE OF LOCOMOTIVES.**

360. \***Mr. V. V. Giri** : What additional amount of capital has been invested to equip the Ajmere Railway Workshops with necessary additional plant and machinery for the manufacture of locomotives ?

**Mr. P. R. Rau** : The Ajmer Railway Workshops have carried out repairs to locomotives as well as the building of locomotives for the past 39 years. The greater part of the machinery is employed both on repairs and building. It is, therefore, not possible to state how much of the capital invested in the workshops is attributable to repair work and how much to the building of locomotives.

**LOCOMOTIVES MANUFACTURED IN THE AJMER RAILWAY WORKSHOPS.**

361. \***Mr. V. V. Giri** : Will Government be pleased to state the number of new locomotives of different type manufactured in Ajmere Railway Workshops during each of the last five years and the respective cost per locomotive of each type ?

**Mr. P. R. Rau** : I place on the table a statement giving the information required.

*Locomotives manufactured in Locomotive Shops, Ajmer.*

| Item No. | Year in which manufactured. | Number manufactured. | Class manufactured. | Cost per locomotive. | Remarks. |
|----------|-----------------------------|----------------------|---------------------|----------------------|----------|
|          |                             |                      |                     | Rs.                  |          |
| 1        | 1930-31 ..                  | 7                    | G2                  | 51,729               |          |
| 2        | " ..                        | 2                    | YD                  | 77,680               |          |
| 3        | 1931-32 ..                  | 13                   | YD                  | 77,680               |          |
| 4        | 1932-33 ..                  | 15                   | YD                  | 73,396               |          |
| 5        | 1933-34 ..                  | 13                   | YD                  | 84,183               |          |
| 6        | 1934-35 ..                  | 2                    | YD                  | 84,183               |          |
| 7        | " ..                        | 14                   | YB                  | 81,264               |          |

These locomotives were fitted with Poppet Valve gear.  
These figures are estimated ones. Completion costs are not yet available, but they will probably be lower than the estimated ones.

**Mr. V. V. Giri** : May I ask the Honourable Member, apart from the assembling of parts of locomotives, whether there is any real manufacture of locomotives in Ajmer Workshops ?

**Mr. P. R. Rau** : I think the position was fully explained by the Honourable the Railway Member the other day. What the Ajmer Workshops do, to the best of my knowledge, is to purchase a certain amount of fittings and parts. They do not, I believe, manufacture all the parts of the locomotives themselves.

**Mr. V. V. Giri** : Can the Honourable Member give us information as to what parts are manufactured in Ajmer Workshops or at least can he give us that information at a future date ?

**Mr. P. R. Rau** : I should have notice of that question, Sir.

**Mr. T. S. Avinashilingam Chettiar** : What percentage of parts are manufactured in Ajmer Workshops and what percentage of parts are imported ?

**Mr. P. R. Rau** : I should like to have notice of that question, Sir.

**SALOONS AND INSPECTION CARRIAGES ON EACH RAILWAY.**

362. \***Mr. V. V. Giri** : (a) Will Government be pleased to state the number of saloons that were utilised, without ordering for new ones, by pooling the existing stock on different Railways ?

(b) What is the present number of saloons and inspection carriages on each Railway ?

(c) Is it a fact that nearly 40 per cent. of the officers have saloons provided for them and if not, what is the actual percentage ?

(d) Will Government be pleased to state the annual costs of repair and maintenance incurred on saloons on each Railway since 1931 ?

**Mr. P. R. Rau** : (a) and (b). The latest information available is in the statement placed before the Standing Finance Committee for Railways in June, 1934, and contained in the Proceedings of their Meeting, Volume XI, No. 2. The extent to which pooling has been resorted to is shown in that statement.

(c) The percentage differs on different railways. The percentage for each railway will be found in the statement I have referred to.

(d) I regret that the information is not available as accounts for reserved inspection carriages are not kept separately.

**RENEWAL OF WAGONS ON INDIAN RAILWAYS.**

363. \***Mr. V. V. Giri** : Will Government be pleased to state whether it is a fact that the Indian Railway Conference Association have pressed for renewal of nearly 21,900 wagons on Indian Railways ? If so, will Government be pleased to state the data on which the Association came to the above conclusion ?

**Mr. P. R. Rau** : The Operating Committee of the Indian Railway Conference Association expressed the opinion that at present 21,923 wagons are uneconomical to run and has recommended that they should be re-conditioned or replaced during the three years commencing 1936-37.

The opinion of the Committee is based on a consideration of the ages of the wagons, the cost of a periodical overhaul for certain types compared with the average cost and their unsuitability to conform with and to stand up to modern traffic conditions.

**Mr. V. V. Giri :** Have they submitted any report ?

**Mr. P. R. Rau :** I think, Sir, they have sent a letter to the Government of India on the point.

**Mr. V. V. Giri :** Will that letter be placed before the Railway Standing Finance Committee for consideration ?

**Mr. P. R. Rau :** No, when proposals are placed before the Standing Finance Committee for re-conditioning or purchasing wagons, the information contained there will be available to them.

#### ENQUIRY INTO THE CONDUCT OF AN IMPERIAL SERVICE OFFICER.

364. **\*Mr. Muhammad Azhar Ali :** Will Government please state how many officers of the Imperial Service have been tried under Act XXXVII of 1850, and how many of them were tried by one Commissioner and how many by two or more ?

**The Honourable Sir Henry Craik :** I would refer the Honourable Member to the answer given to Sardar Mangal Singh's starred question No. 313.

#### PRESSES AND NEWSPAPERS PUNISHED IN CONNECTION WITH ARTICLES ON THE SILVER JUBILEE FUND OR THE QUETTA EARTHQUAKE RELIEF.

365. **\*Pandit Sri Krishna Dutta Paliwal :** Will Government be pleased to state the names of the presses and papers whose securities have been confiscated, or from whom securities have been demanded under the Press Act, in connection with the articles on the Silver Jubilee Fund or the Quetta earthquake relief, together with the amount of securities demanded or confiscated from each ?

**The Honourable Sir Henry Craik :** I lay on the table a statement which gives the information desired.

*Statement showing action taken against newspapers and presses under the Indian Press (Emergency Powers) Act, 1931 for Publication of articles on the Silver Jubilee Fund and the Quetta Earthquake Relief.*

| Serial No. | Name of newspaper or Press. | Amount of security demanded. | Amount of security forfeited. | Remarks.                                                          |
|------------|-----------------------------|------------------------------|-------------------------------|-------------------------------------------------------------------|
|            |                             | Rs.                          | Rs.                           |                                                                   |
| 1          | Bandemataram, Calcutta ..   | 500                          | ..                            | For publication of an article on the Silver Jubilee celebrations. |
| 2          | Santi Press, Calcutta ..    | 500                          | ..                            | Ditto.                                                            |

| Serial No. | Name of newspaper or Press.                          | Amount of security demanded. | Amount of security forfeited. | Remarks.                                                                   |
|------------|------------------------------------------------------|------------------------------|-------------------------------|----------------------------------------------------------------------------|
|            |                                                      | Rs.                          | Rs.                           |                                                                            |
| 3          | Kistna Patrika, Masulipatam ..                       | 2,000                        | ..                            | For publication of an article or articles on the Quetta Earthquake Relief. |
| 4          | Trilinga, Madras .. ..                               | 1,500                        | ..                            | Ditto.                                                                     |
| 5          | Dhinamani, Madras .. ..                              | 2,000                        | ..                            | Ditto.                                                                     |
| 6          | Prabhat, Mangalore .. ..                             | 2,000                        | ..                            | Ditto.                                                                     |
| 7          | Mangalore Press, Mangalore ..                        | 2,000                        | ..                            | Ditto.                                                                     |
| 8          | Indian Express Press, Madras ..                      | 2,000                        | ..                            | Ditto.                                                                     |
| 9          | Free Press Journal, Bombay ..                        | ..                           | 10,000                        | Ditto.                                                                     |
| 10         | Free Press Bulletin Press, Bombay .. ..              | ..                           | 10,000                        | Ditto.                                                                     |
| 11         | Khilafat Daily (or Roznama-e-Khilafat), Bombay ..    | 1,500                        | ..                            | Ditto.                                                                     |
| 12         | Khilafat Press, Bombay .. ..                         | 1,500                        | ..                            | Ditto.                                                                     |
| 13         | Bombay Standard, Bombay ..                           | ..                           | 1,000                         | Ditto.                                                                     |
| 14         | Sun Printing Press, Bombay ..                        | 1,000                        | ..                            | Ditto.                                                                     |
| 15         | Siyasat Hyderabad (Sind) ..                          | 1,000                        | ..                            | Ditto.                                                                     |
| 16         | Chandan Electric Printing Press, Hyderabad (Sind) .. | 1,000                        | ..                            | Ditto.                                                                     |
| 17         | Khadim Quadim, Calcutta ..                           | 500                          | ..                            | Ditto.                                                                     |
| 18         | Kamali Press, Calcutta .. ..                         | 500                          | ..                            | Ditto.                                                                     |
| 19         | Medina, Bijnor .. ..                                 | ..                           | 1,000                         | Ditto.                                                                     |
| 20         | Vikas, Saharanpur .. ..                              | 1,000                        | ..                            | Ditto.                                                                     |
| 21         | Shujaat, Lahore .. ..                                | 1,000                        | ..                            | Ditto.                                                                     |
| 22         | Hindustan Press, Lahore ..                           | 1,000                        | ..                            | Ditto.                                                                     |
| 23         | Tej, Delhi .. ..                                     | ..                           | 1,000                         | Ditto.                                                                     |
| 24         | Qaumi Gazette, Delhi ..                              | 1,000                        | ..                            | Ditto.                                                                     |
| 25         | Arjun, Delhi .. ..                                   | ..                           | 2,000                         | Ditto.                                                                     |

**Pandit Sri Krishna Dutta Paliwal :** Will Government be pleased to lay on the table copies of the offending articles ?

**The Honourable Sir Henry Craik :** I think we have got them all, at any rate I am quite prepared to lay such as we have.

# NON-APPOINTMENT OF AN INDIAN AS PRESIDENT OF THE TARIFF BOARD.

366. \*Pandit Sri Krishna Dutta Paliwal : Will Government please state the reason or reasons for not appointing an Indian as President of the Tariff Board in place of Mr. Wiles ?

**The Honourable Sir Muhammad Zafrullah Khan :** Mr. Fazal Ibrahim Rahimtoola was appointed President of the Tariff Board in place of Mr. Wiles, and the question, therefore, does not arise.

## MEMBERS OF THE INCOME-TAX ENQUIRY COMMITTEE.

367. \*Pandit Sri Krishna Dutta Paliwal : (a) Will Government be pleased to state the names of the members of the Income-tax Inquiry Committee ?

(b) How many of them are Indians ?

**The Honourable Sir James Grigg :** I would refer the Honourable Member to the reply to question No. 35 asked by Sardar Sant Singh. The enquiry will be conducted by two experts from the British Inland Revenue and one Indian member of the Indian Income-tax Department.

## PROHIBITIVE DUTY ON CLOVE IMPORTS AND PROTECTION AGAINST INDEFINITE MORATORIUMS DEMANDED BY INDIANS IN ZANZIBAR.

368. \*Pandit Sri Krishna Dutta Paliwal : Are Government aware that Indians in Zanzibar at a mass meeting on the 16th June, 1935, demanded prohibitive duty on clove imports and protection against indefinite moratoriums ? If so, what steps, if any, have Government taken, or propose to take, to see that these demands are fulfilled ?

**Sir Girja Shankar Bajpai :** The answer to the first part of the question is in the affirmative. As regards the second part I would refer the Honourable Member to the answers I have already given during this Session to the numerous questions about Indian grievances in Zanzibar.

## CONSIGNMENTS OF GOODS FOR INDIAN IMPORT THROUGH EMPIRE SHIPPING.

369. \*Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that Government issued a circular letter to all the Local Governments, asking them to suggest to the major municipalities of their provinces that exporters should be directed to consign goods for Indian import through Empire shipping ?

(b) Will Government be pleased to lay a copy of the circular on the table of this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

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

FROM H. S. MALIK, ESQUIRE, I.C.S., DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA, DEPARTMENT OF COMMERCE, TO ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS, No. 33-M.I.34, DATED NEW DELHI, THE 22ND MARCH, 1935.

SUBJECT :—Utilisation of British Shipping for the carriage of cargo to and from the countries of the British Commonwealth.

I am directed to refer to the letter, which was forwarded with the letter from the Government of India, Home Department, No. F. 55/83-Ests., dated the 23rd March,

1934, requesting officers entitled to Lee Concession passages to travel by Empire Ships. It was pointed out in that letter that the promotion and development of Imperial trade are dependent to a large extent upon the maintenance of the shipping of the British Empire and that this Shipping is at present meeting with severe and unequal competition from State-aided foreign lines.

2. I am to say that, in order to secure the growth and maintenance of Imperial Shipping which is an interest of the whole Empire, it has now been suggested that public or semi-public organisations concerned with the shipment of produce or the importation of goods from overseas should give the fullest possible employment to Empire ships. I am accordingly to request that, if there is no objection, Port Trusts, the control of the Government of important municipalities and other local bodies under your control

Bengal may be addressed in the matter.  
etc.,

**Mr. S. Satyamurti :** Why did they do that ?

**The Honourable Sir Muhammad Zafrullah Khan :** A copy has been laid on the table, because it has been asked for.

**Mr. S. Satyamurti :** Surely my Honourable friend must take it a little more seriously. I am asking why this Government issued this circular letter.

**The Honourable Sir Muhammad Zafrullah Khan :** I beg your pardon.

**Mr. S. Satyamurti :** I thought it was very obvious.

**The Honourable Sir Muhammad Zafrullah Khan :** It was not so. If it were so, I would have replied to the question certainly. The letter was issued in order to encourage Empire shipping as against non-Empire shipping.

**Mr. S. Satyamurti :** What is the proportion of Indian shipping in Empire shipping ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question does not arise out of my reply.

**Mr. S. Satyamurti :** Yes, it does. I am asking what is the benefit to this country by asking Local Governments to suggest to their major municipalities that exporters should be directed to consign goods for Indian import through Empire shipping. I want to know what is the benefit to this country.

**The Honourable Sir Muhammad Zafrullah Khan :** As I have already said, the question does not arise out of my reply.

**Mr. S. Satyamurti :** It is for you, Sir, to rule.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member had better put down another question.

**Mr. S. Satyamurti :** That will be Delhi Session, Sir.

**Mr. T. S. Avinashilingam Chettiar :** Is that a suggestion or an order, Sir ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is not an order.

**Mr. S. Satyamurti :** Was this Government asked by the British Government to issue this communiqué, or was it a spontaneous act of Empire loyalty ?

**The Honourable Sir Muhammad Zafrullah Khan :** If my Honourable friend will put down a question on the subject, I will ascertain and give a reply.

**Mr. S. Satyamurti :** I shall put down a short notice question, and I hope the Honourable Member will be able to give me a reply.

**The Honourable Sir Muhammad Zafrullah Khan :** I will not accept short notice. It is not a matter of urgency.

**Mr. S. Satyamurti :** Then, I ask for a definite ruling from you, Sir.

**Mr. President (The Honourable Sir Abdur Rahim) :** If the Honourable Member is not prepared to accept short notice, what can the Chair do ?

**Mr. S. Satyamurti :** I am asking for a ruling, Sir. My question is this, did Government issue the circular out of their own spontaneous loyalty, or was there any suggestion, direct or indirect, by the British Government to the Government of India ? This supplementary question arises out of part (a) of the original question.

**The Honourable Sir Muhammad Zafrullah Khan :** My reply is that I require notice of that question.

#### EXTERNED OR EXILED PERSONS NOT ALLOWED TO RETURN TO INDIA.

370. \***Pandit Sri Krishna Dutta Paliwal :** (a) Will Government be pleased to state the names of the persons who have been externed or exiled from India, as also of those who are not allowed to return to their motherland ?

(b) Do Government propose to allow them to return to their country ? If so, when ? If not, why not ?

**The Honourable Sir Henry Craik :** (a) and (b). There are only two British Indian subjects who have applied for and been refused facilities to return to India during the past ten years. One is Sailendra Nath Ghose with whose case I dealt very fully in the replies given in this House on the 15th August, 1934, and 1st April last to Messrs. Mitra's and Satyamurti's questions Nos. 622 and 1287, respectively, and the supplementary questions thereon. I have nothing further to add to what was stated by me on those occasions. The second is Benoy Roy Chaudhuri who was released from detention under Regulation III of 1818 and allowed to go to Europe for medical treatment on the understanding that if he returned to India without permission he would again become liable to detention under the Regulation.

**Pandit Sri Krishna Dutta Paliwal :** May I know what are the offence or offences for which these people have been externed ?

**The Honourable Sir Henry Craik :** There is no question of an offence.

**Mr. T. S. Avinashilingam Chettiar :** Then why were they refused permission ?

**The Honourable Sir Henry Craik :** I have explained that in the case of Sailendra Nath Ghose at considerable length. As regards the other person, Benoy Roy Chaudhuri, he has not been allowed to return to India, because his presence in this country would be a source of

danger to the public peace, but, as a matter of fact, his case is at the moment under consideration.

**Mr. S. Satyamurti :** Did Mr. Subhash Chandra Bose apply for permission to return to India ?

**The Honourable Sir Henry Craik :** No.

**Mr. S. Satyamurti :** He has not applied ?

**The Honourable Sir Henry Craik :** No.

**Mr. M. Asaf Ali :** Is he free to come back ?

**The Honourable Sir Henry Craik :** That does not arise ?

**Mr. M. Asaf Ali :** The question was : Will Government be pleased to state the names of the persons who have been externed or exiled from India, as also of those who are not allowed to return to their motherland. And my supplementary question is, whether Mr. Subhash Chandra Bose is free to come back to India. That arises out of, "as also of those who are not allowed to return to their motherland".

**The Honourable Sir Henry Craik :** The question asked me to state the names of the persons who have been externed or exiled from India.

**Mr. M. Asaf Ali :** See the latter portion, "as also of those who are not allowed to return to their motherland." My question is, is Mr. Subhash Chandra Bose free to return to India ?

**The Honourable Sir Henry Craik :** So far as I know.

**Mr. M. Asaf Ali :** May I know whether Mr. Hardyal and Barendra Nath Chattopadhyaya are free to come back to India ?

**The Honourable Sir Henry Craik :** So far as I am aware, Mr. Hardyal is free to come back to India. I have no information that he is not.

**Mr. M. Asaf Ali :** He is free to come back ?

**The Honourable Sir Henry Craik :** Of course, if he takes the consequences.

**Mr. M. Asaf Ali :** What about Mr. Barendra Nath Chattopadhyaya ?

**Members on the Congress Nationalist Benches :** We cannot hear anything on this side.

**Mr. M. Asaf Ali :** Is Mr. Barendra Nath Chattopadhyaya free to come back to India—Mr. Sarojini Naidu's brother ?

**The Honourable Sir Henry Craik :** So far as I know, he is but the Honourable Member had better put down a question.

**Dr. Khan Sahib :** Is Kazi Abdul Wali free to return to this country ?

**The Honourable Sir Henry Craik :** The Honourable Member had better put down a question. I have not got his name here, but I imagine he is free. In any case, the Honourable Member had better put down a question.

**Pandit Sri Krishna Dutta Paliwal :** What about Raja Mahendra Pratap ?

**The Honourable Sir Henry Craik :** I have explained in answer to a previous question. He is not a British Indian subject to the best of my belief.

# RACIAL DISCRIMINATION IN THE EAST INDIAN RAILWAY HOSPITAL AT TUNDLA.

371. \*Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that in the East Indian Railway Hospital at Tundla, European and Anglo-Indian nurses attend to the Indian patients only in specific cases, when the District Medical Officer considers it necessary ? If so, will Government be pleased to state the reason or reasons for this racial discrimination ?

(b) Is it also a fact that Indians are not allowed to use the swimming bath at Tundla ? If so, why ? Do Government propose to remove this racial discrimination ?

Mr. P. R. Rau : (a) Government are informed that this is not the case and that there is no racial discrimination in the matter of nursing in the medical department of the East Indian Railway.

(b) Government understand that the swimming bath at Tundla is run by the Euporean Institute Swimming Club, whose members pay subscriptions from which the expenses of water, electric current, etc., are met, and that no demand has so far been made by the Indian community for a swimming bath.

Mr. E. H. M. Bower : In view of the obvious inference from part (a) of the question that Indian patients prefer to be attended to by European and Anglo-Indian nurses, will Government see that the proportion of European and Anglo-Indian nurses in hospitals is not reduced ?

Mr. P. R. Rau : I do not think that arises out of this question.

Mr. S. Satyamurti : With reference to the answer to part (b) of the question, does the Railway Authority make any contribution to this institution ?

Mr. P. R. Rau : I think the swimming bath was probably built at the expense of the railway, but the maintenance is by the European Institute.

Mr. T. S. Avinashilingam Chettiar : Is it entirely maintained by the European Institute ?

Mr. P. R. Rau : I understand that the members pay subscription from which the expenses of water, electric current, etc., are met.

Mr. S. Satyamurti : Does the Railway Authority contribute any portion of the expense of maintaining this bath ?

Mr. P. R. Rau : I must have notice of that question. They say that the expenses of water, electric current, etc., are met by the subscriptions that the members pay. But there may be other items of expenditure on maintenance which I am not sure of.

Mr. S. Satyamurti : Will the Honourable Member make an enquiry and find out whether there is any racial discrimination practised, and, if so, will he see that it is removed ?

Mr. P. R. Rau : I am sure that if the Indian members of the staff form a club and are prepared to pay for the expenses of water, electric current, etc., the administration would be prepared to allot to them certain time in which they can use the bath.

Mr. T. S. Avinashilingam Chettiar : Supposing the members of the Indian community who want that are few, will the benefit of this Club be denied to them on racial grounds ?

Mr. P. R. Rau : That is a hypothetical question.

## MOTION FOR ADJOURNMENT.

### GOVERNMENT CIRCULAR PROHIBITING THE CONGRESS ASSEMBLY PARTY COMMITTEE TO ENQUIRE INTO AND REPORT UPON THE ADMINISTRATION OF THE REPRESSIVE LAWS IN BENGAL.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

12 NOON. I have received notice from Mr. Paliwal that he proposes to ask for leave to move a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance, namely, the issuing of a circular by the Government of India prohibiting the work of the Committee appointed by the Congress Assembly Party to enquire into and report upon the administration of the repressive laws in Bengal. I should like to know from the Honourable Member how he thinks his motion is in order. A number of questions have been asked in this House on this subject already.

Pandit Sri Krishna Dutta Paliwal (Agra Division : Non-Muham-madan Rural) : The questions did not lead to any discussion. We understood only yesterday in reply to certain questions that a circular has been issued by the Government.

Mr. President (The Honourable Sir Abdur Rahim) : Does this matter refer to Mr. Mohan Lal Saksena's visit to Bengal ?

Pandit Sri Krishna Dutta Paliwal : Mr. Mohan Lal Saksena has received an answer from the Home Member that the circular is a confidential one and Government are not prepared to disclose it in the public interest.

The Honourable Sir Henry Craik (Home Member) : I do not admit that there was a circular.

Mr. S. Satyamurti : Do you deny it ?

The Honourable Sir Henry Craik : Why should I deny it ?

Mr. President (The Honourable Sir Abdur Rahim) : Does your motion refer to Mr. Mohan Lal Saksena's visit and to the prohibition to make this inquiry ?

Pandit Sri Krishna Dutta Paliwal : The point is that a circular has been issued by the Government of India to all the Local Governments prohibiting the inquiry which the Congress Party was conducting and putting impediments in the way of that inquiry.

The Honourable Sir Henry Craik : No such circular was issued.  
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# CIRCULAR REGARDING GOVERNOR GENERAL'S ADDRESS TO THE MEMBERS OF THE INDIAN LEGISLATURE.

**Mr. President** (The Honourable Sir Abdur Rahim) : Honourable Members are aware that His Excellency the Governor General will address the Members of the Indian Legislature on Monday, the 16th September, 1935, at 11 o'clock in this Chamber. In connection with the said Address, the Secretary of the Legislative Assembly has issued Circular No. LXXII, dated the 21st August, 1935, informing Members about the dress which is to be worn on the occasion. He has also suggested therein that Honourable Members should arrive at the Chamber by a specified time. Mr. Sri Prakasa has given notice of a question asking under what authority such Circulars are issued by the Secretary and has also informed the Chair that there are several other Honourable Members who are also interested in this matter. The question referred to is not admissible as it relates to a matter which is not primarily the concern of the Governor General in Council, but I think it desirable to make a statement in the House to clarify the position.

Under sub-section (3) of section 63-B of the Government of India Act, the Governor General has the right of addressing the Legislative Assembly and may for that purpose require the attendance of its Members. In exercise of this right, the Governor General, by a written order, fixes the place, date and time of the Address which is communicated to Honourable Members by the Secretary of the Legislative Assembly. Under instructions from His Excellency, the Military Secretary informs the Secretary of the Assembly as to the dress which should be worn by Honourable Members on the occasion of the Address, and the Secretary of the Assembly communicates these instructions to Members through a circular. The Secretary in such cases merely acts as a medium between the Governor General and the Members of the Assembly just as the Secretary of the Council of State does as far as the Council of State is concerned. I may also point out that the Legislative Assembly Department is included in the portfolio of the Governor General.

Honourable Members are aware that the traffic outside the Assembly Building is regulated by the Police who are under the administrative control of the Local Government. With a view to avoiding congestion of traffic at the time of His Excellency's arrival at the Assembly Building on the day of the Address, the Police always issue special instructions to close all avenues and approaches to the Building before 11 A.M. In order that the Honourable Members may not be put to any inconvenience on account of Police instructions regarding the regulation of traffic outside, the Secretary in his Circular suggests to them that they should arrive at the Chamber by a particular time.

I may inform Honourable Members that the procedure of issuing such a Circular to Members of the Legislative Assembly is not a new one, but has been followed since 1921 and no objection whatsoever has been taken before.

## THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL—*contd.*

### AMENDMENT OF SECTION 51.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Assembly will now resume further consideration of the following motion moved by

the Honourable Sir Henry Craik on Tuesday, the 3rd September, 1935, viz. :

" That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 51*), be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Mr. M. Asaf Ali, Mr. M. Ananthasayanam Ayyangar, Mr. Muhammad Azhar Ali, Mr. M. Ghiasuddin, Mr. Lalchand Navalrai, Mr. T. Chapman-Mortimer, Captain Rao Bahadur Chaudhri Lal Chand, Mr. A. G. Clow, Mr. J. M. Chatarji and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

### **Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadan Rural) :

When this Bill was brought before this House for circulation, I wanted the Honourable the Home Member to give me an assurance that the peasants' associations also, wherever they have existed, should be circulated on this Bill, with a view to ascertain their views. I find from the papers that have been circulated in this House and the opinions that have been obtained by the Government of India that not even one peasants' association has been approached for its opinion anywhere in this country. Sir, if this Bill is to benefit any one at all, it must be the industrial workers, agricultural workers and peasants mostly and I find that not even the Trade Union Congress has been sounded for its opinion and, of course, the agricultural workers have not been approached at all for their opinion. We find here opinions of High Court Judges and other Government officials, of Chambers of Commerce, big merchants, Nattukottai Chettians and several others who are deeply interested in the moneylending business or whose relatives are themselves moneylenders. Naturally any Bill, however little it may affect adversely the interests of the moneylender, will be abnoxious to them and, therefore, it is no wonder that many of these opinions are opposed to this harmless and even inadequate Bill. Even in case, where the Governors in Council are in favour of this particular Bill, District Magistrates, Judges and several other officers are found to be opposed to this. High Court Judges, especially in the Punjab, Bengal and the United Provinces have supported this Bill and yet some judges have thought it fit to note their individual opinions against this Bill and several District Judges are found opposing this Bill. Sir, if this is the way in which opinion is canvassed in this country, for a Bill which is expected to benefit peasants and workers industrial and agricultural, and other masses even to the slightest possible extent, then it would be impossible to find on record any opinion which will be found to be in favour of a Bill like this. I, therefore, Sir, again submit for the consideration of this House, as well as of the Government, that at least in future, whenever any such Bill is proposed to be circulated in this country, proper steps should be taken so that the people who will be materially benefited by a Bill like this should themselves be consulted and their opinion canvassed and their feelings ascertained, so that this House as well as the Government will be in a better position to judge how the real public opinion in this country stands. Sir, I find that only a few District Judges and one Governor in Council and one acting Governor were in favour of the main principle that imprisonment for debt should be abolished altogether. Yet one of them, the Director of Industries, Madras, maintains, that this question of imprisonment for debt cannot be taken up now seriously by legislators in view of the fact that opinion in its favour or against it has not been properly canvassed in this country. If only this Bill had been placed and circulated amongst

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peasants, then this Government as well as this House would have been overwhelmed with their definite view in favour of the abolition of imprisonment for debts. Sir, with regard to this barbaric practice of handing over not only the property, not only the assets, movable and immovable but also the persons of the unfortunate debtors to the creditors for whatever they may like to do with those assets.

Sir, I am reminded of the days of Shylock when for every pound of gold pound, that had remained unpaid, a pound of flesh was demanded. Sir, if in these days a pound of human flesh is not demanded, at least a more valuable asset, the living flesh, is being demanded by our moneylenders in this country in satisfaction of the monies owing to them. Sir, when money is lent to anybody, we expect the moneylender to do so not because he has the vicarious right of putting this particular man in jail but because he has a faith in the property owned by that debtor, movable and immovable and also in the credit possessed by that man. It is quite true that credit in any country will become impossible if the creditors can have no faith in the honesty and straightforwardness of the debtors. But, at the same time, it is not fair to expect debtors to be constantly afraid of this particular contingency that some day they may fail in their business owing to some unforeseen circumstances like the earthquake or a cyclone or some economic depression, when their assets may shrink suddenly, and they may then find themselves in a helpless and hopeless condition and unable to pay their debts and, therefore, they have to stand this risk, this inhuman risk of being put in jail for no fault of their own. Sir, it is not fair to subject the debtors of this country in their millions to this terrible and inhuman risk. It would not have mattered if only this risk had remained there unused and disused, but unfortunately it has been so badly used and taken advantage of by moneylenders and so very badly and inhumanly permitted by the judges that millions of the poor people are placed in this unhappy position.

Sir, we were charged during the course of the last few days' debate in one breath of not having any faith in our judges and in another breath of having a faith in our judges. Yet while our judges seem to me, sometimes, especially in criminal matters, to be a little more favourable to us than the executive, the judges in civil affairs seem to be, Sir, with due respect for your profession, seem to be very much on the side of the moneyed classes, very much on the side of the powerful and the influential and the privileged classes, very much on the side of the moneylenders. It is very difficult, Sir, anywhere in this country, to find many district Munsifs or judges who really can be said even to be impartial as between creditors and debtors. Invariably it has been found in our experience, namely, that of the peasants, that judges have weighted the scales against the debtors, against the poor, against the peasant, against the worker, and it is not an unfair criticism, it is not an unfair statement of the conduct of the Courts for me to have to state, on behalf of the poor peasants and workers in this country, that the poor peasants and workers in this country have lost their faith in the Courts, at any rate in the civil Courts of this country,—not because the peasants and workers are dishonest, not because the peasants and workers are not anxious to have justice, not because the peasants and workers themselves are not willing to be on the side of justice, but because justice has not been doled out by the so-called suppliers of justice, the Courts, to the poor peasants and the workers of this country. If in any

other country they had been faced with an economic depression half as serious, half as bad as we have been faced with, the peasants there would certainly have received very much better and more lenient treatment than they have been permitted to receive from the hands of our Courts and judges in this country. Sir, in thousands and thousands of cases the moneylenders have allowed themselves to be panicky and to be harassed by bigger moneylenders and have rushed down upon the poor peasants and workers with their demands for the liquidation of their debts. Sir, what has happened in the innumerable villages we have, in the last five years, is not very dissimilar to a run on a bank that we come across now and then in the western countries, and yet what have those western Governments done, Sir, on such occasions? In Germany, when there was a similar run on the Reichsbank, the Government of the day issued a decree that the bank should close its doors and any creditor who insisted upon the payment of his total deposits was liable to be put in jail for a certain period. Again, Sir, in America there was a similar run and a disastrous run on banks in 1929 and 1930, and similar and equally momentous steps were taken by Government there to protect their banks and also to protect the depositors from committing economic suicide. But here in this country we have found our Government doing nothing at all, we have found our Government napping, we have found our Government snapping their fingers at anybody who dared to mention any idea. We have found our Government talking even of muddleheadedness when anyone had the courage or good sense to bring forward, for the consideration of this Government, any idea of economic planning or economic reconstruction,—which is the vogue of the day everywhere else in the world. At least, thanks to the experience that our Home Member has had in that agrarian province of the Punjab, we are faced now today with this very inadequate Bill. It does not go far enough at all. It does not touch even the fringe of the problem and it still keeps that obnoxious provision that a man may still be put into jail for not having been able to pay his debts. It still keeps that provision according to which, in the opinion of the Courts, a man may be put into jail for very flimsy and very trivial reasons. A man may not be able to find money in his own house, in his own village or in his neighbourhood and he may be thinking of going to some other village in his neighbourhood and bringing some money in order to pay off his debt. And yet, if by any chance, he goes beyond the particular geographical limit prescribed by the Court for its own jurisdiction, he is liable to be hauled up and put into jail. If it is found that after a due inquiry has been held by the Court the man has been unable to pay the decretal sum within the ten days that are prescribed here, it would be impossible for him to escape from the clutches of the jailor and of the civil debtors' jail. And yet my Honourable friend, Mr. Clow, looked a bit surprised when I said that this Bill does not even touch the fringe of the problem.

Why is it that Government are really so very solicitous about the needs of the moneylenders? Is it because the moneylenders, apart from being able to put their debtors into jail, are not able otherwise to recover their sums? If they are afraid that a man may try to alienate his property, it is still open to them to approach the Court to give an injunction so that all movable properties as well as the standing crops could be attached. It would still be open to them to approach the Courts for attaching the immovable properties of the



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debtors. It would still be open to them to see that any sale deeds that may be registered after the decree has been issued should be cancelled. If these provisions and if these safeguards are not enough to enable the moneylenders to recover their debts, then, Sir, the proper solution is not that the judgment-debtors should be sent to jail but that moneylenders should cease lending any money at all. Among the opinions circulated to us I find an opinion expressed by the Secretary of the Madras Provincial Co-operative Bank. This bank is the biggest moneylender in the whole of the Madras Presidency and even Raja Sir Anamalai Chettiar with all his crores and with all his credit at the Imperial Bank and other banks cannot claim to compete with this Co-operative Bank. And what is it that the Secretary of this bank says in regard to this particular Bill? He says that it does not go far enough. He goes even further and says that it is really barbarous in these days of 1935 to still keep on the Statute-book this wretched provision of putting civil debtors into jail. He maintains that there is no fear at all that, if this particular provision were to be removed, the debtors will not re-pay their debts and the creditors will not be able to recover their debts because, he says with great authority that nearly 70 crores of rupees is being borrowed every year for short term needs by peasants and is regularly re-paid. If Government want any other facts, they are themselves in possession of some remarkable facts. Let them look into the statistics they have got in regard to the operation of the Agricultural Land Improvement Loans Act. Then they will be able to satisfy themselves that agriculturists have not been found wanting in their willingness to pay. They have always paid their debts to the fullest possible extent if their resources have permitted them to do so. Now, Sir, what is it that has happened during the last four or five years? Even the Imperial Bank has been able to recover a large portion of its own investments amongst the agricultural classes simply because it had more sense and more wisdom to grant sufficient times wherever it was needed for its debtors to re-pay their debts. But, unfortunately, our moneylenders have not been in all cases actuated by merely commercial or financial motives. In many cases they have been actuated by personal motives of malice, of envy and of jealousy. They have for a long time been coveting the lands of the agriculturists and, except in the Punjab, they have not been controlled in their powers for acquiring the land of their peasants. They have been anxious to become landholders so that they may raise their social status in this country of peasant proprietors. And they have found their best chance in the economic depression. Once they found that their debtors were not in a position to pay, they jumped on them, began to harass them and succeeded in their ambition of obtaining as much land as possible for their own use and thus depriving the poor peasants of their lands which they had inherited from their forefathers, which are their only assets and which they have come to love. Some timely steps were needed at that time to protect these peasants from these moneylenders and from their ravages. And yet the Government of India as well as the Provincial Governments have kept themselves mum. They, however, called an Economic Conference in order to throw off this responsibility of having to deal with the agrarian problems and especially the financial side of them on to the shoulders

of the provinces, so that the Central Government may not be harassed either by the Legislative Assembly or by any inconvenient public opinion. And what is it that the Provincial Governments have done? In the Punjab, I admit, something has been attempted to be done and they have passed certain laws which, if properly executed, might be able to relieve a portion of the agrarian distress. In the United Provinces as well as in the Central Provinces some action has been taken. In regard to the other provinces, however, we have had so far only a talk of introducing some Bills, ordering some investigations and attempting to do something to alleviate the distress of the peasants. Nothing more has been done and nothing more is likely to be done. In all these provinces we find that the moneylenders and all those who are dependent on them for their influence and for their return to the Legislatures are supremely powerful in the Legislatures and are not likely to allow any legislation, affecting adversely their interests and favouring the interests of the peasants, to be passed or to be approved. Even if some legislation had been passed as is the case in the Central Provinces and the United Provinces, Conciliation Boards had to be established and it is left to the decision of the Provincial Government whether timely action should be taken or not in appointing these Conciliation Boards. In the Central Provinces the Government have complained that they have not got sufficient money to appoint as many Boards as are needed. The peasants have been hard put to it to march on the Government House in order to ask for the constitution of these Conciliation Boards. These Conciliation Boards are not expected to simply cancel all the debts owing to the moneylenders by agriculturists. The Conciliation Boards are only expected to bring the two parties, the debtors and the creditors together and to bring about some sort of compromise between them so that the debtors might not be completely ruined. Even for such a laudable purpose the Government of the Central Provinces will not find money and the Central Provinces Government have had to ask the permission of the Government of India to devote some money out of the grant of one crore placed by the Government of India at the disposal of the Provincial Governments for the development of rural interests and the Central Provinces Government wanted to appoint four more Conciliation Boards out of this grant. At this rate, how many more years will it take in that Province for the peasants to gain even this little help and assistance from that legislation. If that is the state of affairs in a fairly advanced Province like the Central Provinces, and it is not very dissimilar in the United Provinces and the Punjab, then what are we to say of the plight of the peasants in all other provinces especially in Madras. No wonder that the Madras Revenue Board has, for once in all its life and career, committed the sin of expressing certain liberal views in regard to the peasants and their economic needs. The Madras Revenue Board has had the hardihood of imposing an enhancement of land tax upon district after district and even now proposes to impose another enhancement upon the Guntur District and it is carrying on resettlement operations in two other districts. Is this the time, Sir, when definite and strong and even revolutionary measures ought to have been taken by the Government of Madras as well as by other Provincial Governments, to relieve agricultural and economic distress, to think of imposing additional burdens upon the shoulders of peasants and workers? It is not

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only the Madras Government, it is not only the Provincial Governments, but also the Central Government which has been the culprit in this regard. In the last twelve years, even within the last five years how many crores of taxation have been imposed by the Central Government upon the shoulders of the peasants and workers? Their action is quite unconscionable. They have done it and yet the Honourable the Finance Member went the other day to Bombay and wanted to conciliate the monied classes, wanted to conciliate the industrial classes by offering them another hope, another promise, to fulfil which, of course, this Government never finds it very difficult although it would certainly not hesitate to disregard many more important and much needed assurances and pledges so far as the peasants are concerned. The Honourable the Finance Member would go to Bombay and assure them that if there were any surplus budget for the next year, he would take the earliest opportunity of utilising that surplus for the cancellation of the surcharge on income-tax. He would not think of the additional burdens which he himself and his predecessors have imposed upon the shoulders of the peasants, but he would think first of the moneylenders and the capitalists and the big industrialists who have been really growing fat, thanks to the Swadeshi movement, thanks to the Government of India and their anxiety to help only the rich and only the powerful and only the organised; he would remove the tax burden from off their shoulders.

I submit, Sir, that it is high time that this Government should try to do something for the peasants even at this late stage and they should try to incorporate the provisions of the Bill given notice of by my Honourable friend, Mr. Ananthasayanam Ayyangar, and by myself, and see that the poor agriculturists are placed at least on the same footing as the salaried employees are proposed to be placed, as the industrial employees are proposed to be placed and that this obnoxious provision of putting people into jail is completely done away with and removed from the Statute-book.

Sir, it has grieved me much to find that some Honourable Members, even on this side, got up, the other day and tried to oppose an absolutely inadequate Bill like this. If only I have been assured here of the presence of a sufficient number of Members on behalf of the peasants and workers and if only I had been sure of a sufficiently large number of people who are prepared to come here and speak in the name of the masses, I certainly would have opposed this inadequate measure. I would throw it away in preference to another Bill which would contain more suitable provisions and which would contain provisions for the abolition of the punishment of debtors by the way of sending people to jail for inability to pay their debts. But most unfortunately in this country, we have been obliged, thanks to the Government and its repressive policy, to go to the masses not with an economic programme, not with an economic mandate, but with a political programme which naturally precludes me from having the authority to say to the Honourable the Home Member that certainly the masses are not prepared to work a Bill like this and that they would like to have some other more suitable Bill. With these words, I support the motion for reference of the Bill to the Select Committee. I hope the Honourable the Home Member will try to go a little further and help the peasants in getting

these two remedial amendments also incorporated into this. If he does so, I can tell him that although he has earned many a bad feeling from this side of the House, for all the things he has most unfortunately been obliged to do here, in his capacity as the Home Member, certainly there would be some peasants here and there who will thank the man who fortunately has had some experience of the troubles of the peasantry in the Punjab and who has come forward with some sort of Bill to ameliorate the condition of the peasants.

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 Abdur Rahim) in the Chair.

#### STATEMENT OF BUSINESS.

**The Honourable Sir Nripendra Sircar** (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 16th September. You have already directed, Sir, that in that week the Assembly shall sit for Government business on Monday, the 16th, Wednesday, the 18th, and Friday, the 20th.

On Monday, the first business will be a motion for leave to introduce a Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad. Thereafter, business, if any, not concluded today will be taken up in the order in which it stands on today's list. Motions will then be made for taking into consideration and passing the following Bills :

- (1) The Central Provinces Courts (Supplementary) Bill,
- (2) The Provincial Small Cause Courts (Amendment) Bill,
- (3) The Indian Army (Amendment) Bill.
- (4) The Provincial Insolvency (Amendment) Bill,
- (5) The Indian Motor Vehicles (Amendment) Bill,
- (6) The Repealing and Amending Bill, and
- (7) The Factories (Amendment) Bill.

Business not concluded on Monday will be taken on Wednesday in the order in which it stands on Monday's list. On Friday, leave will be asked to introduce a Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee. Thereafter, there will be a debate on the motion :

"That the report of the Tribunal appointed to advise on the formulation of a financial settlement between India and Burma in the event of separation be taken into consideration."

#### THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL--contd.

##### AMENDMENT OF SECTION 51.

**Mr. N. V. Gadgil** (Bombay Central Division : Non-Muhammadan Rural) : Sir, my Honourable friend, Prof. Ranga, wants considerable relief for the agriculturists. I am bringing to the notice of the Honour-

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able the Home Member that in the Bombay Presidency there is a special enactment called the Deccan Agriculturists' Relief Act. Under that Act agriculturists as defined in section 2 are absolutely immune from arrest in execution of a money decree. In the present Bill although it claims to apply to all industrial labourers and agriculturists also, no absolute immunity from arrest has been provided. I am making this suggestion to the Select Committee that is proposed to be constituted under this motion that those provisions which deal with immunity from arrest in the Deccan Agriculturists' Relief Act may be taken into consideration, and that is the only justification for my intervening in this debate. There are other provisions in the said Act which also provide that no immovable property of an agriculturist can be attached or sold in execution of decree unless it has been specifically mortgaged. If the object of this Bill, as I understand it, is to give relief to agriculturists and to industrial labourers, I think those very healthy provisions in that Act should be inserted here as they have been found useful by experience extending over 50 years, for the said Act was passed in 1879. I think that experience can be usefully utilised by the Select Committee and the real object of the Bill can be further improved if those provisions are incorporated in the Bill at the Committee stage.

**Mr. N. M. Joshi** (Nominated Non-Official) : Sir, as I had already taken part in the discussion that took place in the Assembly during the last Session when the motion for circulation of this Bill was discussed, I shall not detain the House very long. Sir, the Bill before the House is a very modest, I should have said a very halting, Bill. It makes an inquiry obligatory upon the Courts before they permit debtors being detained in jail. It also prohibits imprisonment for failure to repay the debt, in those cases where it is proved that the debtor has no means of repaying his debt. But, Sir, the Bill permits imprisonments for failure to repay a debt where the Court feels that there is a likelihood of the debtor escaping from the jurisdiction of the Court, or where in the opinion of the Court the debtor has committed some fraud in order to avoid repayment of the debt, or in those cases where in the opinion of the Court the debtor has acquired property since he incurred the debt. Sir, I consider this Bill to be halting because I feel that it is wrong that a man should at all be put in jail for failure to repay his debt. It is a wrong thing for a man in the first place to pledge his personal freedom in order to secure a loan and it is also wrong for the State to help in the recovery of a debt by restraining a man's personal freedom. I also feel that when a man is imprisoned for failure to repay a debt we treat a civil wrong as a criminal offence. I hope, Sir, that when the Select Committee considers this Bill, it will widen the scope of the measure proposed by the Government of India. There are very few civilised countries at present in which people are sent to jail for failure to repay their debts; and I should like the Government of India to take up a bolder attitude and get rid of what I may call this barbarous practice.

Going through the opinions circulated among the Members, opinions expressed by Provincial Governments and various organisations, I think there is a good deal of support for the proposals of the Government of India. I was somewhat surprised to hear criticism of this Bill, not that it was inadequate, but that it would not achieve its object, from

a Member of the Congress Party. My Honourable friend, Mr. Sri Prakasa, who I am sorry is not present here, made some statements which I was unable to follow. He said that he did not believe in any kind of imprisonment for any kind of wrong. But he said : "So long as you imprison people for criminal offences you have no right to remove imprisonment as a punishment for indebtedness." I know that my Honourable friend belongs to a group of people who may be whole-hoggers, but I feel that I cannot accept his logic. I am against all kinds of imprisonment as a penalty, but I shall be quite content, if I cannot secure the wiping out of imprisonment as a penalty, to secure relief from imprisonment even step by step. Then my Honourable friend, Mr. Sri Prakasa, said, that if you do not permit imprisonment for the failure to repay debt, you must at the same time compel banks or moneylenders to give loans where loans are necessary. I am not against compelling banks or moneylenders to give loans where loans are necessary. As a matter of fact, although not by law, by convention a doctor is bound to offer his services to a patient where he finds his services are necessary. So there is absolutely nothing wrong in compelling a man who has got money to give his money to any one who has the greatest need for it. At the same time, if I cannot secure a law compelling a moneylender to lend his money to the man who needs it, I am quite prepared to be content with having a law which will prevent at least imprisonment for the failure to repay a debt. A step is enough for me. The Honourable Member and several people who have expressed their opinions on the Bill have a fear that if imprisonment is not permitted for failure to repay debt, it will be difficult for people who need some loans to secure those loans. I am prepared to admit that there are occasions when loans become quite necessary; and I am prepared to admit also that if you take away the easy means of recovering debts, it will not be so easy to secure loans. At the same time in India we experience that many people take loans simply because there are moneylenders who are willing to offer loans or there are moneylenders who will make their moneylending business attractive. The Royal Commission which investigated this problem came to the conclusion that if we take the advantages and disadvantages of restricting credit, on the whole there is an advantage in restricting credit to the person who takes loans. I, therefore, feel, that on the whole the poorer classes of the people will not suffer even though their credit is restricted and even though they may sometimes find it difficult to get a loan where a loan is absolutely necessary. I feel that when the Bill is considered by the Select Committee the Select Committee will try to improve it in the direction I have suggested.

**Mr. T. Chapman-Mortimer** (Bengal : European) : Sir, the intention of this Bill has been so clearly set out in the Statement of Objects and Reasons that I do not propose to detain the House for more than a very few moments to explain why I am supporting the motion of the Honourable the Home Member for reference of this Bill to a Select Committee. Even among the critics of the Bill there is general agreement as to its principles. We are all agreed that it would be a good thing to abolish imprisonment for debt, except in the case of a dishonest debtor : so that there is no real argument about the principle. If the Bill is passed I am quite sure that it will greatly help some day—not at once but one day—the problem of rural indebtedness ; because we all know

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how great a hold the moneylender has over the debtor nowadays when he can always threaten him with imprisonment.

There are just a few small points that I should like to mention. First of all, it is very important that the Bill should contain, within it, a provision that it is for the debtor to show cause why he should not be imprisoned. That was one of the criticisms put up on the original proposals of the Government and we are all very glad to see that it has been incorporated in the Bill. The second point is that a slight amendment will probably be necessary to make it more difficult for a debtor to evade payment. At present, the debtor, if he wants to evade his creditors, may assign his property before he is actually brought into Court at all. We should like to see something in the Bill to make that impossible. Thirdly, there is the question of the kind of man who, though he does not go out of the jurisdiction of the Court, still is evading the Court's officers, so that they cannot serve a summons on him to show cause why he should not be committed to prison. That it does not provide for this is a weakness of the Bill which I have no doubt the Select Committee will very adequately deal with.

Lastly, there is the question of commercial debts. There are many people who support the principle of this Bill who are gravely anxious about it on administrative grounds. They feel that the fact that there is no provision in the present Bill for the retention of the existing powers whereby judgment-debtors in commercial transactions can be committed to prison is a very grave mistake. I am confident the Select Committee will deal very adequately with it.

These, Sir, are the only points that it is necessary to refer to now and I strongly support the motion for reference of this Bill to a Select Committee.

**The Honourable Sir Henry Craik** (Home Member) : Sir, before you put the motion, may I, with your permission, move an amendment :

" That in the motion to refer to a Select Committee the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, the name of Mr. J. A. Milligan be substituted for that of Mr. Chapman-Mortimer " †

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

" That in the motion to refer to a Select Committee the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, the name of Mr. J. A. Milligan be substituted for that of Mr. T. Chapman-Mortimer."

The motion was adopted.

**The Honourable Sir Henry Craik** : Sir, I have nothing more to say before the main motion is put.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

" That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 51*), be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Mr. M. Asaf Ali, Mr. M. Ananthasayanam Ayyangar, Mr. Muhammad Azhar Ali, Mr. M. Ghiasuddin, Mr. Lalchand Navalrai, Mr. J. A. Milligan, Captain Rao Bahadur Chaudhri Lal Chand, Mr. A. G. Clow, Mr. J. M. Chatarji and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

## RESOLUTION *RE* REDUCTION OF IMPORT DUTY ON CARBON BLOCKS.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways) : Sir, I move :

" That this Assembly recommends to the Governor General in Council to accept the recommendation of the Tariff Board that the import duty on carbon blocks, such as are ordinarily used for the manufacture of carbon brushes for electrical motors and generators, be reduced from 25 per cent. to 15 per cent. *ad valorem*."

Sir, the history of this matter is this. As the House is aware, the Tariff Board has power under Resolution No. 38-T (2) of the 28th March, 1925, to entertain applications directed towards obtaining the removal of tariff inequalities. Tariff inequality, I might be permitted to explain, means such inequality in the tariff duties upon finished articles imported into the country and on raw material out of which such articles may be manufactured in the country which lay a heavier burden upon the Indian manufacturer as compared with the manufactured article imported into the country. That is to say, if it is found that the raw material, which is manufactured in the country into a finished article, has to pay on the whole a heavier duty than the duty imposed upon the finished article, then the Indian manufacturer is entitled to claim that the burden should be equalised either by raising the duty on the finished article or by lowering the duty on the raw materials. Now, Sir, with regard to this particular matter which is now under the consideration of the House, an application was made to the Tariff Board with respect to the duties imposed upon the raw material required for the manufacture of carbon brushes. These brushes are used in electrical generators and motors, and the raw material required for the manufacture of these brushes consists principally of three articles, namely (1) carbon blocks, (2) flexible wire connecting these brushes with the rest of the machinery of the generator or the motor, and (3) patent cement which is used for connecting the wire to the brush. The duty payable on the finished article imported into India is ten per cent., the duty payable on carbon blocks out of which brushes are manufactured is 25 per cent., in each case *ad valorem*. The duty payable on the other two articles is 20 per cent. *ad valorem*. It does not necessarily follow that just because these duties vary and are at a higher rate on the raw material than on the finished article that there is an inequality of tariff. The inequality depends upon the proportion of the value of the raw material to that of the finished article. It may be that in certain cases the duty levied on the raw material may be higher than on the finished article so far as the rate is concerned, but when you take the sum total of the duty paid upon the raw materials which go to the manufacture of the finished article that sum total may be less than the duty on the finished article. In such a case, there would be no inequality of tariff. As a matter of fact, if the total of the duty paid on the finished article was found to be higher than the total duty on the raw material, there would be some advantage in that respect to the Indian manufacturer. If the House will bear with me, I might illustrate that with reference to this very article, carbon brushes, because if I give one or two simple illustrations, it would become easier for the House to follow the calculations made by the Tariff Board which are set out at page 3 of their Report. For the sake of illustration purely, take, Sir, the value of ten carbon brushes imported into India from outside, and let us assume that the landed cost of ten carbon brushes, without duty,

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is Rs. 50. Then, as I have explained, the duty being ten per cent. *ad valorem*, the duty payable in respect of these ten carbon brushes would be Rs. 5. Assuming that the value of carbon blocks required for the manufacture of ten carbon brushes were Rs. 12, the duty being 25 per cent. *ad valorem*, it would amount to Rs. three, and supposing that the cost of wire and cement required were Rs. five, the duty on these articles being 20 per cent. it would work out at Re. one. In this illustration, Sir, it would appear that the raw material required for the manufacture of ten carbon brushes would be liable to a total duty of Rs. four, and the finished article would be liable to a total duty of Rs. five. Therefore, there is no disadvantage to the Indian manufacturer. There is an inequality, but it is an inequality in favour of the Indian manufacturer, and no action in that case is necessary. Let me carry the matter a step further. Let us assume that the cost of carbon blocks required for manufacturing ten carbon brushes, were Rs. 16; then the duty at 25 per cent. would be Rs. four, and if the cost of cement and wire were Rs. five, the duty at 20 per cent. would be Re. one, and the total duty payable would be Rs. five on the raw material, and the total duty payable on the finished article being also Rs. five, there would still be no tariff inequality.

Now, Sir, let me go a step further. If we assume that the cost of the carbon blocks required is Rs. 20, the duty payable at the rate of 25 per cent. *ad valorem* would be Rs. five, and the duty on the other two articles, I mean cement and wire, being Re. one, the total duty payable on the raw material would work out at Rs. six, and the duty payable on the finished article being Rs. five in such a case there would at once be apparent a tariff inequality. In order to remove that tariff inequality, it would be necessary that the total duty of Rs. six payable on all these three articles should be reduced to Rs. five, and if on a consideration of the question it became apparent, as it has become apparent in this case for reasons that I shall give later, that it was feasible to reduce the duty only on one of these articles and not on all three of them, the reduction must take place in respect of one of these articles, that is to say, carbon blocks, from Rs. five to Rs. four. That is to say, the incidence of duty instead of being Rs. five on Rs. 20 at the rate of 25 per cent. should be reduced to Rs. four on Rs. 20, that is to say, it should be brought down to 20 per cent. instead of 25 per cent. This last illustration that I have given would show the method of determining whether there is or is not a tariff inequality and also of determining how it is to be adjusted. One more illustration would show how the adjustment would work out with different figures. Assume, that the cost of carbon blocks required for the manufacture of ten carbon brushes is Rs. 24, in that case the duty on the carbon blocks would be Rs. six, the duty on the other two articles would be Re. one, the total would be Rs. seven, and this Rs. seven, in order to remove inequality, would have to be reduced to Rs. five. And assuming that the inequality is to be adjusted out of the duty imposed on carbon blocks alone, the duty of Rs. six on Rs. 24 must be reduced to Rs. four on Rs. 24, that is to say, it would work out at the rate of 16.6 per cent. This is the method which the Board adopted, that is to say, they determined the total duty payable upon the finished article, deducted from it the duty payable upon wire and cement required, and held that the balance of the duty was the duty which should be imposed upon carbon blocks. They discovered that this adjustment necessitated that the duty on carbon

blocks instead of being 25 per cent. *ad valorem* should be reduced to 15.8 per cent. *ad valorem*, and the recommendation, therefore, is that the duty should be reduced to 15 per cent., ignoring .8 per cent. in order to give a tariff equality in this respect. This finding of the Tariff Board was accepted by the Government and Government issued a Resolution No. 38-T-(10), dated the 23rd March, 1935, saying that this recommendation of the Tariff Board had been accepted by them, that the matter being a small one they intended to take action under section 23 of the Sea-Customs Act instead of by legislation, but that before doing so they would place this matter before this House for their approval. I may explain that the total amount of revenue sacrificed in reducing this duty from 25 per cent. to 15 per cent. would be Rs. 9,600. The figures are, the value of imported carbon blocks, landed cost, *ex-duty* is at present Rs. 96,000, duty at 25 per cent. is Rs. 24,000, the total is Rs. 1,20,000. If the duty is reduced to 15 per cent. the amount of duty would be Rs. 14,400 and the sacrifice of revenue would be Rs. 9,600. As I have submitted to the House, it was open to the Tariff Board to do one of two things. They could either have recommended an increase in the duty on carbon brushes to an extent which would have equalised the incidence of this duty with that imposed upon raw materials, or they could have recommended, as they have recommended, a reduction of the duty on raw materials, and, as I have said, they have recommended a reduction of the duty only in respect of carbon blocks. They have adopted this latter course for the reason which they explain in their Report :

"The bewildering number and variety of carbon brushes which are imported would have made it impossible for the Board to calculate the effect on other industries of raising the duty on the finished product. An increase of duty on carbon brushes would affect the cost of electrical machinery generally and thus create an undesirable burden on consumers."

On the other hand, the effect on the revenue, as I have explained, of reducing the duty on carbon blocks, would be very small, almost negligible. Then coming to the raw materials, they have confined their recommendation to carbon blocks alone, that is to say, they have recommended that the inequality should be removed by a reduction in the duty imposed upon carbon blocks alone without touching the flexible wire or patent cement, and for this reason. The customs authorities are satisfied that it would be quite easy for them to distinguish carbon blocks which are required for the manufacture of this kind of carbon brushes from other kinds of carbon blocks, so that the reduction would apply only to the raw material required for the purpose of manufacture of carbon brushes, whereas flexible wire and patent cement are required for a variety of purposes and, therefore, it would be difficult to reduce the duty in respect of these last two articles and confine it only to so much of them as are required for the purpose of manufacture of carbon brushes. That is the brief history of the matter. The House will realise that it is not a matter involving very large figures, but it is a matter in which those engaged in the manufacture of carbon brushes can put forward a legitimate claim that the burden should be equalised. With these observations, Sir, I submit this Resolution for the consideration of the House.

Srijut N. C. Bardaloi (Assam Valley : Non-Muhammadan) : On a point of information, Sir. May I ask how many factories there are in India which manufacture carbon brushes and how they will be affected by this reduction in duty ?



**The Honourable Sir Muhammad Zafrullah Khan :** My information is that there are two fairly substantial companies and a large number of small manufacturers not having large factories, and how they will be affected is that to the extent of Rs. 9,600 a year they will be helped in the manufacture of carbon brushes. That is to say, their costs will be reduced to the extent of a total of Rs. 9,600 per year. It will be some small help to them in order to develop this industry. At present the cost of brushes imported is about Rs. 1,50,000. More or less roughly half are imported and half are manufactured in the country, and if this reduction of duty helps the Indian manufacturer he might possibly be able to capture the remaining half of the market.

**Mr. President** (The Honourable Sir Abdur Rahim) : Resolution moved :

“ That this Assembly recommends to the Governor General in Council to accept the recommendation of the Tariff Board that the import duty on carbon blocks, such as are ordinarily used for the manufacture of carbon brushes for electrical motors and generators, be reduced from 25 per cent. to 15 per cent. *ad valorem*. ”

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : I rise to support the Resolution, and I am glad that the Honourable the Commerce Member has brought it up this Session. It ought to have been brought up last Session, but I do not know why it was not done so. The electrical manufacturing industry is rapidly growing in India. There are firms in Calcutta who are manufacturing electric fans, electric motors and electric dynamos and this little relief, however small it might be, will give them a chance to compete with the imported machinery. For a long time in India we cannot manufacture carbon brushes, although there is the necessary raw material—graphite to be found in India. It has only reached the stage of pencil manufacture in Madras and Calcutta and it has not gone to other articles that may be manufactured out of it. Therefore, the electrical manufacturing firms that are engaged in the making of dynamos, motors and fans will have long to depend on imported parts such as insulating materials, stampings, copper wires and so on and this relief, however slight it may be, is very welcome to the industry and, therefore, I support it.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is that the following Resolution be adopted :

“ That this Assembly recommends to the Governor General in Council to accept the recommendation of the Tariff Board that the import duty on carbon blocks, such as are ordinarily used for the manufacture of carbon brushes for electrical motors and generators, be reduced from 25 per cent. to 15 per cent. *ad valorem*. ”

The motion was adopted.

### THE PAYMENT OF WAGES BILL.

**The Honourable Mr. D. G. Mitchell** (Member for Industries and Labour) : Sir, I move :

“ That the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee, be taken into consideration. ”

Sir, we have listened during the past week to much passionate eloquence from certain quarters of the House on the beauty of unrestricted freedom and we have listened to many earnest arguments from other parts

of the House on the ugliness of unrestrained licence. I now proffer this Bill as what I trust will be a pleasant and harmonious interlude in which all parts of the House, I hope, will co-operate in the humane task of securing to the humble workman the prompt and full payment of the wages he has earned.

If I may be permitted, I would recall to the House very briefly the history of this measure. In 1933 a Payment of Wages Bill was introduced and by the direction of the House was circulated to elicit public opinion. The criticisms received were very voluminous and many of them were very cogent. The Bill was redrafted very considerably and was reintroduced in February of 1935. In his speech on the motion to refer the Bill to a Select Committee, Sir Frank Noyce indicated the chief points on which advance had been made in the new Bill. The Bill was criticised and was welcomed by the House generally speaking and was then referred to the Select Committee. As a result of the discussions in that body, further very considerable advances have been made and I cannot do better than follow Sir Frank Noyce's example and indicate the further advances made. In order to do so, I would divide the Bill into four parts, one part relating to the scope of the Bill, that is to the industrial undertakings which it covers, the second part covering those provisions intended to secure the prompt payment of wages, the third part covering those provisions of the Bill intended to secure that the wages shall be paid in full and the fourth part the administrative and other ancillary provisions intended to carry the Act into effect. I will deal with these in turn.

As regards the scope of the Bill, the Bill, as introduced into this House, applied *in toto* to all workers in factories, including 3 P.M. railway factories. The Bill, excluding those provisions relating to the prompt payment of wages, applied to workers on railways other than those in railway factories. Local Governments were given power to extend the provisions of the Bill, or such of them as they chose to select, with such modifications and relaxations as they thought expedient, to certain other industrial undertakings, namely, mines, quarries, plantations and workshops. In the debate on the second reading, the restricted scope of the Bill was severely criticised by several Honourable Members including my indomitable friends, Mr. Joshi, Prof. Ranga and Mr. Giri. The criticisms were very carefully considered by the Select Committee at considerable length and the result is that the Bill which is now before the House applies *in toto* to all factories and all railways. The Local Government has been given the power to extend the provisions of the Bill without relaxation or adaptation not only to mines, quarries, plantations and workshops but also to tramways, docks and oilfields. I think my Honourable friends who are keenly interested in this Bill will admit that this is a very considerable advance.

As regards the prompt payment of wages, the Bill as introduced required that the wages should be paid on the seventh day after the expiry of the wage period or, if the seventh day should be a holiday, on the next working day after the holiday ; and the Local Governments were given power to relax these provisions when they were satisfied that they were impracticable in regard to any particular industry. This provision, as I have already mentioned, did not apply to the railways. Again these provisions were attacked in this House by several Members, particularly in regard to the exemption of railways, and they were also attacked in con-

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee, be taken into consideration.”

In addition to the amendments which are already on the agenda paper, an amendment has just been handed to the Chair by Mr. James and Mr. T. Chapman-Mortimer, to the effect that the Bill be re-circulated for the purpose of obtaining further opinion thereon. The Chair would like to know why no notice of this amendment was given earlier, and if there is any objection to this motion being moved.

**Mr. F. E. James** (Madras : European) : Mr. President, I should like to explain to you and to take the House into my confidence as to why we were not able to give notice of this amendment earlier. The report of the Select Committee was only laid on the table last Monday week. The moment we received copies of the report we sent it to our constituents who are scattered throughout India down to the south and across to Burma. It is only during the last 24 hours that we have received overwhelming expressions of opinion from those of our constituents who are now being brought within the scope of the Bill as a result of the changes made by the Select Committee. They would like to have further opportunity of being consulted as to the present position and, therefore, I do ask that under the circumstances the House would not object to this motion and that you, Sir, will allow this motion to be moved in accordance with the Standing Orders and powers which lie in your hands.

**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I object to the motion that this Bill be re-circulated again because it is more than six years since the Labour Commission made this particular recommendation that legislation on these lines is needed.

**The Honourable Mr. D. G. Mitchell** : In view of the explanation given by Mr. James, I do not wish to object to the moving of this amendment, but I must inform him and the House that I shall oppose it.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair is not quite clear whether the provisions of Standing Order 46 requiring two clear days' notice apply to a motion of this character, and the Chair is informed that there is no ruling on this point. However, the Chair does not wish to decide that question now. The Chair would assume that the provision requiring notice of two clear days does apply to a motion of this character, but, under the circumstances mentioned by Mr. James, and having regard to the fact that the Honourable Member in charge of the Bill raises no objection to the motion being moved, the Chair suspends the application of the Standing Order 46 assuming that it does apply to this motion.

**Mr. F. E. James** : Sir, I am deeply grateful to you for using your powers under the Standing Orders to permit me to move my motion and I would like to say immediately that the purpose of my motion is not the usual dilatory purpose. The Honourable Member in charge of the Bill has already given the history of this measure. The Bill was originally circulated in 1933 and a revised Bill was placed before this House in 1935 and referred to a Select Committee. That

revised Bill was not circulated although it differed in a substantial measure from the original Bill which was circulated in 1933. Then, Sir, the Select Committee met and they signed their report on the 1st of June. Had that report been made public on the 1st of June, I should not have moved this motion. But the report of a Select Committee cannot be made public until it is laid upon the table of the House and that report was not laid on the table of the House until last Monday week, when we, for the first time, received a copy of that report. We found then that the report of the Select Committee and the Bill, as it emerged from the Select Committee, made most extensive and material changes in the Bill which had been referred to that Committee by this House during the Budget Session. I will just mention one or two main changes to illustrate what I am now claiming. In the first place, the Bill, as it emerges from the Select Committee, is now extended to a class of industrial establishments which was never originally contemplated when this Bill was first referred to the Select Committee. The report of the Select Committee, indeed, recommends the wholesale extension of the provisions of this Bill to large industrial establishments which never expected to be included within the scope of this Bill and which, therefore, were not consulted. I have already explained, that owing to the fact that the report of the Select Committee was in our hands only about ten days ago, it has been impossible for large scale industries with very important interests both in British India excluding Burma and in Burma which is included within the scope of the Bill, to send us their detailed views. We have only received certain telegraphic communications but we still await their views in detail. That is the first point. Then the second major change is that the wage-limit has been raised from Rs. 100 to Rs. 200 as will be seen from sub-clause (6) of clause 1. I am quite sure the House will readily recognise that whatever may have been the justification for this change—and I am not expressing any opinion on that now—the extension of this Bill from a limit of Rs. 100 per month to Rs. 200 per month makes a very substantial alteration in its scope. Then, Sir, the third major change refers to the matter of deductions. The title of the Bill suggests that it will confine itself to providing for the regular payment of wages due and to protecting the wage-earner from unfair deductions, and irregularities in payment. The Bill, however, goes further. The Bill, as it emerges from the Select Committee, certainly goes further than what was originally contemplated and it prohibits either directly or by implication certain practices with which there is nothing wrong inherently and whose prohibition ought to be the subject of special legislation. I would refer more particularly to sub-clause (1) of clause 7 and sub-clause (1) of clause 2 dealing with this matter of deductions. Then, Sir, there is a fourth major alteration that has been made to which I should like to refer for a moment. In fact, I might say that so many alterations have been made in the Bill by the Select Committee that it is very difficult to be precisely sure as to the interpretation of some of the new amended sections. But, like every other Act, of course, this Bill will, if passed, be interpreted without any reference to the intentions of its framers or to any assurances which may be given on the floor of this House as to the probable effects of any particular amendment. Local Governments, Inspectors appointed under clause 14 whoever they may be, authorities



[Mr. F. E. James.]

appointed under clause 15, appellate authorities specified under clause 17, will all interpret the provisions of this measure without any reference to what was said before. We, therefore, feel that it is most essential that the provisions in certain clauses of this Bill should be so framed as to make the intentions of the Government of India and the Assembly absolutely clear. They are certainly not absolutely clear in quite a number of clauses at the moment. We would also suggest that it is most important that certain clauses of the Bill should be so safeguarded as to prevent such injustice as might easily arise by the present interpretation which applies to some of these clauses, both to the employers and to the employees.

Now, Sir, I have been perfectly frank to the House. We are not opposing this Bill. We agree with its fundamental principles. We support its underlying intention. But our difficulty is, that owing to the shortness of the time, we are not in a position to present adequately the views of our constituents, as we are face to face with a Bill which in many essentials is a completely different Bill from the Bill which went to the Select Committee.

I wish to emphasize once more that we do not wish to suggest that this is a dilatory motion and if there is any other way which my Honourable friend, the Member in charge of the Bill, would suggest, whereby we, at any rate and others who are interested in the Bill, might be given breathing space during which we can secure the views in detail of our constituents, constituents who did not anticipate being affected but who are now affected by the revised Bill, we should be quite prepared to accept such a suggestion. I, therefore, hope that the Government of India will not merely oppose this motion of mine on the ground that it is a dilatory motion because that is not our intention; I hope they will perhaps suggest some other method whereby the real object of my motion can be achieved without undue loss of time. Sir, I move :

“ That the Bill be re-circulated for the purpose of obtaining further opinion thereon.”

**Mr. President** (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That the Bill be re-circulated for the purpose of obtaining further opinion thereon.”

**Mr. N. M. Joshi** (Nominated Non-Official) : Sir, I had no intention of taking part in the discussion on the motion which was originally made by the Honourable Member in charge of the Department of Industries and Labour. I had spoken more than once regarding the general provisions of this Bill. I shall, therefore, as I am speaking now, confine myself mostly to the amendment proposed by my Honourable friend, Mr. James. Sir, the Mover of this amendment assures us that his amendment is not a dilatory one, at least his intention is not to delay the passing of this measure. But, Sir, the Honourable the Mover of this amendment will agree with me that if his amendment is carried, the passing of this measure will be delayed. In a matter of this kind, the intention is not of much consequence when the result is the same. I feel that the argument used by my Honourable friend, Mr. James, in support of his amendment, was that the Select Committee has extended the scope of this

measure to certain other industries. The first item of extension which he mentioned was that the Bill, introduced in the last Session at Delhi, did not contain provisions relating to the application of this Bill to some industries. He said that those industries were of great importance. I do not wish to belittle the importance of the new industries which are included in this Bill. But I am quite sure my Honourable friend, Mr. James, will agree with me that if you consider the number of men employed in the industries to which the Bill of 1935 was intended to be applied and the number of people employed in the new industries to which the Bill now is extended, I am sure he will agree with me that the number of people is extremely small compared with the number of people to which the original Bill was intended to apply.

**Mr. F. E. James** : Question. 40,000 in oil alone.

**Mr. N. M. Joshi** : My Honourable friend, Mr. James, was not quite fair when he stated that these industries had absolutely no idea that the Bill would ever be applied to these industries. Mr. James knows very well that the Government of India had introduced a Bill for this purpose in 1933. That Bill gave power to the Local Governments to apply to any industrial undertaking the provisions of that Bill. Sir, I shall read that section :

“ The Local Government in any province may, after giving three months' notice of its intention of so doing by notification in the local official Gazette, apply the provisions of the Act or any of them subject to such relaxations as may be specified in the notification of the payment of wages to any class of persons employed in the industrial establishment.”

These industrial establishments had notice in the year 1933 and that Bill was circulated and on that Bill opinions were invited and expressed. I do not, therefore, feel, why my Honourable friend, Mr. James, should take any objection on the ground that these industries had had no notice at all. As a matter of fact, every industrial undertaking had notice. If these industrial undertakings were really interested in this measure it was their duty to study the measure and express their opinions on its provisions. I, therefore, feel, that the ground which my Honourable friend, Mr. James, has put forward before the House, namely, some industries which are now included in the Bill had no notice, does not hold much water. Then, my Honourable friend mentioned one or two other items which have been included in the Bill by the Select Committee. He mentioned that the original Bill applied to persons whose wages or salaries did not exceed Rs. 100 and the Select Committee now proposes that the Bill should apply to persons whose wages or salaries do not exceed Rs. 200 a month. May I ask my Honourable friend, Mr. James, how many persons there will be in the industries to which the Bill has to be applied whose wages vary between Rs. 100 and Rs. 200 a month ? The number of people who receive more than Rs. 100 in all these industries is extremely small compared with the total number of people engaged in these industries. It is, therefore, wrong on his part to say that they had no notice that the Bill will be applied to persons whose wages are more than Rs. 100 and less than Rs. 200 a month.

Then, Sir, he mentioned several other amendments made by the Select Committee. I feel that the amendments made by the Select Committee do not go beyond the scope of this Bill. The very fact that the Honourable the Law Member was the Chairman of the Select Committee

[Mr. N. M. Joshi.]

should be a guarantee to my Honourable friend, Mr. James, that he would not have allowed amendments to be made which were outside the scope of this Bill. Sir, I am against his motion because I feel that this measure should become a law without any delay. If the House knows the full history of this measure the House will entirely agree with me. So far as I am personally concerned, Sir, I became interested in this subject many years ago while I was doing some social work in Bombay. It came to my notice that a great evil prevailed in the factories in Bombay as regards fining the workers who were engaged in the textile industry. As I believe in constitutional methods, when that evil came to my attention I wrote a letter to the Bombay Government asking them only to inquire whether such an evil existed, and, if it did exist, to find out the extent of that evil. Do you know what the reply of the Bombay Government was? The Bombay Government wrote to me a letter, that in their opinion the evil did not exist and they were not prepared to make any investigation or any inquiry unless the demand for that investigation and inquiry was a spontaneous one. I thought, Sir, the Bombay Government were waiting for a strike and a spontaneous strike to persuade them to make an inquiry into this evil. Then, Sir, I asked some questions in the Legislative Assembly as to whether the Government of India would inquire. It took me some time to persuade the Government of India to make an inquiry into this subject. Then the Government of India became willing to make an inquiry and issued circulars to the Local Governments asking for information and for proposals. I do not know exactly in what year the Government of India got the replies from the Local Governments, perhaps it was in 1926 or 1927. Then the Government of India, as we all know, takes time to consider proposals of this kind. They sat over the opinions of the Local Governments for a year. Then when we thought that the Government of India would frame proposals on the information received from the Local Governments and I inquired whether any legislation would be introduced on this subject, I was told that a Royal Commission was appointed to investigate labour conditions in India and, therefore, consideration of this subject must wait till the Royal Commission reported on it. Well, Sir, the Royal Commission reported on it in the year 1930 and today it is the latter part of 1935.

**The Honourable Mr. D. G. Mitchell :** What happened in between ?

**Mr. N. M. Joshi :** If we now insist upon the Bill being passed without delay, are we showing any impatience? I hope the House will not consider that any delay can be tolerated in the passing of this measure. We are patient, but there should be and there is some limit to our patience. I, therefore, hope that the Assembly will not approve of the amendment proposed by my Honourable friend, Mr. James.

As regards the motion made by my Honourable friend, the Member in charge of the Department of Industries and Labour, I do not wish to speak at any great length. This Bill was considered in detail by the Select Committee and I am prepared to admit, that on the whole, although the Select Committee have made some very reactionary amendments, they have improved the Bill. I do not wish to go into the details of the proposals which we propose to make when the Bill will be considered in detail, but I hope that the consideration of this Bill will not be delayed.

**Mr. V. V. Giri (Ganjam cum Vizagapatam : Non-Muhammadan Rural) :** Sir, on this side of the House we associate ourselves with the points raised by Mr. Joshi in opposing the motion of Mr. James. I am really surprised that my Honourable friend, Mr. James, should have brought forward this motion. It has been pointed out that for the first time in the year 1933 a Bill of this character was brought before the Assembly. Before that the Royal Commission on Labour had gone into the details of this matter, and they stated in their recommendations clearly on page 241 as follows :

“ In our opinion, the law should be applicable to factories, mines, railways and plantations, and it should provide for possible extension to other branches of industry.”

I am sure, my Honourable friend, Mr. James, must have had enough notice that it was the intention of the Royal Commission on Labour to extend the scope of this Bill. Again, Sir, in February, 1935, when the Bill was brought before this House for reference to Select Committee, some of the Members who spoke on that occasion referred to this question, namely, that the Select Committee should consider the question of extension of the scope of the Bill to plantations and other things referred to by the Royal Commission. And, therefore, I cannot understand why Mr. James should have stated that they had no notice that an expression of view would be made in the Select Committee for possible extension of the Bill to industries other than railways and factories. Moreover, Sir, my Honourable friend, Mr. James, and his friends had time enough to send amendments to the Bill which is now before the House. I, therefore, feel that it is very unreasonable and unjust on the part of Mr. James to have brought forward this motion which is certainly a dilatory motion. So, on this side of the House, we oppose the motion made by my Honourable friend, Mr. James.

**The Honourable Mr. D. G. Mitchell :** Sir, I should like to make just a few remarks on the speech by my most pertinacious friend, Mr. Joshi. He referred to what he regarded as the misdeeds or crimes of omission of the Government of Bombay in some remote year. I can assure Mr. Joshi and the House that if the Government of Bombay were guilty then of any omission then, they have since repented ; out of all Governments they have given the Government of India most assistance in the preparation of this Bill. They have carried out certain special inquiries which have been most valuable ; and they lent to us the services of Mr. Mehrban, regarding whom the Select Committee itself in its opening paragraph says :

“ We desire to acknowledge the valuable assistance given to us by Mr. Mehrban who attended our sessions and placed at our disposal his intimate knowledge on the subject of the payment of wages.”

**Mr. N. M. Joshi :** Sir, may I interrupt the Honourable Member just for a minute? Although I made certain remarks about the Bombay Government's unwillingness to make an inquiry when I first asked them to do so, I am prepared to agree with the Honourable Member that on the whole the Bombay Government have assisted the improvement of the Bill much more than any other Government have done.

**Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) :** Is there any Government in the whole of India which has done more for labour than the Bombay Government ?

**The Honourable Mr. D. G. Mitchell :** Again, he made some animadversions on the space of time which has passed between the publication of the Report of the Royal Commission and the introduction of this Bill. Mr. Joshi himself knows perfectly well that that is an unfair remark. We quite admit that it is four or five years since the Royal Commission reported ; but I would ask Mr. Joshi if he can point to any country in the world which in that space of time has put so much labour legislation on the Statute-book.

I come now to the amendment moved by my friend, Mr. James. I do not wish to agree entirely with his criticisms of the Bill, nor do I wish to controvert them. I do not subscribe either to Mr. Joshi's criticism or Mr. James' criticism. But I regret that I am not in a position to accept Mr. James' amendment. To re-circulate this Bill now would mean reference of the Bill again to a Select Committee. We could not give Local Governments and industrial concerns less than four months to consider these provisions, and I doubt very much if we can have a Select Committee meeting before next summer : it would mean a delay of a whole year. I do not wish to enter into the merits of Mr. James' case : I cannot controvert him entirely, as I have already admitted in my speech before he raised this question that the Bill had emerged from the Select Committee with very substantial advances in favour of labour. I should like to meet Mr. James and at the same time to meet Mr. Joshi as far as possible. There is a very large number of amendments tabled, which I would like to discuss with the Members most concerned tomorrow. If we go through these amendments one by one, I think we may save the time of the House, perhaps by a day or two. At the same time we might consider this question raised by Mr. James. It might be possible to pass the motion for consideration of this Bill today and then to defer further proceedings until the next Session. The Bill could then be taken up at the beginning of the Budget Session, and passed with the minimum of delay. But I regret that I am unable to agree to the motion for re-circulation.

**Mr. F. E. James :** Sir, I would ask your permission and the permission of the House to withdraw my amendment in view of the statement of the Honourable the Member in charge of the Bill.

**Mr. President (The Honourable Sir Abdur Rahim) :** Has the Honourable Member the leave of the House to withdraw his motion ?

**Honourable Members :** Yes.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

“ That the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

**Mr. President (The Honourable Sir Abdur Rahim) :** Does the House agree that the consideration of the amendments, of which notice has been given, be postponed until next Monday ?

**Honourable Members :** Yes.

## AMENDMENTS TO STANDING ORDERS.

**Mr. President (The Honourable Sir Abdur Rahim) :** Amendment to Standing Orders.

**Mr. C. N. Muthuranga Mudaliar (South Arcot cum Chingleput : Non-Muhammadian Rural) :** Sir, I move for.....

**Mr. President (The Honourable Sir Abdur Rahim) :** No speech is allowed.

**Mr. C. N. Muthuranga Mudaliar :** Sir, I move for leave to amend the Standing Orders of the Legislative Assembly in the following manner :

“ That in Standing Order 17, after the words ‘ Questions, which have not been disallowed, shall be entered ’ the words ‘ together with their answers ’ be inserted.”

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

“ That leave be granted to amend the Standing Orders of the Legislative Assembly in the following manner :

“ That in Standing Order 17, after the words ‘ Questions, which have not been disallowed, shall be entered ’ the words ‘ together with their answers ’ be inserted.”

The motion was adopted.

**Mr. C. N. Muthuranga Mudaliar :** Sir, I move that the proposed amendment be referred to a Select Committee.

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

“ That the proposed amendment be referred to a Select Committee.”

**The Honourable Sir Nripendra Sircar (Law Member) :** Sir, I don't want to make a speech, but I only want to say that I agree to the Select Committee. But I want to make it clear that reference to the Select Committee does not mean acceptance of the principle.

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

“ That the proposed amendment be referred to a Select Committee.”

The motion was adopted.

**Dr. G. V. Deshmukh (Bombay City : Non-Muhammadian Urban) :** Sir, I beg to move for leave to amend the Standing Orders of the Legislative Assembly in the following manner :

“ That to sub-order (2) of Standing Order 7A, the following proviso be added, namely :

‘ Provided, however, that no Bill which has received the previous sanction of the Governor General in Council and has obtained a place in the ballot in a particular Session, is shut out from being introduced during that particular Session ’.”

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

“ That leave be granted to amend the Standing Orders of the Legislative Assembly in the following manner :

‘ That to sub-order (2) of Standing Order 7A, the following proviso be added, namely :

‘ Provided, however, that no Bill which has received the previous sanction of the Governor General in Council and has obtained a place in the ballot in a particular Session, is shut out from being introduced during that particular Session ’.”

The motion was adopted.

**Dr. G. V. Deshmukh :** Sir, I beg to move :

" That the proposed amendment be referred to a Select Committee."

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

" That the proposed amendment be referred to a Select Committee."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : The next motion is the one standing in the name of Mr. Ghansham Singh Gupta. It is really to the same effect as the motion moved by Mr. Muthuranga Mudaliar. It is, therefore, barred.

The Chair suggests to the House that both these motions, the one moved by Mr. Muthuranga Mudaliar and the other moved by Dr. Deshmukh, be referred to one Select Committee. The Chair supposes that is agreeable to the House.

**Several Honourable Members :** Yes.

#### ELECTION OF MEMBERS TO THE SELECT COMMITTEE ON AMENDMENTS TO STANDING ORDERS.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to  
4 P.M. announce that nominations for the Select Committee on the amendments to Standing Orders of the Legislative Assembly will be received upto 12 Noon on Monday, the 16th September, and the election, if necessary, will, as usual, be held in the Secretary's Room in the Assembly Building on Thursday, the 19th September, 1935, between the hours of 10-30 A.M. and 1 P.M. Under Standing Order 56 (2) of the Legislative Assembly Standing Orders, the Committee will be composed of the President, the Deputy President and seven Members elected by the Assembly in accordance with the principle of proportional representation by means of the single transferable vote.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Assembly will now adjourn till next Monday at 2-30 P.M. As His Excellency will address the Assembly in the morning, time has to be allowed to make the necessary arrangements. The Chair would suggest to the House that questions may be dispensed with on that day, otherwise sufficient time will not be left for the ordinary business of the day. Is that agreeable to the House ?

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : No, Sir. Questions are important. We have heaps of questions, and we want to get through them this Session.

**Mr. President** (The Honourable Sir Abdur Rahim) : There will be nothing else done.

**Mr. S. Satyamurti :** Only one hour, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : Well, then, questions will go on as usual.

The Assembly then adjourned till Half Past Two of the Clock on Monday, the 16th September, 1935.

#### LEGISLATIVE ASSEMBLY.

Monday, 16th September, 1935.

#### SPEECH DELIVERED TO THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY BY HIS EXCELLENCY THE VICEROY.

His Excellency the Viceroy having arrived in procession with the Presidents of the Council of State and the Legislative Assembly took his seat on the Dais at Eleven of the Clock.

**His Excellency the Viceroy :** Gentlemen, once again it is my privilege as Viceroy to address Honourable Members of both Houses and to give a brief review of the general conditions affecting India, but before doing so, I wish to make a brief reference of a personal character.

Before I shall have an opportunity of addressing you again, my Government will have said farewell to a valued colleague, and the Upper House to one of its most distinguished Members. Field-Marshal Sir Philip Chetwode's term of office as Commander-in-Chief has been one of the most eventful within living memory for the Army in India, and I cannot let this opportunity pass without paying my heartfelt tribute to the value of the outstanding services that he has rendered to India.

In addressing the Members of the Legislative Assembly in January last I expressed the hope that local Governments and local committees would receive the support of all communities in celebrating the 25th anniversary of the accession of His Majesty the King-Emperor to the Throne, and that the princes and people of India would once more give proof of their devotion to the Crown and of their sympathy for those in need by responding to my appeal on behalf of a fund to commemorate the occasion in an appropriate manner. I am glad to be able today to acknowledge how magnificently my expectations have been fulfilled. From every part of India my Government received reports of the genuine and spontaneous exhibitions of enthusiasm which accompanied the Jubilee celebrations not only in the larger towns but also in small and remote villages. The efforts of a few misguided people here and there to mar the occasion only served to show how few such persons were, and how out of sympathy with the general spirit of the people of India, who everywhere were eager to show their loyalty and devotion to the Crown. The response to my appeal has been equally gratifying and it is evidence of the generosity of the princes and people of India that the total collections for the Silver Jubilee fund amount to the splendid sum of over Rs. 125 lakhs. This result could not have been achieved without good organisation and much well-directed effort, and to all those, throughout the length and breadth of the land, who have contributed in any way to the success of the Fund I accord my grateful thanks. It will, I am certain, be a cause of great satisfaction to His Majesty the King-Emperor to know that his Silver Jubilee will for all time be associated in India with so great an increase in the resources of institutions which bring relief to those in sickness and distress.

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I now turn to Foreign Affairs. As regards Nepal, I would only say that 1934 added still another year to the long tale of unbroken friendship and mutual confidence which are traditional between India and this her only Asiatic neighbour within the Himalayan wall.

In another frontier field there are interesting developments to record. As the result of an agreement concluded with His Highness the Maharaja of Kashmir in March last, the Civil and Military Administration of the trans-Indus portion of the Gilgit Wazarat was taken over by the Government of India on the 1st of last month. The change, without diminishing the suzerain rights of His Highness, places undivided local control in the hands of the Government of India on an important sector of the Indian frontier. I am happy to be in a position to assure the House that the reorganisation has been completed without additional expenditure to Indian revenues.

Beyond the Gilgit frontier stands Sinkiang or Chinese Turkestan, the westernmost province of China. In this Province the situation continues to be obscure and uncertain. My Government learnt with concern of the distress caused by the recent civil turmoil in this friendly and important Province and the ensuing dislocation of the ancient commerce between India and China by the Karakoram passes. The Indian traders in Sinkiang have unfortunately suffered much hardship and loss both to life and property, but there are signs that the efforts of His Majesty's Consulate at Kashgar in their behalf are bearing fruit. Indeed one of the most affecting tributes of loyalty to the King-Emperor came from these very traders, who despite all hardships and losses in this distant land combined to contribute a sum of several thousand rupees to His Majesty's Silver Jubilee fund. Our sympathies are with the local Sinkiang authorities and with the Central Chinese Government in their task of maintaining order and control, a matter of no little neighbourly concern to India.

My Government have under active consideration the question of the improvement of trade facilities between India and Afghanistan in the light of the report of the Trade Delegation which visited that country from India in the spring of last year. In particular it is our desire, if possible, to devise means of lessening the difficulties to Indian trade created by the recent adoption by the Afghan Government of a State trade monopoly system.

His Majesty's Government and the Government of India have special relations of long standing with the independent rulers of the States on the Arab Coast of the Persian Gulf and have accepted special responsibilities towards them. In order to strengthen these ties and in view of the fact that the Arab Coast has acquired a new and increasing importance as a result of the establishment of the Imperial Airways route on that coast and of recent commercial developments, His Majesty's Government, with the concurrence of His Excellency the Shaikh of Bahrain, have now transferred to Bahrain their naval stations hitherto existing at Henjam and Basidu. His Highness the Sultan of Muscat, Their Excellencies the Shaikhs of Kuwait and Bahrain, and certain of the Trucial Coast Shaikhs have concluded agreements with the British Government, which facilitate the passage of the aircraft which form a link of ever-increasing importance in the Empire chain of communications—a link in which

the Government of India have a vital interest. I shall always remember with pleasure my meetings with certain of the Arab rulers in the course of my recent journeys by air through their territories. Their loyalty to their ancient associations with the British Government and the Government of India was on that occasion expressed in the most marked manner, and they may rest assured that no Viceroy in India can fail to have their interest at heart.

The frontier province of Baluchistan has been the focus of world-wide sympathy on account of the terrible earthquake which, as Honourable Members are aware, recently overtook the city of Quetta and the surrounding areas and which caused a loss of life and destruction of property probably unprecedented in the history of this country. The outstanding feature of the scene of suffering and devastation that followed this catastrophe was the prompt and effective manner in which the troops of the Quetta garrison—officers and men—were organised for relief and rescue work. I had the privilege of paying them all my personal tribute of admiration during my recent visit to Quetta. I now take this opportunity again of expressing on behalf of the Government of India and myself our heartfelt sympathy with all those who have suffered and our deep gratitude to those, including the various relief organisations, who have spared no efforts to alleviate their suffering and losses; and, in this connection, I wish particularly to bring publicly to your notice the magnificent work that was done by the ladies of Quetta for whose untiring and devoted service it is difficult to find words of sufficient praise and appreciation. I must also make mention of the most generous way in which Local Governments, particularly of the Punjab, Bombay and the North-West Frontier Province, have responded to our appeal for help with staff, money and medical and other facilities and we are indebted to them and their officers for the efficient organisations set up by them for the reception and relief of refugees. My very sincere thanks are also due for the generous and world-wide sympathy that has been shown in response to my appeal for funds. It is evident that the damage which has been caused amounts to several crores of rupees, and we shall need all the money we can collect if we are to be able effectively to relieve the thousands who have been rendered homeless and destitute.

The problem of the delimitation of the undemarcated frontier between Burma and China to which I referred when I last addressed this House has advanced a stage nearer to solution. As the result of an agreement reached between His Majesty's Government in the United Kingdom and the Government of India on the one hand and the Chinese Government on the other hand by an Exchange of Notes, a Joint Boundary Commission, with a neutral Chairman nominated by the League of Nations, has been appointed to determine the southern section of the undemarcated boundary between Burma and Yunnan. The League has been fortunate in securing the services of Colonel Iselin of the Swiss Army as Chairman of the Commission. This officer has the experience of having successfully and impartially determined the frontier between Iraq and Syria, and is thus particularly well qualified to preside over the labours of the Commission on the Indo-Chinese frontier. The Commission hopes to assemble by the 1st December next and start operations immediately.

Whilst on the subject of Burma I would remind Honourable Members that when I addressed them in January last, I mentioned that the question of

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the trade relations between India and Burma after separation was the subject of conversations between my Government and the Government of Burma. These negotiations have now been concluded and the agreement which has been reached has been embodied in the Draft Orders in Council which were recently published for general information. These Draft Orders will in due course be laid before Parliament in accordance with the provisions of the Constitution Act, and it would perhaps be inappropriate at this stage to discuss them in any detail. I would, however, say that they represent the agreed opinions of my Government and of the Government of Burma as to the régime which is best calculated to create an atmosphere in which the two countries may, during the period of transition, soberly and dispassionately consider the problems of their future relations.

I am aware of the deep interest which Honourable Members have consistently evinced, since the legislation of last year, in the position of Indians in Zanzibar. The general question is still the subject of discussion between the Secretary of State for India and the Secretary of State for the Colonies. The decision of the Secretary of State for the Colonies that, if specific cases of hardship alleged to have resulted from the operation of the Cloves Decrees, are brought locally to the notice of the Government of Zanzibar, they will be most carefully investigated by that Government and, if necessary, brought to the notice of the Secretary of State for the Colonies has already been announced. All that I can do at this stage is to assure Honourable Members of the unceasing vigilance and solicitude of my Government.

Honourable Members will remember that in the course of my last address to the two Houses of the Central Legislature I referred to the outcome of Mr. Menon's enquiries regarding the probable effects of the Marketing Bill, which had been gazetted in Kenya, on the interests of Indians. His report has since been published together with the comments of the Governors of Kenya, Uganda and Tanganyika. I also informed Honourable Members that in deference to the wishes of the Government of India the Kenya Government had agreed to defer progress with the Bill pending consideration of Mr. Menon's report. It was not to be expected that legislation, which had already been announced on the lines of that existing in the sister territories of Uganda and Tanganyika, and of which the primary object was to improve methods of marketing, would be abandoned. The Government of India, therefore, bent their efforts to securing such amendments in the Bill as would reduce the hardships and remove the apprehensions of the Indian trading community in Kenya. The provision of the Bill which evoked the liveliest criticism was that relating to the grant of exclusive licences. It was feared that if, as was originally proposed, the Governor-in-Council was entitled to issue exclusive licences without reference to the Legislative Council, there would be neither sufficient publicity nor adequate opportunity for discussing the question whether the issue of such licences was necessary or justified. In order to meet this objection the Government of Kenya have inserted a provision in the Bill to the effect that the application of the principle of an exclusive licence to any particular type of produce shall be effected by motion in the Legislative Council after 14 days' notice has been given. Apart from the question of exclusive licences, the chief anxiety of Indians was that the number of buying centres might be unduly restricted, and

that they might be located at inconvenient distances from existing markets. In this respect the Government of Kenya had agreed to give an assurance that all important markets existing at present would be declared as buying centres. It is understood that the Government of Kenya have gone further and have inserted an amendment in the Bill itself providing that trading centres will automatically be markets under the Ordinance. Certain subsidiary amendments, such as the provision that reasons for the refusal to grant or renew a licence shall be recorded in writing, have also been effected. Above all a categorical assurance has been given both by the Colonial Office and by the Government of Kenya that the Bill is not racial in its intention and will not be racial in its operation. These are important safeguards. As Honourable Members are aware, the Secretary of State for the Colonies has agreed that the Bill should not be brought into operation until he has had an opportunity of considering it as passed, if necessary, in consultation with the Secretary of State for India. The way is, therefore, still open to further representations by us, should these become necessary.

A subject of considerable general interest and importance on which I should like to dwell is the activities of the Indian Research Fund Association. The Association depends for its activities primarily on funds provided by Government. The Central Legislature is represented on its Governing Body by two members elected by the Legislative Assembly and one member elected by the Council of State, but I am not sure whether the nature or extent of the work done by the Association are widely known. This must be my excuse for referring to the subject.

I think I am correct in saying that the Association which was founded in 1911 was the first organisation of its kind to be constituted in the British Empire; the Medical Research Council in England was started only during the Great War. An increasing degree of public interest is being directed towards the graver diseases which afflict our country, such as malaria, kala-azar and cholera. In kala-azar notable success has been achieved through investigations made by a special Commission appointed by the Association and through ancillary enquiries which it partly financed. As a result, this disease which at one time seemed so menacing a problem in the Eastern parts of India may now be said to have been brought definitely under control. During more recent years the problems associated with cholera have been receiving intensive study, and I am informed that there is considerable hope that the enquiries now being carried out will throw new light on many of the puzzling features of this formidable epidemic disease. Malaria is a disease of more widespread incidence and presents more varied problems. I need hardly remind Honourable Members that it was an officer of the Indian Medical Service who discovered how the disease is transmitted and thereby pointed out the course of subsequent investigation. It is, therefore, in the fitness of things that India should continue to take a leading part in the investigation of malarial problems. The Malaria Survey of India organised by the Indian Research Fund Association has been at work for years past and has achieved notable results. As an illustration of its activities I may add that, at the moment, one of its parties is engaged in a survey of Quetta and its environments where malaria has been, and is, one of the major problems of public health.



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All of us, perhaps, are familiar by now with the term "deficiency disease" and all that it connotes. The Research Fund Association has been for long cognisant of its fundamental importance and among its most notable achievements are the researches in nutrition carried out in Coonoor by Sir Robert McCarrison who has earned a world-wide reputation and has brought credit to himself and to India. The results of researches carried out under the auspices of the Association are published from time to time in the *Indian Journal of Medical Research* and the Records of the Malaria Survey—publications issued under its authority—but for the convenience of the general public non-technical articles are also issued periodically to the lay press.

The account that I have given of the activities of the Association has had to be brief. It must not be regarded as exhaustive. But if it should serve to focus interest on a branch of research which is of the utmost importance to the welfare of the country, my object will have been served. For interest begets sympathy and sympathy encouragement. The lot of the research worker is often to miss both, because of the highly technical nature of his investigation and the comparative infrequency of dramatic discoveries. But these latter, when they come, are the culmination of years of patient toil by men whose normal reward is only the satisfaction that comes of duty conscientiously done. Our more enlightened age should at least lend them the encouragement of a public consciousness of the essentially cumulative character of scientific discovery.

Honourable Members will be interested to hear of a recent decision taken by my Government about the disposal of our surplus stocks of quinine. Although Public Health is a transferred provincial subject, the Government of India decided, some time ago, that they should maintain a reserve of 150,000 lbs. of this drug in order to meet possible emergencies. The recent distressing experience of Ceylon where the incidence of malaria on an unprecedented scale last year rapidly depleted locally available supplies has emphasised the wisdom of this decision. The surplus to which I have referred represents the stock of quinine in the possession of the Government of India over and above this reserve. The question of its disposal has been engaging the attention of my Government for some time past. Considering the constitutional position, we were under no obligation to distribute it to Local Governments below the prevailing market rates. Nevertheless in 1932 Local Governments were offered supplies, in addition to their normal annual requirements, at a price lower than the cost of production, so that they may be enabled to extend "quininisation" of the people at a smaller cost than would be incurred if these additional requirements were obtained at current market prices. This scheme fell through mainly because Local Governments found themselves unable to buy the entire surplus stock with sufficient rapidity even at the reduced price. The Government of India then endeavoured, with the full consent of past Public Accounts Committees, to sell this surplus to trade agencies, not with a view to financial profit but in order to convert into cash a commodity for which there was no effective official demand and thus make available funds that might be utilised for some useful purpose of public benefit. These efforts not having met with appreciable success, it was decided recently to distribute 45,000 lbs. free to Local Governments subject to the condition that this amount will

be distributed free over and above the quantities which Local Governments may now be distributing at their expense. The amount which is proposed to be distributed comes to more than half the available surplus, which at the end of June last was only 79,000 lbs. and represents, at the current market price of quinine, a gift of Rs. 10 lakhs to the provinces. It is hoped that the bulk of this will reach the masses in the rural areas and supplement, in the field of public health, the assistance that the contribution of one crore announced by the Honourable the Finance Member during his last budget speech was designed to provide towards rural reconstruction.

You will, I think, expect me to make some mention of a matter which, particularly at the present time, is of great public interest. I refer to India's foreign trade. Nine months ago I ventured to express some degree of cautious optimism in spite of the disabilities under which international trade was then labouring. It is a matter for regret that world conditions still show little sign of the long awaited recovery. On the contrary, yet another of our most important markets, namely, Italy, has been obliged to impose a system of drastic control over imports, in order to protect her foreign exchange position. Nevertheless, I feel that I am justified, so far as India is concerned, in repeating that note of optimism. India's exports of merchandise for the first four months of the present trade year show an increase of more than 4½ crores over the figures for the corresponding period of 1933, and though they show a comparatively small increase of 1½ lakhs over last year's total, it must be remembered that 1934 was marked by exceptional purchases of raw cotton by Japan. On this one head of our trade accounts alone, namely, cotton purchase by Japan, there has been a decrease of over 3½ crores in the present year. Omitting this exceptional item, India's export trade in other commodities has improved by 3 crores in comparison with last year. Honourable Members may be interested more particularly in the results of our trading with Germany and Italy—countries in which the most stringent measures of control have been imposed. In the case of Germany our information is based on the reports of our Trade Commissioner in Hamburg, who has made a critical examination of the German import statistics. Mr. Gupta informs us that in the last quarter of 1934 the balance of trade was against India to the extent of 2½ per cent. In the first quarter of 1935 the balance was even, showing an exchange of goods valued at 26 million Reichsmarks. For the second quarter of 1935 the balance has again swung in India's favour and Germany has imported from India goods valued at 31 million Reichsmarks against exports to India of 24 million only. Again, in the case of Italy, contrary to what might have been expected from the new and stringent system of import control, our exports in the first four months of this year have fallen off by 6 per cent. only.

I quote these figures in no spirit of complacency. My Government are fully alive to the dangers with which the course of international trade is now beset and they will continue to watch the situation with the most anxious care.

Before I leave this subject, may I bring one circumstance to the notice of those who may have found little consolation in a comparison of the trade figures of pre-depression years with those of the present day? I would ask



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the currency and exchange, and for making the sterling remittances of the Government of India. The Gold Standard Reserve and the Paper Currency Reserve were on that date amalgamated and transferred to the control of the Bank. The Bank is at present continuing to issue Government of India currency notes in the form with which the public is familiar. In due course these will be replaced by the Bank's own notes. The Bank did not assume its full responsibilities as head of the credit organisation of India until the beginning of July when the scheduled banks were required to make their deposits. From that date the Reserve Bank became a central bank in the full meaning of the term and on 4th July declared its bank rate for the first time.

In March last the Legislature approved of the proposal that out of last year's revenue surplus a sum of Rs. 113 lakhs should be distributed to the Provinces for the purpose of improving the conditions of life in the villages. This action, I am glad to say, has been universally welcomed throughout India. Rs. 15 lakhs of this grant were set apart for assisting the co-operative movement. The Local Governments were invited to make recommendations as to the most profitable use to which the balance could be put, and their proposals have been scrutinised by the Government of India before their approval was accorded. A statement has recently been laid on the table of this House which shows the objects to which the money is being devoted. The objects are various, since they are adjusted to the needs of the different parts of the country. Out of the total grant, over Rs. 25 lakhs will be spent on village water-supply and irrigation, nearly Rs. 19 lakhs on schemes for general improvement in the villages, Rs. 12 lakhs on the improvement of village roads, and Rs. 10 lakhs on sanitation and medical work. A sign of the times is that in certain Provinces money will be spent on arrangements for broadcasting instruction and entertainment in the villages. My hope is that this grant will prove the beginning of a steady advance throughout India in improving the conditions of life in the villages in which nine-tenths of the population live.

Since I last addressed you the Government of India Bill has received the Royal Assent and has become the Government of India Act, 1935. A great and difficult task has thus been completed by Parliament, after an expression, direct or indirect, of the views of all sections of the peoples of British India and prolonged consultation with the Princes of India. Here and in England views of every nature, extreme or moderate, advanced or conservative, have been expressed. We have all sought to obtain this provision or that in the Constitution and we have all sometimes succeeded and sometimes failed. It is the business of men of practical wisdom now to forget the individual issues upon which opinion has differed and to consider the sum and substance of our total achievement. On such a consideration we must, I think, conclude that the gain to India is great.

I do not, therefore, on this occasion desire to invite your attention to any of the particular provisions of the Act, but I would ask you to consider two broad features of the new Constitution and desire to give you, if I may, one word of advice.

It is a matter of great satisfaction to me that during my Viceroyalty there has been made possible a consummation which many of the great rulers of India

through the ages desired to see but did not see and which was hardly in sight when I myself took office over four years ago. I mean that the Act for the first time in the history of India consolidates the whole of India, State and British, for purposes of common concern under a single Government. India for the first time can become one great country.

The second broad feature, in contrast with the existing Constitution, is that the Governments of India under the new Constitution will draw their authority by direct devolution from the Crown just as Dominion Governments do. They will cease to be agents and will stand forth as full political and juristic personalities exercising the functions of His Majesty.

The first feature to which I have referred is the consummation of age-long efforts, not only of the British Government but of all great Rulers in India from Asoka onwards. The second feature is the necessary preliminary and best augury for the full attainment by India of the political character which the most developed of His Majesty's dominions enjoy.

My experience of India now extends over two decades, and I have also had no inconsiderable experience of the theory and practice of political life in other parts of the British Empire. It is out of that long and full experience and out of the genuine sympathy which I have ever felt for India's political aspirations that I give you this word of sincere advice. Nothing is to be gained by working the Constitution in a spirit of mere destruction or by the abandonment of constitutional methods. The new Constitution contains within it great potentialities of development. Everything is to be gained by taking up the new proffered rôle of a consolidated India and a full political personality and by developing the Constitution till it, in due season, sheds those limitations and restrictions which have been designed for the period of its growth. The abandonment of constitutional methods has never led us anywhere in the past and will never lead us anywhere in the future.

It will not be my task to introduce the new Constitution, nor to join with you in its constitutional and, I trust, harmonious development. I shall hand over that task to one who comes equipped with great technical knowledge of our new Constitution, for he has himself been a builder in the construction of your policy, one who will I know bring to the service of the Crown here the fullest sympathy with your aspirations and ideals. I feel the greatest confidence that, when he comes to the stage which I have now reached in my life here as Viceroy he will look back on a period fraught with great good to the fortunes of India, enriched by the same kindliness which you will assuredly accord to him as you have so generously accorded to me.

Your thoughts are no doubt occupied, as mine are, by forecasts of the steps by which and at which the new Constitution will be brought into operation. It is impossible for me at this stage to give any indication of precise dates. But, as you are no doubt aware, all branches of my Government and all the Provincial Governments in India are actively and industriously engaged on the problems which must be solved before the new Constitutions in Provinces and at the Centre can be introduced. We shall spare no efforts which will enable us to introduce the new order of things at the earliest possible date.

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In conformity with this intention, the Committee appointed by His Majesty's Government to report on the delimitation of constituencies and connected problems will assemble in Simla before the end of the present month, that is within two months of the date of the Royal Assent. We have secured as the Chairman of that Committee an electoral authority of great eminence in Sir Laurie Hammond, while with him will be associated two Indian members whose experience as High Court Judges ensures that judicial outlook and strict impartiality which are so essential. The problems which face the Committee are of great complexity, but I am confident that they will prove equal to the task.

In conclusion I wish to make an appeal, which is not new, but which is uppermost in my mind at the present time. No system of Parliamentary Government can be expected to work successfully and for the benefit of the people as a whole without the existence of a spirit of accommodation and a willingness on the part of all sections of the people to prefer the wider interests of the whole body-politic to the narrower interests of their own particular section. As I said not long ago in a speech at Allahabad, the shadow of communal strife is hanging at this time over India. It is a shadow of evil portent and a cause of constant anxiety not only to all Governments in India but to all thoughtful and responsible people. If India is to enter on her new Constitution in conditions favourable to its successful development, that shadow must be dispelled and I would appeal to all those who love this country and desire to see it well governed by its own people to show a spirit of tolerance and goodwill and to work for the creation of greater friendliness among all communities.

On Thursday last the Legislative Assembly to the regret of my Government and myself refused by a majority to take into consideration the Bill to give permanence to the Indian Press (Emergency Powers) Act, 1931, and to certain provisions of the Criminal Law Amendment Act, 1932. I had hoped that the Assembly would share with Government the responsibility for this measure. Their refusal to do so has transferred the responsibility to me and after taking time to consider all the implications of action or inaction on my part I have decided, in discharge of my responsibility for the safety, tranquillity and interests of British India, to give the Assembly an opportunity to reconsider their decision, and the Bill will be brought before that House again in a recommended form. The arguments for and against the Bill have already been discussed at great length on the floor of the Legislative Assembly, and I shall, therefore, state as briefly as possible my own reasons for considering the passage of the Bill to be essential. We are on the eve of important changes in the Constitution of India. Within the next two years the primary responsibility for the maintenance of peace and good government in the Provinces will be transferred to Ministries responsible to the Legislatures. I consider it my imperative duty to use such powers as I possess to secure that that transfer takes place in the most favourable conditions possible to the stability and success of these new Governments. Dangerous subversive movements are still active in the country. Communal unrest as I have already said is unfortunately a more serious danger than for many years past. The experience of all Local Governments has been that the provisions of this Bill give them powers which are

effective in keeping these movements in check and in preventing the publication of incitements to communal dissension. They are unanimous in considering the retention of these powers essential. I am myself satisfied that they are right and that I would be failing in my duty if I did not use my special powers to secure that these Governments have these powers during the remainder of the present Constitution and that the new Governments shall also have them when they take over the reins of Government.

And now I leave you, Gentlemen, to continue your labours of this present Session, and I do so with full confidence that you will continue to maintain the traditions and dignity which have always characterised the proceedings of both our Legislative Chambers. (Loud and Prolonged Applause.)

The Assembly met in the Assembly Chamber at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### QUESTIONS AND ANSWERS.

#### INCONVENIENCES TO PASSENGERS AT RAJA-KI-MANDI RAILWAY STATION IN AGRA.

372. \*Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that Raja-Ki-Mandi railway station in Agra, on the Great Indian Peninsula Railway line, is the only station in the heart of the city ?

(b) Is it also a fact that even mail trains stop there ?

(c) Is it further a fact that the platform at that station is very low ?

(d) What is the stoppage of trains at the above station ?

(e) Are Government aware that most of the Agra passengers are put to great inconvenience on account of the lowness of the platform and short stoppage ? If so, what steps, if any, do Government propose to take to remove these inconveniences ?

Mr. P. R. Rau : (a) and (b). Yes.

(c) The down platform is one foot and the up platform eleven inches above rail level.

(d) Two trains stop for two minutes each, six stop for three minutes each, two for five minutes each, one for eight minutes and one for ten minutes.

(e) I am bringing the Honourable Member's suggestion to the notice of the Agent, Great Indian Peninsula Railway, for consideration.

#### NON-EXISTENCE OF LABELS ON COOLIES INDICATING LUGGAGE FARE AT THE AGRA FORT RAILWAY STATION.

373. \*Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that the coolies at both (East Indian Railway and Bombay, Baroda and Central India Railway) the Fort Stations in Agra wear no label indicating their luggage fare ?

(b) Are Government aware that passengers are put to great inconvenience on account of the non-existence of the labels indicating luggage fare ? If so, what steps do Government propose to take to remove this inconvenience to the travelling public ?

M. P. R. Rau : (a) There is only one Agra Fort station which is worked by the Bombay, Baroda and Central India Railway. I understand that the coolies at that station wear no such label.

(b) The Agent has reported that the inconvenience has not been brought to his notice. He has been asked to consider the desirability of arranging for such labels.

#### WANT OF A BRIDGE AT THE RAILWAY CROSSING NEAR THE AGRA CANTONMENT STATION ON THE AGRA-JOGNAR ROAD.

374. \*Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that there is no bridge at the railway crossing near the Agra Cantt. Station of the Great Indian Peninsula Railway on the Agra-Jognar Road Line ?

(b) Is it also a fact that people are put to great hardship on account of the above fact ?

(c) Have Government received any representations from public asking them to construct a bridge there ?

(d) Will Government be pleased to lay those representations on the table of this House and also state the date of each representation together with the steps taken on them ?

(e) Have any complaints been lodged or legal steps taken by any member of the public against the railway authorities in connection with the hardship ? If so, when, by whom, and with what results ?

(f) What steps do Government propose to take to remove this hardship ?

Mr. P. R. Rau : Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

#### EXEMPTION OF DISABILITY PENSIONS FROM THE INCOME-TAX.

375. \*Pandit Sri Krishna Dutta Paliwal : Is it a fact that disability pensions are exempt from the income-tax ? If so, to what extent ?

Mr. A. H. Lloyd : Yes, pensions granted to members of His Majesty's Naval, Military or Air Forces, British or Indian, or of the Auxiliary Force, India, or of the Indian Territorial Force, or of the Royal Indian Marine, who have been invalided from service with such forces on account of bodily disability attributable to, or aggravated by, such service are totally exempt from income-tax.

#### DOUBLE DISABILITY WAR PENSION CASES.

376. \*Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that the pension of an officer, suffering from double disability, one due to service in the Great War, and the other due to post war service, shall be specially assessed, *vide* paragraphs 40 and 81 of the Pension Regulations, India ?

(b) Is it a fact that the post war service in Cantonments in India is included in the term "Post War service" ?

Mr. G. R. F. Tottenham : (a) and (b). Yes.

#### PROPAGANDA AGAINST INDIA THROUGH FILMS LIKE "BENGALI" AND "INDIA SPEAKS" IN EUROPE AND AMERICA.

377. \*Dr. P. N. Banerjee : Will Government be pleased to state what steps have been taken to prevent the spread of false propaganda against India through scandalous films like 'Bengali' and 'India Speaks' in Europe and America ?

The Honourable Sir Henry Craik : As I stated in reply to questions on March 27th last, the Government of India addressed the Secretary of State in this matter, pointing out that censorship in India is conducted so as to exclude from exhibition films which are calculated to wound the susceptibilities of any foreign nation and that, for that reason, the Government of India were of opinion that India should be accorded reciprocal treatment in this matter whenever necessary. We have since heard from the Secretary of State that there is no official censorship on films in America, but there is an unofficial arrangement whereby producing companies in Hollywood do, in their own interests, make a

practice of seeking advice on the suitability for Empire audiences of films which they propose to produce. This is in the interests of the companies themselves because the Empire market is a very valuable one. It is most unfortunate that this arrangement did not prevent the production of the offensive parts of the two films mentioned by the Honourable Member. But the Government of India have been informed that the producers of the film "India Speaks" have taken to heart the adverse reception of that film both in America and elsewhere and its ban by the British Board of Censors, whose lead is usually followed by censors in other parts of the Empire, and will be reluctant to allow any similar films to be released in future. As it was believed that the film was no longer being produced and as there is no official censorship in America His Majesty's Government felt that no useful purpose would be served by making representations to the Government of the United States of America.

2. The film "Bengali" is reported to be the same as the film "The Lives of a Bengal Lancer" which has been exhibited in many places in India without objection. Certain portions of the film were excised by the Madras and Bombay Boards of Censors and, as a result of representations made by His Majesty's Government, the publishers of the film agreed to excise some portions from the copies of the film issued for exhibition in England. The copy shown in Vienna, to which references were made in the Indian Press, seems to have been an original copy and, by the time that the representation made by His Majesty's Government reached His Majesty's Ambassador in Austria, the film was at the end of its run in Vienna and the Ambassador thought that it would then be neither advisable nor appropriate to make any representation to the Austrian Government.

3. I should like to assure the House that the Government of India share the resentment of Honourable Members against the exhibition of films picturing India in an unfavourable light. They hope that the arrangement at Hollywood will in future prevent the production of such films at that place and they will take such steps as are possible to stop the exhibition of any such films both in India and elsewhere whenever they come to notice.

**Dr. P. N. Banerjee :** Are Government aware that a third film entitled "Everybody Loves Music" has recently been exhibited in which Mahatma Gandhi has been depicted as dancing with a European woman?

**The Honourable Sir Henry Craik :** I have not heard of it. Where was it exhibited?

**Dr. P. N. Banerjee :** In America, produced most probably by the "American Company".

**The Honourable Sir Henry Craik :** If the Honourable Member will kindly give me details, I will make enquiries.

**Dr. P. N. Banerjee :** Will Government consider the desirability of banning all "American Company" films if our representations do not bear fruit?

**The Honourable Sir Henry Craik :** I do not think that arises. Our representations have so far proved fruitful. The Honourable Member means banning of entry of all American films into India?

**Dr. P. N. Banerjee :** American films issued by this Company, the American Company, which issued "India Speaks", "Bengali" and the third film.

**The Honourable Sir Henry Craik :** They are all of the same company?

**Dr. P. N. Banerjee :** Yes, this particular company,—the "American Company".

**The Honourable Sir Henry Craik :** I will consider it.

**Mr. S. Satyamurti :** Is the Honourable Member aware of the fact that a new film is projected which is supported by missionaries in this country, depicting the scandalous habits of the people, the disgraceful religions of the people? May I ask the Honourable Member if he will be good enough to make enquiries? I am obliged to the Honourable Member for the full and sympathetic answer he has given.

**The Honourable Sir Henry Craik :** I am not aware of that. Is it the Honourable Member's point that the film is being manufactured in India?

**Mr. S. Satyamurti :** Outside India, but supported by the missionaries in this country.

**The Honourable Sir Henry Craik :** If the Honourable Member will give me full details, I will make an enquiry.

**Mr. M. Ananthasayanam Ayyangar :** Will the Honourable Member be pleased to state whether there is no law by which objectionable film or picture can be banned in America?

**The Honourable Sir Henry Craik :** We have made enquiries, and we are told that there is no official censorship there.

**Mr. M. Ananthasayanam Ayyangar :** Apart from official censorship, if an obscene picture is put on boards, is there no law by which that film can be banned?

**The Honourable Sir Henry Craik :** I am not sure about the American law, but I understand that there is no official censorship. All that happens is that Hollywood producing firms regularly consult our Consul at Los Angeles or somewhere and take his advice as to the suitability of films for British Empire audiences.

**Mr. M. Ananthasayanam Ayyangar :** What does the American Government themselves do in case they desire to prohibit any picture on political or moral grounds? Is there any method whereby they can do this?

**The Honourable Sir Henry Craik :** As far as I know, there is no censorship at all.

#### INDIANS EMPLOYED IN, AND INDIA'S CONTRIBUTION TOWARDS, THE LEAGUE OF NATIONS.

378. **\*Dr. P. N. Banerjee :** Will Government be pleased to state :

(a) the number of Indians employed in the different departments of the League of Nations during the recent years; and

(b) the amount of annual contribution made by India to the League of Nations as compared to the contributions of other countries?

**The Honourable Sir Nripendra Sircar :** (a) During recent years the number of permanent Indian employees has been seven. The number has recently been reduced to six by the death of Mr. Chatterjee, in whose place, however, another Indian will, it is believed, be appointed. There are also understood to be about three temporary Indian employees, but temporary employees are not shown in the staff lists.

(b) The Honourable Member will find complete information on pages 1264-1265 of the League of Nations Official Journal, 15th Year, No. 10 (Part II) of October, 1934, a copy of which is in the Library.

**Dr. P. N. Banerjea :** With regard to clause (a), what is the number of Britishers employed in the office of the League of Nations ?

**The Honourable Sir Nripendra Sircar :** I have given a complete list twice in answer to questions since I came into this House. All the names and nationalities will be found in the pages of the list I have referred to.

**Dr. P. N. Banerjea :** Has the attention of the Government been drawn to the speech of His Highness the Aga Khan in which he declared that Indian criticism of the League was growing and complained of the League's lack of universality, want of representation of Indians on it and also the magnitude of the contribution made by India to the League of Nations ?

**The Honourable Sir Nripendra Sircar :** I have not seen it, Sir.

#### SELECTION OF DELEGATES TO THE SESSION OF THE LEAGUE OF NATIONS.

379. **\*Dr. P. N. Banerjea :** (a) Will Government be pleased to state the method so far adopted in selecting delegates to the sessions of the League of Nations ?

(b) Are Government prepared to consider the desirability of selecting delegates in future on the recommendation of this House ?

**The Honourable Sir Nripendra Sircar :** (a) The delegates are appointed by the Secretary of State acting in consultation with the Government of India.

(b) No.

**Dr. P. N. Banerjea :** Is it not a fact that the representatives of other Governments are also representatives of the Legislatures of those countries ?

**The Honourable Sir Nripendra Sircar :** I do not believe that is correct, but I have not got full information.

**Dr. P. N. Banerjea :** Will there be any harm if the Assembly be consulted at the time of sending the delegates ?

**The Honourable Sir Nripendra Sircar :** The difficulty is that the delegate who goes there is supposed to represent the views of the Government of India and not the views of this House.

**Mr. S. Satyamurti :** Is it the postulate of Government that the Government and this House can never agree, and whoever the House elects is bound to have an opinion different from the Government. Cannot the Government make an honest attempt to agree with us in this matter ?

**The Honourable Sir Nripendra Sircar :** He may have, but he may not have.

**Mr. S. Satyamurti :** May I ask the reason why Government refuse to consider the desirability of selecting delegates in consultation with this House ?

**The Honourable Sir Nripendra Sircar :** Because he may not have the same opinion as the Government of India.

**Mr. S. Satyamurti :** May I take it that this House ought to have no representative on the League of Nations, but the Government alone should select him ?

**The Honourable Sir Nripendra Sircar :** That is an inference that the Honourable Member is entitled to draw, though I do not agree.

**Mr. S. Satyamurti :** Is this House to be treated not as a part, but as an excrescence of the Government of India ?

(No answer.)

#### AMOUNT COLLECTED UNDER THE SALT (ADDITIONAL IMPORT DUTY) ACT IN BENGAL.

380. **\*Dr. P. N. Banerjea :** Will Government be pleased to state :

(a) the total amount collected under the Salt Duty (Additional) Act in Bengal from the commencement up to the end of the financial year 1933-34 ;

(b) the amount made over to the Government of Bengal ; and

(c) the amount spent by the Government of Bengal for the resuscitation of the salt industry in Bengal ?

**The Honourable Sir James Grigg :** (a) Rs. 25,02,518.

(b) Rs. 13,52,700.

(c) I would refer the Honourable Member to the reply that I gave to Mr. S. C. Mitra's question No. 645 on the 20th August, 1934.

**Dr. P. N. Banerjea :** Have the Government of India asked the Government of Bengal why they have not spent the money for legitimate purposes ? Is this not a misapplication of public funds ?

**The Honourable Sir James Grigg :** Certainly not. If the Honourable Member will refer to the question to which I have given him a reference, he will see quite clearly that the Government of Bengal have not misapplied the money.

#### TERMS OF REFERENCE OF THE INCOME-TAX ENQUIRY COMMITTEE.

381. **\*Dr. P. N. Banerjea :** (a) Will Government be pleased to state the terms of reference under which a committee has recently been appointed to investigate the existing system of income-tax administration ?

(b) Do Government intend to invite the opinions of public bodies and individuals interested in the matter ?

**The Honourable Sir James Grigg :** I would refer the Honourable Member to my remarks on these points in the Report of the Proceedings of the Assembly for the 4th of April last. (Page 3667.)

**Dr. P. N. Banerjea :** What were those remarks ?

**The Honourable Sir James Grigg :** I cannot repeat them at length.

**Dr. P. N. Banerjea :** Will the Legislative Assembly be asked to express an opinion on the Report ?

**The Honourable Sir James Grigg :** I cannot say. When the report is made, I will consider the question of publication and placing it before the Assembly.

#### ACCELERATION OF THE SUBURBAN SERVICES ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

382. **\*Dr. P. N. Banerjee :** Are Government prepared to consider the desirability of accelerating the suburban services on the East Indian and Eastern Bengal Railways ?

**Mr. P. R. Rau :** The average time table speed of suburban trains on the Eastern Bengal Railway is 21.7 miles per hour and cannot be considered unsatisfactory compared with the electrically operated suburban services on the Bombay, Baroda and Central India and Great Indian Peninsula Railways whose average time table speeds are 23.8 and 22 miles per hour, respectively.

On the East Indian Railway the average time table speed of suburban trains is 19.4 miles per hour : the lower speed being due to the engineering restrictions necessary on account of relaying, reconstruction of bridges and the entire alteration and modernising of the method of signalling trains in and out of Howrah station. These works are being undertaken in order to speed up the service.

I am conveying the Honourable Member's suggestion to the Agents of these two Railways for consideration.

#### RECRUITMENT IN THE SUBORDINATE POSTAL SERVICE.

383. **\*Mr. Suryya Kumar Som :** (a) Is it a fact that recruitment to the subordinate Postal service is to be made according to the Revenue Division basis ?

(b) Is it a fact that an exception has been made with regard to such recruitment in cities like Calcutta and Bombay ?

(c) Is it a fact that recruitment in Calcutta is not to be confined only to the Presidency Revenue Division wherein it is situated ?

(d) Is it a fact that according to the orders, recruitment in Calcutta is to be made also from the Revenue Divisions adjacent to the Presidency Revenue Division ?

(e) Are Government aware that Mr. M. L. Pasricha, late Postmaster-General, Bengal and Assam Circle, interpreted the said orders that as Calcutta is situated within the Presidency Revenue Division, with reference to appointment in Calcutta, Revenue Divisions adjacent to Presidency Revenue Division, such as Rajshahi, Dacca, and Burdwan, should be considered adjacent Revenue Divisions ?

(f) Do not the Government approve of this interpretation of the then Postmaster-General, Bengal and Assam Circle ? If not, are Government aware that there is no such Revenue Division as Calcutta Revenue Division and that Calcutta is within the Presidency Revenue Division ?

(g) Do Government propose to consider the advisability of revising the orders of the present Postmaster-General, Bengal and Assam, who has interpreted the orders of the Director-General of the year 1926, that Calcutta City is a Revenue Division by itself and that Revenue Divisions

adjacent to Calcutta City alone are to be considered as adjacent Revenue Divisions in connection with appointments in Calcutta Posts and Telegraph offices ?

(h) Is it a fact that Calcutta being the capital city of Bengal, all the districts of Bengal contribute to its development, and if so, do Government propose to consider the claim of all the districts of Bengal to such appointments ?

(i) Will Government be pleased to lay on the table the note of the present Postmaster-General, Bengal, requesting the Director-General, to accept the interpretation of adjacent Revenue Divisions as applying to Calcutta City alone ?

**The Honourable Mr. D. G. Mitchell :** (a) to (c). Yes.

(d) The fact is not as stated by the Honourable Member. Recruitment in Calcutta is from residents of that city and also from those of the Revenue Divisions adjacent to it, i.e., the Presidency Division and the Burdwan Division. The Honourable Member is referred to the Director General's demi-official letter, dated the 17th December, 1934, a copy of which was laid on the table of this House in reply to parts (c) and (d) of Pandit Lakshmi Kanta Maitra's starred question No. 1455 on the 4th April, 1935.

(e) Yes.

(f) The reply to the first part of the question is in the negative and to the second part in the affirmative.

(g) The reply is in the negative. The Honourable Member's assumption, that the present Postmaster-General, Bengal and Assam, has wrongly interpreted the orders of the Director General, is incorrect, as the Honourable Member will see from the reply given to part (d) above.

(h) As regards the first part of the question, the fact may be as stated. The reply to the second part is in the negative.

(i) Government are not prepared to lay on the table copies of departmental notes.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member who fixes the revenue divisions ?

**The Honourable Mr. D. G. Mitchell :** The Local Government fixes the revenue divisions.

**Mr. Suryya Kumar Som :** Is it not a fact that Calcutta itself is within the Presidency Division ?

**The Honourable Mr. D. G. Mitchell :** I understand that Calcutta is within the Presidency revenue division.

**Mr. Suryya Kumar Som :** Then the previous Postmaster General's interpretation has been overruled or differed from ?

**The Honourable Mr. D. G. Mitchell :** It has been overruled, because it was not in accordance with the standing instructions of the Department.

**Mr. Suryya Kumar Som :** Do not Government feel that injustice will be done to the other districts which are adjacent to the Presidency revenue division, because, as a matter of fact, big cities like Bombay and Calcutta are practically supplied by the revenues of these districts ?



**The Honourable Mr. D. G. Mitchell :** I think that would also apply to Assam, Bihar and Orissa and other parts of India. Does the Honourable gentleman contemplate that the posts of these inferior servants in Calcutta should be recruited from half of upper India ?

**Mr. Suryya Kumar Som :** I meant the adjacent parts of the revenue divisions, not all over India.

**The Honourable Mr. D. G. Mitchell :** Government consider that the present arrangement is the most equitable for all concerned.

#### RECRUITMENT OF THE QUALIFIED SONS AND DEPENDANTS OF THE POSTAL EMPLOYEES IN THE BENGAL AND ASSAM POSTAL CIRCLE.

384. **\*Mr. Suryya Kumar Som :** (a) Is it a fact that the Director General of Posts and Telegraphs, issued orders to the effect that the qualified sons and dependents of the existing employees are to be recruited freely in the Divisions wherein they are employed and that the restrictions on this score of Revenue Division should not act as bar in their cases ?

(b) Is it a fact that the aforesaid orders of the Director General are not being carried out in the Bengal and Assam Circle at present ?

**The Honourable Mr. D. G. Mitchell :** (a) The orders are that recruitment to the subordinate services in the Posts and Telegraphs Department should ordinarily be confined to candidates who belong to or are domiciled in the revenue divisions in which the vacancies occur ; but Heads of Circles have been authorised to depart from this rule at their discretion and to treat with considerable liberality the applications of dependants of postal employees for employment in the same place in which the officials themselves are employed, provided such candidates belong to or are domiciled in the postal Circle in which they seek employment.

(b) No.

**Mr. Lalchand Navalrai :** Do Government give these appointments away by selection on a consideration of personal qualifications or only on the ground that so and so is the son of these people ? Are these appointments given away by selection ?

**The Honourable Mr. D. G. Mitchell :** As far as I remember, all posts are filled by selection, but the idea is that, other things being equal, the relatives and other dependants of Government employees will be given a certain degree of preference.

**Mr. Lalchand Navalrai :** Without any selection ? Are the appointments given away by competition, or by selection ? If by selection, then are these people given preference, or they are not given any preference ?

**The Honourable Mr. D. G. Mitchell :** I could not say off-hand if all these appointments are by selection or by examination or other method, but, in any case, whatever the method may be, other things being equal, these relatives of Government officials are given a certain degree of preference.

#### RECRUITMENT IN THE SUBORDINATE POSTAL SERVICE.

385. **\*Mr. Suryya Kumar Som :** (a) Is it a fact that according to a circular issued by the Director-General, Posts and Telegraphs, in the year 1926, recruitment in the subordinate Postal service is to be made on Revenue Division basis ?

(b) Is it a fact that the heads of Circles are authorised to use their discretion in special cases ?

(c) Will Government please state what those special cases are ?

(d) Will Government please state if the question of recruitment of the sons and dependents of the existing employees comes under special cases ?

**The Honourable Mr. D. G. Mitchell :** (a) and (b). The facts are substantially as stated by the Honourable Member.

(c) and (d). Government regret that it is not possible to give a complete list of the special cases that might arise but the general position has been explained in the reply given to part (a) of the late Mr. Fakir Chand's starred question No. 494 in this House on the 23rd February, 1935, to which the Honourable Member's attention is invited.

#### SUB-DIVISIONAL OFFICERS AND ASSISTANT GARRISON ENGINEERS IN THE ELECTRICAL AND MECHANICAL ENGINEERING BRANCH IN THE ARMY.

386. **\*Sardar Sant Singh :** (a) Will Government please state the number of Sub-divisional Officers and Assistant Garrison Engineers in the Electrical and Mechanical Engineering Branch in the Army in each command, separately ?

(b) How many of them are Europeans and how many Indians in each command ? Out of Indians, how many are Hindus, Muslims or Sikhs ?

(c) What is the starting salary of such officials, and for what period they work as Sub-divisional Officers or Garrison Engineers ?

(d) What are the prescribed minimum academical qualifications for such posts ?

(e) Is it a fact that ordinary European Sergeants are given a short training as mechanics and posted as Sub-divisional Officers without any mechanical, or academic qualifications, while Indians with high academical qualifications and with practical mechanical and electrical training are not posted as Sub-divisional Officers ? If so, why ?

**Mr. G. R. F. Tottenham :** (a) There is only one Assistant Garrison Engineer in the Electrical and Mechanical Branch of the Military Engineer Services.

The number of Sub-Divisional Officers (military and civilian) in this Branch is shown below :

|                             | No. |
|-----------------------------|-----|
| In Northern Command .. .. . | 22  |
| In Southern Command .. .. . | 13  |
| In Eastern Command .. .. .  | 13  |
| In Western Command .. .. .  | 6   |
| Total .. .. .               | 54  |

(b) I lay on the table a statement giving the information asked for.

(c) The starting pay of military Sub-Divisional Officers is Rs. 220 per mensem and of civilian Sub-Divisional Officers Rs. 150 per mensem. Except for military mechanists who come to India for a five years tour



and revert to the United Kingdom on its completion, military personnel of the Sub-Divisional Officer class serve up to the age of 52 when they retire after an average service of 22 years in the Military Engineer Services. Civilians normally retire at the age of 55 after an average service as Sub-Divisional Officers of 20 years.

(d) Military Sub-Divisional Officers have to qualify at a special two years' course at the School of Military Engineering, Chatham, which provides a high standard of electrical and mechanical training to individuals who have already acquired technical knowledge from practical experience in this Branch of engineering in the United Kingdom. In addition, they are required to pass subsequently special examinations conducted by the City and Guilds Institute. Civilian Sub-Divisional Officers are normally promoted from subordinate positions in the various electrical and mechanical installations run by the Military Engineer Services and selection is confined to those who have passed a departmental examination based on the City and Guilds examinations referred to above.

(e) What I have just said shows that it is not a fact.

Statement.

| Command.    | Europeans. |            | Indian (civilians). |          |        | Total. |
|-------------|------------|------------|---------------------|----------|--------|--------|
|             | Military.  | Civilians. | Hindus.             | Muslims. | Sikhs. |        |
| Northern .. | 22         | ..         | ..                  | ..       | ..     | 22     |
| Southern .. | 11         | 2          | ..                  | ..       | ..     | 13     |
| Eastern ..  | 8          | 3          | 2                   | ..       | ..     | 13     |
| Western ..  | 4          | ..         | 2                   | ..       | ..     | 6      |
| Total ..    | 45         | 5          | 4                   | ..       | ..     | 54     |

SALE OF SILVER.

387. \*Mr. Akhil Chandra Datta : (a) Has the attention of Government been drawn to the resolutions recently passed at the annual meeting of the Federation of Indian Chambers of Commerce regarding the dangers of silver sales ?

(b) How much loss did Government suffer by the sale of silver from 1926 to date ?

(c) Is it in the neighbourhood of 26 crores ?

(d) How was this loss met ?

(e) In view of the obligations of Government to keep the Reserve Bank supplied with silver rupees, do they intend selling more silver ?

(f) Will Government state the total value of silver rupees and bullion held by them against currency reserve at the present level of prices (without taking the gold standard reserve into consideration) ?

The Honourable Sir James Grigg : (a) Yes.

(b), (c) and (d). I would refer the Honourable Member to Account No. 93A in the Finance and Revenue Accounts of the Government of India for the year 1933-34. The loss shown there of course only covers realisations since 1927-28 ; in the years prior to this there was of course a very large net profit which cannot however be exactly calculated.

(e) I do not think that it is desirable in present circumstances to make any statement on this subject.

(f) Government no longer hold silver against currency notes. The amounts of rupees held by the Reserve Bank in their reserve against notes are shown in their weekly published statements.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that in the paper Currency Reserve the Government of India's silver rupee securities have gone down in amount from Rs. 43 crores to 26 crores in a period of two months ?

The Honourable Sir James Grigg : I am afraid I cannot understand in the least what the Honourable Member is talking about. The reserves held against currency notes are entirely in the hands of the Reserve Bank.

CONSTRUCTION OF MORE QUARTERS FOR THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

388. \*Syed Ghulam Bhik Nairang : (a) Are Government aware that several employees of the Government of India Press, New Delhi, have been made to live in inferior type quarters due to the paucity of proper and superior type of quarters in the Press Area ?

(b) Is it a fact that many Readers, Revisers and Copy-holders, as well as clerks, have been allotted and are occupying Duftary type quarters (which are primarily meant for the menial staff), as there is a tremendous shortage of suitable quarters ?

(c) Are Government aware that on the 1st June, 1935, a memorial praying for the construction of more quarters of the type required was submitted by several employees of the Government of India Press, New Delhi, to the Secretary to the Government of India in the Department of Industries and Labour ?

(d) If the answer to part (c) be in the affirmative, what decision have Government reached as to the said memorial ?

(e) Do Government propose to build more quarters for the employees of the New Delhi Press ? If so, when will these quarters be made available to them ?

The Honourable Mr. D. G. Mitchell : (a) Under the rules and orders at present in force no press employee is compelled to occupy Government accommodation in New Delhi.

(b) Yes—but the type of quarters referred to is intended for all employees drawing less than Rs. 45 per mensem and not for Duftaries and inferior servants only.

(c) to (e). Memorials from certain employees of the Government of India Press, New Delhi, praying for the construction of additional quarters have just been received and will be considered by Government.

and revert to the United Kingdom on its completion, military personnel of the Sub-Divisional Officer class serve up to the age of 52 when they retire after an average service of 22 years in the Military Engineer Services. Civilians normally retire at the age of 55 after an average service as Sub-Divisional Officers of 20 years.

(d) Military Sub-Divisional Officers have to qualify at a special two years' course at the School of Military Engineering, Chatham, which provides a high standard of electrical and mechanical training to individuals who have already acquired technical knowledge from practical experience in this Branch of engineering in the United Kingdom. In addition, they are required to pass subsequently special examinations conducted by the City and Guilds Institute. Civilian Sub-Divisional Officers are normally promoted from subordinate positions in the various electrical and mechanical installations run by the Military Engineer Services and selection is confined to those who have passed a departmental examination based on the City and Guilds examinations referred to above.

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(c) Is it in the neighbourhood of 26 crores ?

(d) How was this loss met ?

(e) In view of the obligations of Government to keep the Reserve Bank supplied with silver rupees, do they intend selling more silver ?

(f) Will Government state the total value of silver rupees and bullion held by them against currency reserve at the present level of prices (without taking the gold standard reserve into consideration) ?

The Honourable Sir James Grigg : (a) Yes.

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The Honourable Mr. D. G. Mitchell : (a) Under the rules and orders at present in force no press employee is compelled to occupy Government accommodation in New Delhi.

(b) Yes—but the type of quarters referred to is intended for all employees drawing less than Rs. 45 per mensem and not for Duffries and inferior servants only.

(c) to (e). Memorials from certain employees of the Government of India Press, New Delhi, praying for the construction of additional quarters have just been received and will be considered by Government.

RULES GOVERNING THE ALLOTMENT OF QUARTERS TO THE EMPLOYEES OF THE  
GOVERNMENT OF INDIA PRESS, NEW DELHI.

389. \*Syed Ghulam Bhik Nairang : Is there a separate set of rules governing the allotment of quarters to the employees of the Government of India Press, New Delhi ? If so, will Government be pleased to lay a copy of those rules on the table of this House ?

The Honourable Mr. D. G. Mitchell : There are no separate rules for the Press quarters at New Delhi.

WANT OF SMOKE-CHIMNEYS IN THE DUFTARY TYPE QUARTERS OF THE  
GOVERNMENT OF INDIA PRESS, NEW DELHI.

390. \*Syed Ghulam Bhik Nairang : (a) Are Government aware that there are no smoke-chimneys in the Duftary type quarters of the Government Press, New Delhi ?

(b) Is it a fact that smoke-chimneys have been provided in the newly-built Duftary type quarters that have been erected to the east of the Press Area ?

(c) If so, do Government propose to provide similar chimneys in the Duftary type quarters of the Press Area as well ? If not, why not ?

The Honourable Mr. D. G. Mitchell : (a) and (b). Yes.

(c) No. Funds cannot at present be made available for the work.

CLASSIFICATION OF THE EMPLOYEES OF THE READING BRANCH OF THE  
GOVERNMENT OF INDIA PRESS, NEW DELHI.

391. \*Syed Ghulam Bhik Nairang : (a) Are Government aware that a memorial was submitted to the Government of India by the members of the Reading Branch of the Government of India Press, New Delhi, urging their classification as " ministerial " workers instead of " industrial " workers, which is their present designation ?

(b) Have Government considered this memorial and reached a conclusion ? If so, what is the decision arrived at ?

The Honourable Mr. D. G. Mitchell : (a) and (b). The memorial was not submitted to the Government of India ; it was addressed to the Controller of Printing and Stationery and rejected by him, after careful consideration.

ALLEGED COMPULSION FOR OVERTIME WORK IN THE GOVERNMENT OF INDIA  
PRESS, NEW DELHI.

392. \*Syed Ghulam Bhik Nairang : (a) Is it a fact that the employees of the Government of India Press, New Delhi, work over-time during the winter season ?

(b) Is it a fact that very often they have to work eleven hours a day ?

(c) Are Government aware that this over-work is telling upon the health of the employees and that those who do not want to work over-time are forcibly made to do so ?

(d) If so, under what rule of the Press Hand-book is this compulsion justified ?

The Honourable Mr. D. G. Mitchell : (a) Yes, at times.

(b) In order to deal with an exceptional press of work generally during the winter season, the men are sometimes required to work for more than ten hours.

(c) Government have no reason to suppose that the amount of over-time has been such as to produce adverse effects on health. The liability to work overtime is part of the ordinary conditions of service of press employees.

(d) Under the last sub-paragraph of paragraph 30 of the Press Hand-book.

Mr. Lalchand Navalrai : What is the ordinary time for them to work—how many hours ?

The Honourable Mr. D. G. Mitchell : About forty-eight hours a week.

EXEMPTION OF MUSLIM EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS,  
NEW DELHI, FROM WORKING OVERTIME ON FRIDAYS.

393. \*Syed Ghulam Bhik Nairang : (a) Is it a fact that one hour's leave is allowed to Muslim employees of the Government of India Press, New Delhi, to say their Friday prayers ?

(b) Is it a fact that if the Muslim employees work over-time on Friday this one hour is deducted from their over-time ? If so, why ?

(c) Do Government propose to make payments to Muslim employees for over-time work on Fridays ? If not, why not ?

(d) Do Government propose to exempt as many Muslim employees as possible from working over-time on Fridays and specially when non-Muslim employees are available ?

The Honourable Mr. D. G. Mitchell : (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the reply given in the Legislative Assembly on the 20th August, 1934, by the Honourable Sir Frank Noyce to starred question No. 668.

(d) Government are anxious to reduce overtime as much as possible for all employees. But it would not be fair to members of other communities to detain those who had already worked full time, while those who had worked a shorter time were released.

EFFECT OF THE RISE IN THE PRICE OF SILVER ON THE RUPEE.

394. \*Mr. T. S. Avinashilingam Chettiar : Will Government state :

(a) whether they are aware of the intention of the Government of the United States of America to push up the price of silver to 80d. ; and

(b) what Government propose to do, if, by this rise of price of silver, the rupee ceases to become a token coin ?

The Honourable Sir James Grigg : I would invite the attention of the Honourable Member to the reply given by me to Mr. Satyamurti's starred question No. 223 during the current Session.

APPLICATIONS FROM MAHATMA GANDHI AND BABU RAJENDRA PRASAD FOR  
PERMISSION TO ENTER THE EARTHQUAKE AREA IN QUETTA.

395. \*Mr. T. S. Avinashilingam Chettiar : Will Government state :

(a) whether it is a fact that Mahatma Gandhi and Babu Rajendra Prasad, the President of the Indian National Congress, had applied for permission to enter the earthquake area in Quetta for doing relief work ;

(b) whether their applications were rejected ; and

(c) if so, on what grounds and for what reasons ?

The Honourable Sir Henry Craik : (a) Yes.

(b) and (c). I would refer the Honourable Member to the answer given by me to Mr. Satyamurti's starred question No. 219.

Mr. T. S. Avinashilingam Chettiar : Are the Government of India prepared to publish the correspondence with Babu Rajendra Prasad on the subject ?

The Honourable Sir Henry Craik : I said in answer to the previous question that I was prepared to do it, but I have not got the permission of the people to whom the letters were addressed.

Mr. T. S. Avinashilingam Chettiar : Are Government aware that Babu Rajendra Prasad has sent out to the press his letter, and are Government free to publish such correspondence ?

The Honourable Sir Henry Craik : I saw something in the press, but he did not say that the Government had asked his permission to publish.

Mr. S. Satyamurti : Do Government propose to publish it, or to ask him for permission to publish it ?

The Honourable Sir Henry Craik : I do not think it would be for Government to ask him for permission.

Mr. S. Satyamurti : Will Government ask for permission ?

The Honourable Sir Henry Craik : If the Honourable Member wants his consent, I suggest the Honourable Member should ask him.

Mr. S. Satyamurti : If I communicate his consent to Government, will Government publish it ?

The Honourable Sir Henry Craik : Yes.

TENDERS FOR WAGONS FOR 1935-36.

396. \*Mr. T. S. Avinashilingam Chettiar : Will Government state :

(a) whether it is a fact that tenders for wagons for 1935-36 were called for in three lots ;

(b) that the third call was for 2,050 wagons, and that for this world tenders were invited and Belgian, German and British firms gave tenders ;

(c) that the tenders of the Indian firms were the lowest, except for Metro-cammell whose price was ten per cent. less and a German group who quoted five per cent. lower ;

(d) that, though Metro-cammell quoted for the whole lot, the delivery schedule they had given was such that they could complete only 750 wagons in this fiscal year, and so they got an order for 750 wagons ;

(e) that 500 wagons were withdrawn, and with regard to the balance of 800 wagons, the Indian firms were offered prices which were far below their tender prices ;

(f) Whether it is a fact that the saving effected by placing the order with Metro-cammell was only Rs. 3 lakhs ;

(g) supposing this order to have gone to Indian firms, what the increased railway freight is that this manufacture should have occasioned ; what the extra excise duty and additional income-tax is that Government may have obtained ;

(h) whether Government are aware that, in response to the insistence of the Select Committee of this House in 1927, Sir George Rainy, the then Commerce Member, accepted that all future orders should be placed in India ; and

(i) in the face of this assurance, why orders for these wagons were given to a foreign non-Indian company ?

Mr. P. R. Rau : (a) Yes.

(b) Yes.

(c) Four types of wagons were included in the world call for tenders, viz.,—

O—Train piped and with hand brake.

O—fully vacuum braked.

OM—and

CR—

For the two O types and the OM type, one British tender and one German tender were lower than the lowest Indian tender. For the CR type, two British tenders and one German tender were lower than the lowest Indian tender. For the types for which the order was placed abroad (viz., O fully vacuum braked and CR) the British tenders were ten per cent. and 14 per cent. and the German tenders 4.5 per cent. and nine per cent., respectively, below the lowest Indian tender.

(d) It was estimated that it was unlikely that they could deliver more than 750 wagons before the middle of February, 1936, i.e., before our peak period of traffic for the year. Consequently only that number was ordered.

(e) The answer to the first part is in the affirmative ; as regards the second, 800 wagons were allotted to Indian firms at an agreed price, which is lower than their original tender but higher than the lowest foreign tender.

(f) The savings effected on 750 wagons, ordered with Messrs. Metro-Cammell, amounted to about 3½ lakhs and on 800 wagons ordered in India, at the negotiated price, to over Rs. 1½ lakhs.

(g) It has been estimated that the profit to Railways on the additional railway freight, if orders had been placed in India, would have

been about Rs. 20 to Rs. 25 per wagon. It is impossible to say how much additional income-tax Government would have obtained. The excise duty would almost certainly have been less than the import duty on the imported wagons.

(h) I presume my Honourable friend is referring to Sir George Rainy's minute of dissent to the report of the Select Committee on the Steel Industry (Protection) Bill of 1928. If so, what he said was as follows :

" I fully accept the view of the Tariff Board that, until orders for wagons can again be placed on a normal scale, all orders should be placed in India subject to a maximum price, and that in fixing the maximum price an addition of 12½ per cent. to the prices paid in 1925-26 will serve as a general guide. But if the Indian wagon building firms refuse to take the orders at the maximum prices which Government consider reasonable, there will be no alternative but to call for simultaneous tenders, and if the duty remains at ten per cent. there is a danger that some of them may be lost to the Indian firms."

(i) The main reason which induced Government to call for simultaneous tenders in India and abroad was that for a long time there had been no price regulator in the shape of foreign prices and Government could not be sure whether the prices quoted by Indian firms were reasonable or not. Moreover, they had grounds to suspect that the internal competition in India between the four wagon building firms had also ceased to exist. Consequently they decided that, specially in view of the fact that the total number of wagons to be purchased during the year was much higher than in past years, tenders for part of the requirements of railways should be called for both in India and abroad, and dealt with according to the Stores Purchase Rules which allow a price preference for articles of Indian manufacture. Out of the total of 4,972 wagons, 722 wagons had been purchased in India in the first call ; of the balance of 4,250 wagons, tenders were called for 2,200 in India only and 2,050 in India and abroad. The results showed that the action taken was fully justified, for the call for open tenders disclosed that the cost to the railways of restricting the second call (for 2,200 wagons) to India was something like ten lakhs.

**Mr. T. S. Avinashilingam Chettiar :** May I ask, Sir, in regard to part (e), by how much was the price of Indian Companies above the English price ?

3 P.M.

**Mr. P. R. Rau :** The English price was 2,610 ; the original Indian quotation was 2,930, and we placed the order for 2,700.

#### RETRENCHED AND RETAINED PERSONNEL IN THE RAILWAY RATES ADVISORY COMMITTEE.

397. \***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government please lay on the table a comparative statement showing the names of retrenched and retained persons of the Railway Rates Advisory Committee, their educational qualifications, experiences, pay, length of services of each, both in the Committee and outside ?

(b) Will Government please state the action taken for the re-employment of the retrenched persons of the Committee ?

(c) If the reply be in the affirmative, will Government please state their whereabouts ?

(d) If the reply to part (b) be in the negative, will Government please state the reasons thereof ?

(e) Will Government please lay on the table a statement showing the posts revived in the Committee since its reconstitution and names of the holder of each of them giving details of recruitment, i.e., whether they are retrenched persons or outsiders ?

(f) Will Government please state the reasons for not following the rules of re-employment of retrenched personnel promulgated by the Government of India ?

(g) Will Government please state the present strength of the subordinate staff of the Committee by community, caste and provinces ?

(h) Will Government please state the future of the Committee and whether there is any possibility of calling back of the retrenched persons ?

**Mr. P. R. Rau :** (a) (e) and (g). The information is not readily available and Government regret they cannot undertake the compilation as the labour and expense involved will, they consider, be out of all proportion to any possible use it can be put to.

(b), (c), (d) and (f). Government are informed that the rules for the re-employment of retrenched personnel have been duly followed. The details have been left to the President.

(h) For the future of the Committee I would refer the Honourable Member to section 191 of the Government of India Act, 1935. I am unable to give a definite answer to the second part of his question.

**The Honourable Sir James Grigg :** Before I reply to question No. 398, you will perhaps allow me to say a few words in connection with my answer to Mr. Ananthasayanam Ayyangar's supplementary question which I did not then properly hear. I now understand that the Honourable Member asked what was the explanation of the fall in the Government of India's securities in the Currency Reserves. If the Honourable Member will look into the returns, he will find that that is compensated for by an increase in sterling securities. This means, of course, that the external Currency Reserves have been strengthened.

#### SALE OF SILVER BY THE GOVERNMENT OF INDIA.

398. \***Mr. M. Ananthasayanam Ayyangar :** (a) Has any quantity of silver been sold by the Government of India since March, 1935 ? If so, what is the quantity and what is its value ?

(b) What has been done with the proceeds, if any ?

**The Honourable Sir James Grigg :** I would invite the attention of the Honourable Member to the reply given by me to part (e) of Mr. Akhil Chandra Datta's starred question No. 387 during the current Session.

**Mr. M. Ananthasayanam Ayyangar :** The Honourable Member has only stated in answer to Mr. Akhil Chandra Datta's question that it is confidential and he is not prepared to state what the silver policy of the Government will be in the future ?

**The Honourable Sir James Grigg :** I said on a previous occasion, and I repeat it now, that I am quite unwilling to make any statement whatever about silver so long as the market remains in its present condition, the reason being that I think the less said in the way of giving a lead in any direction to speculators the better.

#### PROTECTION OF INDIANS IN ABYSSINIA.

399. **\*Mr. M. Ananthasayanam Ayyangar :** How many Indians are there in Abyssinia ? What steps, if any, have been taken to protect their person and property in view of the impending war between Italy and Abyssinia ?

**Mr. J. G. Acheson :** The information asked for by Honourable Member has already been supplied by me in reply to a short notice question by Mr. Satyamurti on the 3rd September, 1935.

#### SIR GEORGE SCHUSTER'S OPINION ABOUT THE BOMBING OF INDIANS.

400. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the statement made by Sir George Schuster at the Peace Congress, that he is opposed to the bombing of Indians ;
- (b) whether Government propose to stop this practice ; and
- (c) if not, why not ?

**Mr. G. R. F. Tottenham :** (a) Government have seen the cutting but have ascertained that no such version of Sir George Schuster's statement can be traced in the London Press reports of the meeting.

(b) and (c). The Honourable Member's attention is invited to the reply I gave to his starred question No. 291 on the 12th September, 1935.

**Mr. S. Satyamurti :** Apart from Sir George Schuster's speech, may I ask one question ? What is the position today of the Government of India in respect of bombing from aeroplanes ?

**Mr. G. R. F. Tottenham :** I gave a full statement of that position in reply to the Honourable Member's questions only two or three days ago.

**Mr. S. Satyamurti :** I think my Honourable friend said that they do not bomb civil population. May I take it that the Government of India use their aeroplanes only for bombing those tribesmen who are fighting in the fields ?

**Mr. G. R. F. Tottenham :** The main purpose of bombing is to disperse hostile *lashkars* in the field. As I explained the other day, in certain cases the Royal Air Force also use their aeroplanes to blockade certain area.

**Mr. S. Satyamurti :** May I ask the Honourable Member if these aeroplanes throw bombs on the civil population, after giving notice ?

**Mr. G. R. F. Tottenham :** They do not.

**Mr. S. Satyamurti :** May I know what are these blockaded areas to which my Honourable friend refers ? Do they or do they not contain civil population ?

**Mr. G. R. F. Tottenham :** They contain villages, but notice is given beforehand so as to enable the villages to be evacuated before the bombing takes place.

**Mr. S. Satyamurti :** Do Government satisfy themselves before bombing that the villages are actually evacuated, and that there are no men, women and children in them ?

**Mr. G. R. F. Tottenham :** They do satisfy themselves as far as it is possible to do so.

**Mr. S. Satyamurti :** May I take it that the Government take the risk of bombing the civil population ?

**Mr. G. R. F. Tottenham :** No, Sir. It is the civil population that takes the risk of being bombed.

#### OFFICIAL WATCH OVER NEWS AND EDITORIAL COMMENTS IN NEWSPAPERS RELATING TO THE QUETTA EARTHQUAKE DISASTER.

401. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether it is a fact that they have instructed Local Governments to keep a watch over news and editorial comments in papers relating to the Quetta earthquake disaster ;
- (b) if so, the reasons therefor ; and
- (c) the names of newspapers or Presses, whose securities have been forfeited on account of comments on the Quetta earthquake and matters relating thereto ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) These instructions were issued in view of the venomous campaign of lies which was conducted in certain sections of the Press to vilify Government and the Army over action taken in regard to Quetta.

(c) I would refer the Honourable Member to the reply given to Pandit Sri Krishna Dutta Paliwal's question No. 365.

**Mr. S. Satyamurti :** May I know why the Government of India prefer to proceed against these presses by way of forfeiting their security instead of prosecuting them in a Court of law under the ordinary law.

**The Honourable Sir Henry Craik :** Because the ordinary law has been found to be ineffective for the purpose.

**Mr. S. Satyamurti :** Did they try a single case of any newspaper which published any mischievous article about Quetta under the ordinary law ?

**The Honourable Sir Henry Craik :** The discretion was left to the Local Governments. It was the Local Governments which actually took the action.

**Mr. S. Satyamurti :** Did the Government of India issue any general circular or instructions or a demi-official letter to Local Governments to take action under the Press Act with regard to the Quetta affairs.

**The Honourable Sir Henry Craik :** I have said they did.

**Mr. S. Satyamurti :** What was the nature and contents of that letter ?

**The Honourable Sir Henry Craik :** I do not remember exactly now, but it was left to the Local Governments to take action under the Press Act.

**Mr. S. Satyamurti :** Why did the Government of India instruct the Local Governments to take action under the Press Act, and not under the ordinary law, in view of the fact that in this case no prosecution can be stated to have failed ?

**The Honourable Sir Henry Craik :** Because experience has shown that the Press Act is the most effective means of dealing with such cases.

#### RESULTS OF THE OTTAWA TRADE AGREEMENT.

402. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have seen a letter addressed by the Indian Merchants' Chamber to the Commerce Department of the Government of India about the result of the Ottawa Pact ;
- (b) whether Government will place on the table of this House the latest figures of export and import trade of India with Great Britain, the Empire countries and other countries ; and
- (c) whether Government propose to examine this question with a view to place before this House material which would help the Assembly to come to a final decision on the continuance or otherwise of the Ottawa Pact ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) I presume the Honourable Member is referring to the letter of the Indian Merchants' Chamber, Bombay, dated the 23rd August, 1934. If so, the reply is in the affirmative.

(b) A report of the nature referred to by the Honourable Member will be laid on the table of the House in the course of the present Session.

(c) All the material that is available and relevant will be placed before the House when it is given an opportunity of discussing the results of the Ottawa Trade Agreement in the next Budget Session.

#### TRADE NEGOTIATIONS WITH OTHER COUNTRIES.

403. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the progress of trade negotiations on behalf of India with other countries ?
- (b) with how many countries trade agreements have been effected ; and
- (c) when all such trade agreements will be completed ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) to (c). I have nothing to add to the replies already given in this Session to the Honourable Member's questions on this subject and to questions Nos. 4 and 10 of Mr. T. S. Avinashilingam Chettiar and No. 354 of Mr. Samuel Aaron on the subject of Trade Agreements.

#### PROTECTION OF INDIANS IN ABYSSINIA.

404. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether it is a fact that there are two thousand Indians in Abyssinia ;
- (b) whether Government are aware that the United States of America has taken all possible measures for the safety of American missionaries in Abyssinia, as also France ; and
- (c) what steps Government propose to take to protect the life and property of Indians in Abyssinia ?

**Mr. J. G. Acheson :** (a) There are approximately 1,000 British Indian Subjects, including British protected persons, residing in Abyssinia.

(b) and (c). The Honourable Member is referred to the answer given on the 3rd September, 1935, to his short notice question on the same subject.

**Mr. S. Satyamurti :** Are Government aware of the fact that, this morning or yesterday morning, it appeared in the newspapers that the British Consul in Abyssinia has invited all the Indians to come and live in a stated area, and promised to give them protection, and would Government get into touch with the latest developments with regard to the protection of Indians in Abyssinia ?

**Mr. J. G. Acheson :** Government have no information to that effect, but they are making enquiries.

**Mr. S. Satyamurti :** Will Government get into touch with the latest developments ?

**Mr. J. G. Acheson :** Yes, Sir.

**Mr. T. S. Avinashilingam Chettiar :** What is the meaning of the expression " British protected persons " ?

**Mr. J. G. Acheson :** " Protected persons " mean the inhabitants of Indian States who are protected by British Government.

#### FALL IN RAILWAY EARNINGS.

405. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the total Railway earnings up to date, and the fall in the earnings compared with previous years ;
- (b) whether they have investigated this matter, and if so, the results of such investigation ; and
- (c) what steps Government have been taking or propose to take in this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The approximate earnings up to the end of August, amount to 35½ crores. They are about 70 lakhs below those of the corresponding period of last year and about 135 lakhs more than those of the corresponding period of 1933-34.

(b) The decrease is mainly in goods earnings and indicates a fall in traffic, the commodities principally affected being cotton, oilseeds and rice.



(c) The position is being watched by Government. Agents of Railways have been asked to restrict working expenses wherever possible and to examine every possibility of increasing net earnings. The whole position will be reviewed next month in consultation with Agents and the Railway Board.

**Mr. S. Satyamurti :** May I know if Government's special attention is being devoted to the question of rail-road competition, both in respect of passenger and goods traffic ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have replied to this in answer to one of the supplementary questions on a previous occasion.

**Mr. S. Satyamurti :** Have Government heard from the Agents in answer to their suggestions to consider ways and means of increasing the income, and reducing the expenditure ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have also explained this in answer to a supplementary question on a previous occasion that certain suggestions were tentatively discussed with the Agents when they were called up to Simla in August and they were asked to consider these suggestions and any others that might occur to them. The whole question will be considered in detail early next month.

**Mr. S. Satyamurti :** Half the financial year is over ; and so may I know when the Government propose to come to any conclusion so as to have any effect on the earnings or the expenses of this financial year ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have submitted that the discussion will take place early next month.

**Prof. N. G. Ranga :** Are Government taking any steps to stimulate internal trade and traffic ?

**The Honourable Sir Muhammad Zafrullah Khan :** I believe I have answered that question in the answers I have given already.

**Mr. S. Satyamurti :** Is there any person in the Railway Board whose specific duty it is to consider these matters, that is to say, increase traffic receipts ? Is there any Member of the Railway Board or any officer there, whose job it is to concentrate on this matter and make suggestions for the acceptance of the Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** There is the Director of Traffic, the Deputy Director of Traffic and the Railway Board itself.

**Mr. S. Satyamurti :** With so many people, what is the result ?

**The Honourable Sir Muhammad Zafrullah Khan :** In spite of the help of the opposition in this matter.

**Mr. S. Satyamurti :** But you won't take our help ; if you do, you will be better off.

**The Honourable Sir Muhammad Zafrullah Khan :** We welcome all help from any quarter.

#### RENEWAL OF THE TRADE TREATY WITH TURKEY.

406. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have received a communication from the Muslim Chamber of Commerce, urging the renewal of the trade treaty with Turkey ;

(b) at what stage the matter stands ; and

(c) when the trade treaty will be completed ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) The matter is still under discussion.

(c) I regret I am unable to fix the exact date.

**Mr. S. Satyamurti :** How long has this matter been under discussion ?

**The Honourable Sir Muhammad Zafrullah Khan :** Some months.

**Mr. S. Satyamurti :** What is the average period for settling important questions ?

**The Honourable Sir Muhammad Zafrullah Khan :** It depends upon the opposite party. Government cannot arrive at an *ex parte* decision.

**Mr. S. Satyamurti :** Government cannot arrive at any decision. That is my trouble.

#### WALK-OUT BY THE INDIAN MEMBERS OF THE KENYA LEGISLATIVE COUNCIL.

407. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have heard that the Indian Members of the Kenya Legislative Council walked out of the Council when the Marketing legislation was being discussed ;

(b) whether Government took any steps in the matter ;

(c) what the results of these steps were ;

(d) whether Government have ascertained the reasons for the walk-out, and if so, what they are ; and

(e) whether they propose to have an Agent of their own in the East African territories, and if not, why not ?

**Sir Girja Shankar Bajpai :** (a) Government understand that four out of five Indian members walked out of the Legislative Council on the 3rd July, 1935.

(b) to (d). On receipt of information that a walk-out was intended by some Indian members Government caused them to be informed of the changes effected and contemplated in the Bill, in the hope that they would reconsider their decision ; but the walk-out took place, nevertheless, because the members concerned were not satisfied with the Bill.

(e) Not at present.

**Mr. S. Satyamurti :** May I know the reason why Government do not propose to appoint an Agent of their own in East African territories now ?

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LEGISLATIVE ASSEMBLY.

[16TH SEP. 1935.]

**Sir Girja Shankar Bajpai :** Primarily financial.

**Mr. S. Satyamurti :** Did my Honourable friend's Department put up a proposal to the Finance Department, and did the Finance Department turn it down ?

**Sir Girja Shankar Bajpai :** The Department of Education, Health and Lands has to consider the claims of all competing cases before it approaches the Finance Department.

**Mr. S. Satyamurti :** Among the competing claims within the scope of the Honourable Member's Department, does he consider that this is not as important as many others ?

**Sir Girja Shankar Bajpai :** Considering the general financial outlook, I should say that there are other claims that are more important than this.

**Mr. S. Satyamurti :** Other claims in his Department ?

**Sir Girja Shankar Bajpai :** I am referring to my Department which is not limited to overseas.

#### DISABILITIES OF INDIANS IN ZANZIBAR.

408. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they are considering the question of Indian disabilities in Zanzibar ;
- (b) what they have so far done in the matter ; and
- (c) the latest position in respect of this matter ?

**Sir Girja Shankar Bajpai :** (a), (b) and (c). I would refer the Honourable Member to the reply given by me on the 4th September, 1935, to his question No. 118.

#### SCHEME FOR THE UTILISATION OF THE GRANT FOR RURAL DEVELOPMENT IN THE PUNJAB.

409. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether the Punjab Government have submitted to the Government of India their final scheme for the utilisation of the grant for rural development ;
- (b) whether Government will place the same on the table of this House ; and
- (c) whether they propose to send it to all the other Local Governments for information and guidance ?

**The Honourable Sir James Grigg :** (a) Yes.

(b) The Honourable Member is referred to the statement laid on the table of the House in reply to Mr. Basanta Kumar Das's question No. 162, regarding the schemes for rural development.

(c) The statement referred to above is a published document and available to Local Governments equally with the general public.

**Prof. N. G. Ranga :** Is the Honourable Member aware of the fact that no provision is made at all for water supply or for Harijans in the Punjab ?

**The Honourable Sir James Grigg :** I answered that question in reply to a supplementary question of the Honourable Member the other day.

#### INDIANISATION OF THE INDIAN ARMY VETERINARY CORPS.

410. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) their policy with regard to the Indianisation of the Indian Army Veterinary Corps ;
- (b) the reasons why to obtain a commission in this service a candidate must first obtain the diploma of M. R. C. V. S. after five years' study in a recognised Veterinary College in England ; and
- (c) the reasons why they have not prescribed an alternative Indian qualification ?

**Mr. G. R. F. Tottenham :** (a) The policy is to provide Indian mounted units with Indian veterinary officers holding the diploma of Member of the Royal College of Veterinary Surgeons.

(b) and (c). A qualification of this standard is essential for the application of modern veterinary science to the problem of reducing animal wastage, but no such qualifications can be obtained in India at present. The M. R. C. V. S., is the qualification possessed by British Officers of the Royal Army Veterinary Corps in close co-operation with whom the Indian Commissioned Officers will have to work so long as there are British troops in this country.

**Mr. S. Satyamurti :** Is there any attempt made by the Government to institute or develop a corresponding qualification in this country ?

**Mr. G. R. F. Tottenham :** Sir, I believe the Royal Commission on Agriculture did make certain recommendations with regard to improving the standard of veterinary education in this country. Of course it is for the Local Governments and their Ministers to take action on that report.

**Mr. S. Satyamurti :** Will the Government of India address Local Governments in view of the need, which the Honourable the Army Secretary states, exists, to have this qualification, to evolve or develop corresponding qualifications in their own spheres of action ?

**Mr. G. R. F. Tottenham :** If the Honourable Member wishes, I will pass on that suggestion to my Honourable friend, the Secretary for Education, Health and Lands.

**Mr. T. S. Avinashilingam Chettiar :** Does the Honourable Member remember his promise in the last Budget Session that he will appoint Indian officers to this post in the Army Department ?

**Mr. G. R. F. Tottenham :** Indian officers are being appointed.

**Mr. T. S. Avinashilingam Chettiar :** How many ?

**Mr. G. R. F. Tottenham :** I require notice.

## PROVINCIAL LOANS.

411. \*Mr. S. Satyamurti : Will Government be pleased to state :

- (a) the latest decision with regard to the Provincial loans, that is, the amounts which stand to the debit of each Province ;
- (b) the principles on which these loans are given, and interest thereon is charged ; and
- (c) whether there is any intention to introduce a new system ?

The Honourable Sir James Grigg : (a) and (c). The matter is being considered in connection with the financial arrangements under the new constitution.

(b) I would invite the attention of the Honourable Member to Appendix VI-A of Audit Code, Volume II, copies of which are in the Library of the House.

Mr. S. Satyamurti : May I know if the Local Governments are getting the full benefit of the prevalent low rates of interest to the extent to which the Government of India get such benefit.

The Honourable Sir James Grigg : This depends on a rather complicated series of arrangements. At the moment and to the extent to which individual issues are converted to the extent that Local Governments may be presumed to have borrowed out of the proceeds of those particular issues, they get the benefit of the conversion.

Mr. S. Satyamurti : Is there no proposal to abolish provincial loans funds and distribute them to the various provinces to operate on their own responsibility ?

The Honourable Sir James Grigg : That is a large question which I cannot answer without being obliged to make a considerably longer statement than is possible now.

Mr. S. Satyamurti : May I know if the Government of India have considered in this connection the desirability of avoiding competing loans by various public bodies in this country ?

The Honourable Sir James Grigg : That is precisely one of the functions of a Central Bank.

Mr. T. S. Avinashilingam Chettiar : What are the principles governing provincial loans ?

The Honourable Sir James Grigg : If the Honourable Member would refer to the document I have mentioned in answer to this question, he will find that out.

## SYSTEM OF NOMINATIONS TO THE MUNICIPALITIES IN FIJI.

\*Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether their attention has been drawn to the statement of Pandit Shree Krishan Sarma on the system of nominations to the municipalities in Fiji to the effect that what the Indians care for is a common roll, and to effect this they want the qualifications for voters to be broadened ;

## QUESTIONS AND ANSWERS.

- (b) what the attitude of the officials in Fiji is towards this demand of Indians ; and
- (c) what action Government propose to take in this matter ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 12th September, 1935, to Mr. Mohan Lal Saksena's question No. 296.

## HIGHER IMPORT DUTY ON FOREIGN PADDY IN THE UNITED KINGDOM.

413. \*Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether they have made a strong representation to the British Government on the question of higher import duty on foreign paddy in the United Kingdom ;
- (b) the reason for this representation ; and
- (c) the latest figures with regard to the import of foreign paddy and Indian rice into England ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Government of India were informed that increasing imports of foreign paddy into the United Kingdom were likely to deprive Indian rice of the full benefits of the preference secured under the United Kingdom-India Trade Agreement. This possibility was brought to the notice of His Majesty's Government and as a result of the representations made by the Government of India an import duty of 2/3 d. per lb. has been imposed by His Majesty's Government in the United Kingdom on paddy imports of non-empire origin.

(c) I lay on the table a statement containing the required information.

Statement showing the imports of paddy other than Indian and of Indian rice into the United Kingdom.

| Imports of               | Year.                  | January.  | February. | March.   | April.    | May.      | June.       | July.     | August.     | September.  | October.  | November.   | December.   | Total.       |
|--------------------------|------------------------|-----------|-----------|----------|-----------|-----------|-------------|-----------|-------------|-------------|-----------|-------------|-------------|--------------|
| Paddy other than Indian. | 1933                   | Cwts. Nil | Cwts. 405 | Cwts. 45 | Cwts. Nil | Cwts. 600 | Cwts. 2,000 | Cwts. Nil | Cwts. 1,000 | Cwts. 2,000 | Cwts. 240 | Cwts. 8,039 | Cwts. 5,166 | Cwts. 19,495 |
|                          | 1934                   | 21,242    | 10,075    | 24,467   | 22,324    | 9,339     | 18,750      | 18,750    | 94,664      | 105,071     | 6,791     | Nil         | 2,100       | 333,573      |
|                          | 1935 (upto June only). | 26,942    | 63,174    | 60,472   | 20,992    | 1,003     | 35          | ..        | ..          | ..          | ..        | ..          | ..          | 172,618      |
| dian Rice ..             | 1933                   | 12,857    | 11,395    | 145,196  | 136,329   | 86,642    | 59,451      | 28,368    | 32,286      | 54,182      | 28,398    | 39,939      | 17,353      | 652,396      |
|                          | 1934                   | 3,678     | 16,164    | 88,164   | 184,047   | 205,112   | 113,187     | 38,485    | 69,786      | 13,654      | 41,933    | 24,286      | 10,736      | 809,232      |
|                          | 1935 (upto July only). | 7,288     | 25,328    | 112,245  | 238,235   | 214,657   | 104,823     | 75,368    | ..          | ..          | ..        | ..          | ..          | 777,944      |

**Mr. S. Satyamurti :** Has the position improved from the point of view of imported Indian rice into England ?

**The Honourable Sir Muhammad Zafrullah Khan :** Certainly.

#### PROGRESS OF SUGAR RESEARCH IN INDIA.

414. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- whether on a review of the work done till now, the Sugar Committee of the Imperial Council of Agricultural Research has come to the conclusion that the progress made had not kept pace with anticipations, and that India would not be able to stand on her own legs if the present rate was not accelerated, and that the chief reasons for this are paucity of funds for sugar research and the late starting of the Central Research Institute ;
- whether it is a fact that the Committee noted with regret that there were many sanctioned schemes of research which had been held up for want of funds ;
- whether Sir George Rainy, the then Commerce Member, pointed out that adequate funds should be placed at the disposal of the Committee for this research work ;
- whether the Committee have suggested that two annas out of the sugar excise duty should be assigned for the purpose of promoting research, both on the agricultural and on the manufacturing side ; and
- what steps Government propose to take in the matter ?

**Sir Girja Shankar Bajpai :** (a) and (d). The Sugar Committee's views are crystallised in a resolution which states that progress in sugar research and agricultural development has not been as rapid as it ought to have been but does not make any mention of delay in starting the Central Sugar Research Institute. The Committee has recommended more intensive work, especially on cane and has expressed the view that a settled and growing source of income should be provided for sugar research either by allocation annually of a sum equal to two annas per cwt. of the excise duty levied on the excisable sugar produced in India or by an annual grant of not less than Rs. ten lakhs.

(b) No.

(c) Yes.

(e) Government have already made or promised grants aggregating Rs. 84 lakhs for sugar research. Requests for financial provision for specific proposals for more intensive work on the lines recommended by the Committee will receive most careful consideration.

#### TARIFF BOARD ENQUIRY INTO THE TEXTILE INDUSTRY.

415. **\*Mr. S. Satyamurti :** Will Government be pleased to whether they intend to order an enquiry by the Tariff Board into textile industry, and if so, what the nature of the enquiry will be ?

Statement showing the imports of paddy other than Indian and of Indian rice into the United Kingdom.

| Imports of               | Year.                  | January.  | February. | March.   | April.    | May.      | June.       | July.     | August.     | September.  | October.  | November.   | December.   | Total.       |
|--------------------------|------------------------|-----------|-----------|----------|-----------|-----------|-------------|-----------|-------------|-------------|-----------|-------------|-------------|--------------|
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- whether Sir George Rainy, the then Commerce Member, pointed out that adequate funds should be placed at the disposal of the Committee for this research work ;
- whether the Committee have suggested that two annas out of the sugar excise duty should be assigned for the purpose of promoting research, both on the agricultural and on the manufacturing side ; and
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[16TH SEP. 1935.]

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Member is referred to the Commerce Department Resolution No. 341-T. (12)35, dated the 10th September, 1935, which was published in the Gazette of India Extraordinary of that date, copies of which are in the Library.

**Mr. S. Satyamurti :** In view of the fact that this Assembly rejected, by a decisive majority, the Indo-British Trade Agreement, which *inter alia* provided that British interests ought to be given a hearing before the Indian Tariff Boards, may I know the reason why Government turned down that recommendation of this House, and have now provided for British textile interests being heard by this Tariff Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government had already given an undertaking to that effect.

**Mr. S. Satyamurti :** May I know if the undertaking was given before the House gave its verdict or after it ?

**The Honourable Sir Muhammad Zafrullah Khan :** I believe, before.

**Mr. S. Satyamurti :** May I know why Government did not consider the need for changing their opinion, in view of the verdict of this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** There is no question of changing their opinion. Government are carrying out an undertaking given.

**Mr. S. Satyamurti :** May I know why Government have prescribed as one of the terms of reference for this Tariff Board that they ought to equate what is called the fair-selling price of Indian textile products with the price of imported articles *plus* the duty ? Have Government considered that the Indian textile industry may require further or greater or other protection ?

**The Honourable Sir Muhammad Zafrullah Khan :** In case the Indian textile industry requires further or other or greater protection, I have no doubt they will take the usual course of making an application with reference to this question to the Tariff Board.

**Mr. S. Satyamurti :** May I know if this Tariff Board is incompetent to go into this question ?

**The Honourable Sir Muhammad Zafrullah Khan :** This Tariff Board will go into those questions that are detailed in the Resolution, and not others.

**Mr. S. Satyamurti :** May I know whether the attention of Government has been drawn to the criticism of Mr. Manu Subedar, the President of the Bombay Indian Merchants' Chamber, on this Tariff Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** If my Honourable friend will refer to the specific criticisms he has in mind, I will be able to answer.

**Mr. S. Satyamurti :** May I know whether his attention has been drawn to the particular criticism that membership of this Board has been overweighted in favour of those who are in favour of Imperial preference ?

**The Honourable Sir Muhammad Zafrullah Khan :** That implication is not justified.

# REGULATION ISSUED IN RESPECT OF THE QUETTA EARTHQUAKE DISASTER.

416. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the reasons why a Regulation, and not an Ordinance, was issued in respect of the Quetta earthquake disaster ;
- (b) whether the Regulation contemplates giving unlimited powers to local authorities to make rules which will have the force of law ; and
- (c) what the authority was which gave the Military authorities control over the area before the British Baluchistan (Emergency Administration) Regulation, 1935 was issued ?

**Mr. J. G. Acheson :** (a) and (c). The Honourable Member's attention is invited to Chapter VII of the pamphlet "Quetta Earthquake, 1935", a copy of which has been sent to all the Members of this House.

(b) No, Sir. The scope of rule-making power conferred on the Local Government is defined in section 2 of the Regulation to which the Honourable Member is referred.

**Mr. S. Satyamurti :** With reference to clause (c), may I have a definite answer as to who the authority was which gave the military authorities control over the area before the Regulation ?

**Mr. J. G. Acheson :** The only answer which I can give now is that the alternative was control by the military authorities or complete anarchy.

**Mr. S. Satyamurti :** May I know the authority of the person,—the Government of India, or the Government of Baluchistan, or the military authorities themselves,—who took control ?

**Mr. J. G. Acheson :** That is a legal question which I think perhaps the Honourable the Law Member will be in a better position to answer.

**Mr. S. Satyamurti :** Will the Honourable the Law Member kindly give an answer ?

**The Honourable Sir Nripendra Sircar :** Nobody made over the control of Quetta to the military authorities. There was no martial law which was declared. The military authorities had to take charge, because the civil administration had broken down and the civil officers were not available. Those were the circumstances which compelled them to take charge.

**Mr. S. Satyamurti :** I know the facts ; but what is the law or the authority under which the military took charge of Quetta ?

**The Honourable Sir Nripendra Sircar :** The law, as has been said,—and this can be discussed at the time of the Resolution,—was the law of compelling necessity. And, if it is strictly illegal, it has got to be remedied by an Indemnity Act which has been legalised.

**Mr. S. Satyamurti :** May I take it then that the position is that this act was illegal and that they have since legalised it by an indemnity Act ?

**Mr. President** (The Honourable Sir Abdur Rahim) : It is all there : it is only the endorsement now.

**Mr. Lalchand Navalrai** : My point of order is different : it is whether this Bill can be allowed to be moved, without giving us copies of the Bill just to be moved.

**Mr. President** (The Honourable Sir Abdur Rahim) : It is exactly the same Bill without any sort of alteration, except that there is the endorsement which the Chair has read out to the House. If the Honourable Member wants copies of the Bill with the endorsement, the Secretary will distribute them.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muham-madan Rural) : Mr. President,.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Do you want to oppose the motion for introduction ?

**Mr. Bhulabhai J. Desai** : Yes.

**Mr. President** (The Honourable Sir Abdur Rahim) : Does the Honourable the Home Member wish to make any statement ?

**The Honourable Sir Henry Craik** : I do not think I have any statement to make. I have merely to say that the Bill is exactly the same as the Bill which has been discussed at length last week and the week before, and it has been discussed at such length that I can add nothing useful to what has already been said.

**Mr. Bhulabhai J. Desai** : Mr. President, I am glad to notice a certain amount of good humour in the House. In the somewhat unusual step of opposing the leave that is asked for, I am doing so under circumstances which, I think, are fairly well described by the Honourable the Home Member himself. He has told the House that we are asked now to reconsider the measure which has been fully discussed and which, by a decisive vote, last Thursday, the House rejected. They refused to consider it. If there is a constitutional sense in the House, this is a matter that ought to affect the House itself—not merely those who rejected the measure, but also the minority who, as a matter of law, are bound by the same, if there is any propriety, any sense, any value in all the legal phraseology and Acts of the Government of India. Therefore, it is not a matter merely for those who opposed the Bill. The vote of the majority, I think the Honourable the Leader of the House will acknowledge, is the vote of the House ; and loyalty demands that, at all events, in decency, all that they would do when asked for this leave is not to vote in support of it, for the simple reason that legislation in any Assembly of this kind would be impossible, and the Government of the country would be reduced to a mockery if this is the manner in which the House is to be treated by reason of the fact that there is a provision for a recommendation of the same Bill for reconsideration by the same House. I do not wish to use somewhat hackneyed language about an insult to this House or an offence to this House ; but I do wish to say this, in all earnestness, that if this House is merely to be used, whenever convenient, to register the decrees of the executive, and where they think it their duty to oppose it, then it is the will of the executive that should prevail, then it is one of those one-sided affairs in any Legislature in the world where they say then we agree, they should prevail, and where we disagree, then also they should prevail. It is, therefore, a matter of serious moment for the Mem-

bers opposite to consider with a certain degree of greater earnestness than they are likely probably, in a sort of lighthearted way, to give to it, whether their very existence here is a matter which is not called into question by the recommended Bill which has been brought before this House. If they feel still that nothing is a matter of moment to them, no Constitution, no law, no democracy, no validity of the majority vote of the House, they are entitled to take the course which they did before.

We have often talked of the breakdown of constitutions. At all events, for the second time, during the course of two Sessions in this House, I have witnessed this, and this is the second. And, here, I wish to remind you of an article which a member of the "friendly press" published only yesterday—even that press has the decency and the honesty to recognise that on a proper analysis of the vote of the House, it was a vote of the bulk of the country against this measure (*Opposition cries of "Hear, hear"*) ; and, yet within less than a few hours, an executive decree has been issued that the Bill shall be brought back to you, in substance and in words the same as it was here before, and passed. It is not merely a question, as it is sometimes said, of self-respect—it is a deeper and a higher question ; and there is a section of the House to whom I wish to appeal in order that they may follow the same traditions which they say obtain in their own country, while governing their own country, and that they will recognise their obligation to the majority of the House, and, therefore, to the sense of the House itself and not lend any further support to the Bill at a time when it is brought back to us again on this occasion : and, but for the fact that the Bill is in terms the same, and, in fact, we are asked to reconsider what is already decided, I should not have taken the course which I am doing and which I am asking the House now to take, that this House do refuse to grant leave for the introduction of this Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :  
"That leave be granted to introduce a Bill to amend the Criminal Law in the form recommended."

The Assembly divided :

AYES—57.

Abdul Aziz, Khan Bahadur Mian.  
Acheson, Mr. J. G.  
Ahmad Nawaz Khan, Major Nawab.  
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.  
Anwar-ul-Azim, Mr. Muhammad.  
Ayyar, Diwan Bahadur R. V. Krishna.  
Ayyar, Rao Bahadur A. A. Venkatarama.  
Bajoria, Babu Baijnath.  
Bajpai, Sir Girja Shankar.  
Bhagchand Soni, Rai Bahadur Seth.  
Bhat, Mr. Madhusudan Damodar.  
Bhutto, Mr. Nabi Baksh Ilahi Baksh.  
Blackwell, Mr. J. H.  
Bower, Mr. E. H. M.  
Boyle, Mr. J. D.  
Chapman-Mortimer, Mr. T.  
Chatarji, Mr. J. M.  
Clow, Mr. A. G.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
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Desai, Mr. S. P.  
Fazl-i-Haq Piracha, Khan Sahib Shaikh.  
Gajapatiraj, Maharaj Kumar Vijaya Ananda.  
Ghuznavi, Sir Abdul Halim.  
Graham, Sir Lancelot.  
Griffiths, Mr. P. J.  
Grigg, The Honourable Sir James.  
Hands, Mr. A. S.  
Hidayatallah, Sir Ghulam Hussain.  
Hockenhill, Mr. F. W.  
Hossack, Mr. W. B.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Lal Chand, Captain Rao Bahadur Chaudhri.  
Leach, Mr. F. B.  
Lee, Mr. D. J. N.  
Lister, Mr. T.  
Lloyd, Mr. A. H.



AYES—contd.

MacLachlan, Mr. D.  
 Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.  
 Milligan, Mr. J. A.  
 Mitchell, The Honourable Mr. D. G.  
 Morgan, Mr. G.  
 Mukherjee, Rai Bahadur Sir Satya Charan.  
 Owen, Mr. L.  
 Rajah, Rao Bahadur M. C.  
 Rau, Mr. P. R.  
 Row, Mr. K. Sanjiva.

Sarma, Mr. R. S.  
 Scott, Mr. J. Ramsay.  
 Sher Muhammad Khan, Captain Sardar.  
 Singh, Mr. Pradyumna Prasad.  
 Sinha, Raja Bahadur Harihar Prosad Narayan.  
 Sircar, The Honourable Sir Nripendra.  
 Tottenham, Mr. G. R. F.  
 Yamin Khan, Mr. Muhammad.  
 Zafrullah Khan, The Honourable Sir Muhammad.

NOES—69.

Aaron, Mr. Samuel.  
 Abdul Matin Chaudhury, Mr.  
 Aney, Mr. M. S.  
 Asaf Ali, Mr. M.  
 Ayyangar, Mr. M. Ananthasayanam.  
 Azhar Ali, Mr. Muhammad.  
 Ba Si, U  
 Badi-uz-Zaman, Maulvi.  
 Badrul Hasan, Maulvi.  
 Banerjee, Dr. P. N.  
 Baqui, Mr. M. A.  
 Bardoloi, Sriji N. C.  
 Bhagavan Das, Dr.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Chetty, Mr. Sami Vencatachelam.  
 Chunder, Mr. N. C.  
 Das, Mr. B.  
 Das, Mr. Basanta Kumar.  
 Das, Pandit Nilakantha.  
 Datta, Mr. Akhil Chandra.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Dr. G. V.  
 Essak Sait, Mr. H. A. Sathar H.  
 Fuzlul Huq, Mr. A. K.  
 Gadgil, Mr. N. V.  
 Ghulam Bhik Nairang, Syed.  
 Giri, Mr. V. V.  
 Gupta, Mr. Ghansham Singh.  
 Hosmani, Mr. S. K.  
 Jedhe, Mr. K. M.  
 Jogendra Singh, Sirdar.  
 Joshi, Mr. N. M.  
 Khan Sahib, Dr.  
 Khare, Dr. N. B.

Lalchand Navalrai, Mr.  
 Laljee, Mr. Husenbhai Abdullahbai.  
 Maitra, Pandit Lakshmi Kanta.  
 Malaviya, Pandit Krishna Kant.  
 Mangal Singh, Sardar.  
 Mudaliar, Mr. C. N. Muthuranga.  
 Muhammad Ahmad Kazmi, Qazi.  
 Murtuza Sahib Bahadur, Maulvi Syed.  
 Nageswara Rao, Mr. K.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pant, Pandit Govind Ballabh.  
 Parmia Nand, Bhai.  
 Raghubir Narayan Singh, Choudhri.  
 Rajan, Dr. T. S. S.  
 Raju, Mr. P. S. Kumaraswami.  
 Ranga, Prof. N. G.  
 Sakseena, Mr. Mohan Lal.  
 Sant Singh, Sardar.  
 Satyamurti, Mr. S.  
 Sham Lal, Mr.  
 Shaikat Ali, Maulana.  
 Sheodass Daga, Seth.  
 Siddique Ali Khan, Khan Sahib Nawab.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Anugrah Narayan.  
 Sinha, Mr. Satya Narayan.  
 Sinha, Mr. Shri Krishna.  
 Som, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Thein Maung, Dr.  
 Thein Maung, U  
 Umar Aly Shah, Mr.  
 Varma, Mr. B. B.  
 Vissanji, Mr. Mathuradas.

The motion was negatived.

### THE JUBBULPORE AND CHHATTISGARH DIVISIONS (DIVORCE PROCEEDINGS VALIDATION) BILL.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I beg to move for leave to introduce a Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is : "That leave be given to introduce a Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad."

The motion was adopted.

**The Honourable Sir Nripendra Sircar** : Sir, I introduce the Bill.

### THE CENTRAL PROVINCES COURTS (SUPPLEMENTARY) BILL.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I move :

"That the Bill to supplement the Central Provinces Courts Act, 1917, be taken into consideration."

I do not think that I shall occupy the time of the House for more than two minutes. The Bill has been necessitated by reason of the intention to have a High Court for the Central Provinces. Owing to that, certain consequential changes have become necessary in various Acts, such as, the Indian Stamp Act, the Code of Criminal Procedure, and so on.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

"That the Bill to supplement the Central Provinces Courts Act, 1917, be taken into consideration."

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : I want to say a few words on this Bill. In the last item of the Schedule it is intended by this Bill to insert the words "Chief Courts of Oudh and Sind" in place of the words "the Chief Court of Oudh, the Court of the Judicial Commissioner of Sind". My submission is this. Sind is going to be separated.

**Mr. President** (The Honourable Sir Abdur Rahim) : This Bill does not relate to Sind : it relates to the Central Provinces.

**Mr. Lalchand Navalrai** : In the last item of the Schedule, these words occur, and I am myself wondering why they should appear in a Bill relating to the Central Provinces.

**The Honourable Sir Nripendra Sircar** : I am rather in a difficult position, because I have not followed the exact point of the Honourable Member, but probably what I am going to say will meet his point, or rather the point which I expect he has put forward. The Sind Courts (Supplementary) Act, 1926, is not in operation now. When it comes into operation, all that this Bill provides for is this, that the Court, instead of being called the Court of the Judicial Commissioner of Sind, will be called the Chief Court of Sind. If that is the point of my Honourable friend I have given the answer.

**Mr. Lalchand Navalrai** : I do not think the answer has been given because when that Act comes into operation, the words "Judicial Commissioner's Court" will be taken away and the words "Chief Court" will be substituted. My point is that if any substitution is going to be made in the original Act,—the Sind Courts (Supplementary) Act, 1926,—the words "High Court" should be put in and not the words "Chief Court". My reason is this. Sind is now sought to be separated though it may be against the wishes of certain people. However, as Sind is going to be separated and made into a separate province there is absolutely no reason whatsoever why the Court should remain a Chief Court. The Nagpur Chief Court is going to be made into a High Court and why should there not be a High Court for Sind? The people of Sind have passed resolutions and I have had communications with the Honourable the Home Member asking if a High Court is going to be established in Sind or it is going to be left with only a Chief Court or a Judicial Commissioner's Court. The reply was that the Secretary of State and the Government of India are considering that question. Now, when the question

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**The Honourable Sir Nripendar Sircar :** If it was illegal, it has been made legal. I do not concede, and, if necessary, I shall maintain, that it was not illegal.

DEPUTATION IN LONDON OF MR. E. C. MIEVILLE, PRIVATE SECRETARY TO HIS EXCELLENCY THE VICEROY TO EXAMINE THE WORKING OF THE CABINET SECRETARIAT.

417. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether Mr. E. C. Mievill, Private Secretary to His Excellency the Viceroy, has been placed on deputation in London to examine the working of the Cabinet Secretariat ;
- (b) the reasons for this deputation and the cost of this deputation ; and
- (c) whether it is intended to create a post of Cabinet Secretary, and if so, the reasons therefor ?

**The Honourable Sir Henry Craik :** (a), (b) and (c). Mr. Mievill was deputed to study the working of the Cabinet Secretariat in London in connection with a proposal to create a new post of Secretary to the Executive Council of the Governor General. Government have felt that the procedure under which the business of the Government of India is at present transacted can be improved and made more suited to existing and future conditions by the appointment of an officer whose main duty will be to co-ordinate the work that comes before the Government as a whole and to make and maintain a record of the discussions and decisions in Council. The extra cost involved in Mr. Mievill's deputation, was Rs. 2,618.

**Mr. S. Satyamurti :** May I know whether this Cabinet Secretary will be a kind of super Secretary who will report all Cabinet proceedings to the Viceroy and Governor General with a view to his employing his safeguards effectively ? Is that the idea ?

**The Honourable Sir Henry Craik :** No, Sir ; he will be Secretary to the Executive Council.

**Mr. S. Satyamurti :** And not to the Ministers ?

**The Honourable Sir Henry Craik :** After Federation comes in, he will certainly be Secretary to the Council of Ministers. It will be for them to decide whether they wish to continue this post or not.

**Mr. S. Satyamurti :** Is this gentleman going to attend meetings of the Executive Council and meetings of the future Cabinet ?

**The Honourable Sir Henry Craik :** Yes, Sir.

**Mr. S. Satyamurti :** Is it consistent with Parliamentary responsibility that a permanent servant should be present at meetings of the Executive Council, although he is not a Member of the Council ?

**The Honourable Sir Henry Craik :** Yes, it is done in England.

**Mr. S. Satyamurti :** Since when ?

**The Honourable Sir James Grigg :** Tentatively since 1909 I think, it became a fixed arrangement during the war.

**Mr. S. Satyamurti :** Do I understand the Home Member and the Finance Member, jointly to say that, today, in the British Cabinet, permanent servants are allowed to attend and watch the proceedings ?

**The Honourable Sir James Grigg :** Yes, one permanent civil servant who is Secretary to the Cabinet.

**Mr. S. Satyamurti :** And does he keep any minutes of the Cabinet proceedings ?

**The Honourable Sir James Grigg :** Yes, Sir.

**Mr. S. Satyamurti :** Since when ?

**The Honourable Sir James Grigg :** I think informally just before the war, and then there was a regular appointment during the war.

**Mr. S. Satyamurti :** Will you consult the Prime Minister and find out ? I do not think you are correct.

#### MESSAGE FROM H. E. THE GOVERNOR GENERAL.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have received the following Message from His Excellency the Governor General :

"Whereas by its vote of the 12th September, 1935, the Legislative Assembly has refused to take into consideration a Bill entitled a Bill to amend the Criminal Law :

Now, therefore, I, Freeman, Earl of Willingdon, in pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, do recommend to the Legislative Assembly that it do pass the Bill in the form hereto annexed."

#### CRIMINAL LAW AMENDMENT BILL.

**The Honourable Sir Henry Craik** (Home Member) : Sir, with reference to the Message that you have just read to the House, I should like, with your permission, to be allowed to move for leave to introduce the Bill referred to. Have I your permission, Sir ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Yes.

**The Honourable Sir Henry Craik :** Then, Sir, I move for leave to introduce a Bill to amend the Criminal Law in the form recommended.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

"That leave be granted to introduce a Bill to amend the Criminal Law in the form recommended."

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rur. .. a point of order, Sir : may I know if it can be moved without a copy of the Bill being given to us here ?

**Mr. President** (The Honourable Sir Abdur Rahim) : It cannot be moved without the Chair's leave, unless it is on the agenda. The Chair has given leave to the Honourable the Home Member to make the motion.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : Where is the Bill, Sir ?

**The Honourable Sir Henry Craik :** It is the same Bill.

\*Not included in these debates.

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are aware, are a new class, being introduced for the first time in the Indian Army owing to indianization, and it was always the intention that a district court martial should be empowered to award the same punishments to warrant officers of the Indian Army as is the case under the British Army Act for British warrant officers. We, therefore, propose to include by this clause the punishments of forfeiture of seniority and of reprimand and severe reprimand, which are awardable under the British Army Act to British warrant officers. Then we come to clause 4 of the Bill, which is a little bit more elaborate. Under section 103-A of the Indian Army Act at present, whenever, in the course of a trial by a court martial, it appears to the court that the person charged is of unsound mind and, consequently, incapable of making his defence, or that such person committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, the court may record a finding accordingly and then it is possible, under sub-clause (3) of the existing section, to order the accused person to be kept in custody pending a report to the Governor General in Council. Finally, the Governor General in Council may pass an order for his detention in a lunatic asylum. Under sub-clause (5) of the existing section it is also possible, when the accused person is declared to be capable of making his defence, to call him back and have him tried. But there is at present no provision in the Indian Army Act corresponding to sections 474 and 475 of the Criminal Procedure Code by which the release of a lunatic can be ordered or by which he can be delivered to the care of his relatives, if it is not considered necessary to bring him back to trial. Clause 4 of this Bill adds two sub-sections to section 103-A of the Indian Army Act which correspond almost word for word with the provisions of sections 474 and 475 of the Criminal Procedure Code. Sir, in the Army we do not have many lunatics to deal with, but a case did actually arise the other day in which a certain rifleman of the Burma Rifles went off his head and committed a petty theft. He was brought up for trial by court martial and it was found that he was insane. Therefore we took the necessary steps to get him transferred to a mental hospital. After he had been there for some time, the mental hospital reported that he had recovered his sanity but it was discovered that there was no legal power under which we could release him. We took our courage in both hands and ordered his release although it may not have been strictly legal, and we now hope he is enjoying himself in the care of his family. But, Sir, in order to avoid such an anomaly in future, we have brought forward this amendment to the Indian Army Act to cover a case of that kind in future. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2, 3, 4 and 1 were added to the Bill.

The Preamble and the Title were added to the Bill.

**Mr. G. R. F. Tottenham** : Sir, I move :

“ That the Bill be passed.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill be passed.”

The motion was adopted.

### THE PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I beg to move :

“ That the Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose, be taken into consideration.”

Sir this Bill was rather over-due, and we have merely taken action as the result of a judgment of the Madras High Court which pointed out that this amendment is very necessary. Shortly speaking, Sir, the position is this. The scheme of both the Presidency-towns Insolvency Act and the Provincial Insolvency Act is that once an insolvent gets his discharge, he should not be harassed any further by such of his creditors as could have proved their case or taken steps against him in the insolvency proceedings. Now, there is a confusion. In regard to the Presidency-towns Insolvency Act, there is no difficulty, and there is no conflict of judgment ; but, as regards the Provincial Insolvency Act, the position is that there are two judgments. According to one—which we believe is the sounder judgment—unless the language is changed, an undesirable consequence follows. The result is that there arises a curiously anomalous position, namely, that if insolvency proceedings are taken in a mufassil and not in a Presidency-town, then, if the insolvent has six creditors, and, say, one of them holds out and he does not come into the insolvency proceedings at all, and he takes no steps, and proves no claim, then, if there is a composition, according to this decision—and the language of the section is not very happy—the result of it has been that the man who purposelessly held out is not held to be bound by the composition, so that he can ask for his pound of flesh and get an advantage over the other creditors. Now, that was never intended, and the High Court of Madras pointed out that the Act should be amended in the way that we have done. The result of this Bill being passed will be that the two Acts will be on exactly the same footing, and the creditor who purposelessly does not come into the insolvency proceedings will gain no advantage over those who come. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved

“ That the Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose, be taken into consideration.”

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I want to make one or two observations as to how the Bill places the creditor at an enormous disadvantage. Under the present Act, section 33, a schedule of creditors has to be prepared, and, until an order of discharge is made, it is open to the creditor to have his name included in the schedule even though the debt might not have been given the name or the address or have included the name of the creditor in the petition, or even if he fails to give information before the schedule of creditors is prepared. But under the Bill the creditor's name will be limited. As soon as an order of adjudication is passed

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[Mr. M. Ananthasayanam Ayyangar.]

months or a year is the period ordinarily given for the debtor to apply for his discharge and till then it is open to any creditor, even though his name might have been purposely omitted by the debtor, to come in and have his name entered in the schedule and if the Official Receiver divides the property among the creditors, he is also entitled to have a ratable distribution of the property according to the amount of the debt that is due to him.

Now, with respect to composition, there is no period of time fixed within which a proposal should be made. Besides the period of six months or a year under the Code and the original period of six months or a year that is granted for the debtor to apply for an order of discharge may be extended from time to time on an application to the Court. Therefore, in practice, this time for applying for an order of discharge is extended beyond one year. It is nearly extended to two years—by a year more. It is open, therefore, to a creditor to come in before the end of two years to apply to be included in the schedule so that he may have the benefit by way of ratable distribution of the property of the insolvent debtor. Here no such period of limitation is fixed within which a debtor could apply for a composition. I submit that in the proposal for composition the inference, that a suitable provision should be made in order to enable the creditor to come in. It ought not to be a one-sided Act of the insolvent with a view to defraud any creditor he chooses. It is open to him to make a proposal at any time after an order of adjudication is made showing only a few persons as persons to whom debts are due. He may try to avoid certain persons who may have been a little harsh on him and those persons may not have had a notice that he applied to be adjudicated an insolvent or that an order of adjudication was passed against him. If this Bill is thrown out, it will prevent them from doing so. Therefore, I submit, that whatever might have been the suggestion of the Learned Judges of the Madras High Court, in this matter, this invaluable right of the creditor should not be taken away. I submit, therefore, that this House should not accept this Bill.

**The Honourable Sir Nripendra Sircar :** Sir, my Honourable friend has given notice of no amendment.

**Mr. M. Ananthasayanam Ayyangar :** I have.

**The Honourable Sir Nripendra Sircar :** The only answer which I need give to my Honourable friend is this that if there has been a fraud, proceedings because his name was kept back by the debtor and he received no notice, then under the present law he can challenge the composition and have it set aside, so that there need not be any fear for that kind of creditor. Surely, my Honourable friend has not said one word as to why a creditor who purposely does not come into the insolvency proceedings should have this advantage in a provincial insolvency Court when he gets no such advantage in an insolvency under the Insolvency Act, is there any reason whatsoever for it because that gives an incentive to one of the creditors to try to be cleverer than others. The results of insolvency proceedings are nullified if some creditors get an undue advantage. I submit, therefore, that in the absence

of any definite amendment, the only point which my friend has made is completely answered by the fact that such a creditor is not put at any disadvantage.

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is:

“ That the Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Nripendra Sircar :** Sir, I move :

“ That the Bill be passed.”

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is:

“ That the Bill be passed.”

The motion was adopted.

## THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

**The Honourable Sir Henry Craik (Home Member) :** Sir, I beg to move :

“ That the Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes, be taken into consideration.”

This is a simple Bill, and I hope it will commend itself to the whole House as a desirable measure. It deals with two points. The first is one of comparatively minor importance and is somewhat technical. I will deal with that first.

Sub-clause (a) of clause 2 of the Bill which is marked (ddd) gives the Local Government power to make rules regulating the manner in which and the duration for which licences may be endorsed. At present, a Local Government has power to make rules regarding the suspension and the cancellation of licences but has not power to make rules regarding the endorsement of licences and it is proposed by this sub-clause to fill that gap. The second and more important part of the Bill is that it proposes to give Courts power to compound certain motoring offences. If the House will compare the new clause 16A which we propose to add to the Act with the various sections in the Act which prescribe the offences, it will be seen that we propose to make compoundable the following offences: Any offence under section 4 of the Act, that is, a driver of the motor vehicle not stopping his vehicle when required to do so by a police officer or by a person in charge of an animal that has been frightened or when he is mixed up in an act. Next, we propose to make compoundable an offence under section 8 of the Act, that is to say, failure to produce a licence when called upon to do so by a police officer. Next, an offence under section 10 of the Act, that is, failure to have a vehicle registered. Next, an offence under section 18, sub-section (5) of the Act, that is, failure of a driver to produce a licence before any authority acting under section 18, which means a Court or a Local Government. Lastly, an offence under section 18, sub-section (7) of the Act, that is, a driver whose licence has been endorsed or who has been disqualified from obtaining a licence applies for or obtains a licence without giving particulars of a

[Mr. Lalchand Navalrai.]

is being considered, what is the reason, when the Act itself has not yet come into force, for this supplementary provision in this Bill? It will be an anomaly. The Preamble says: 'to supplement the Central Provinces Courts Act, 1917' and at the end something is shoved in like this, I would not say surreptitiously. What I mean to say is, at any rate, it will be redundant in this Bill and, therefore, this Bill should not be passed with respect to this item. If the Honourable Member is prepared even at this moment to say that he would allow an amendment to the effect that instead of 'Chief Court' the words 'High Court' will be substituted, I welcome it but if not, I will oppose it.

**The Honourable Sir Nripendra Sircar :** Sir, I now see the point. We are making no change in substance and when we are legislating for the Central Provinces my friend wants to get this High Court for Sind established. That cannot be done. If and when the High Court of Sind is established, some further provisions may be necessary in some other Acts.

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

"That the Bill to supplement the Central Provinces Courts Act, 1917, be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Schedule, the Title and the Preamble were added to the Bill.

**The Honourable Sir Nripendra Sircar :** Sir, I move :

"That the Bill be passed."

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

"That the Bill be passed."

The motion was adopted.

#### THE PROVINCIAL SMALL CAUSE COURTS (AMENDMENT) BILL.

**The Honourable Sir Nripendra Sircar (Law Member) :** Sir, I move :

"That the Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose, be taken into consideration."

The matter is so simple that probably nothing need be said beyond to draw the attention of the House to the Statement of Objects and Reasons :

"This Bill is designed to remove certain doubts which have arisen in the interpretation of the proviso to sub-section (1) of section 17 of the Provincial Small Cause Courts Act, 1887. As the section stands, an applicant is required to give security to the satisfaction of the Court at the time of presenting his application. It follows that, in order to ascertain what security satisfies the Court, the applicant must already have made an application in that behalf. There is also some doubt whether the words 'as the Court may direct' apply to the deposit of the whole decretal amount as well as to the giving of approved security. The Bill is intended to make it clear that the preliminary application to ascertain what security will satisfy the Court must be made

#### THE PROVINCIAL SMALL CAUSE COURTS (AMENDMENT) BILL.

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and decided before the substantive application for the order to set aside the decree, and that it is always open to the applicant to adopt the alternative course of depositing the total decretal amount."

I only need say in supplementing this statement that there is doubt whether the words 'as the Court may direct' apply to the deposit of the whole decretal amount as well as to the giving of approved security. Different Courts have been giving different interpretations.

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

"That the Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose, be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Nripendra Sircar :** Sir, I move :

"That the Bill be passed."

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

"That the Bill be passed."

The motion was adopted.

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

**Mr. G. R. F. Tottenham (Army Secretary) :** Sir, I move :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be taken into consideration."

I am aware that amendments to the Indian Army Act are sometimes looked upon with suspicion by Honourable Members opposite, but I can honestly lay my hand on my heart and say that not even the most captious critic can find anything to cavil at in this small Bill. At the same time, as Honourable Members may find some difficulty in understanding the Bill in its present form, I will do my best to explain very briefly what its three operative sections really mean. Clause 2 (a) of the Bill merely includes among the deductions from pay which are authorised by section 50 of the Indian Army Act, the forfeiture of certain classes of pay, which is awardable as a minor punishment under section 20. Under section 20, certain officers are empowered to award certain minor punishments like forfeiture of good conduct pay, etc., whereas section 50 purports to set out a complete list of all possible legal deductions from pay and makes no mention of the forfeitures under section 20. That is to say, this clause sets right an anomaly which has existed in the Act for some time. Clause 2 (b) is merely a consequential amendment, following an amendment of the Indian Army Act made last year. By that Amending Act of last year, section 42 of the Indian Army Act was deleted and, therefore, the reference to section 42 which has been left in this particular part of section 50 is meaningless and we are now removing it. Then, Sir, clause 3 of the Bill also makes good an accidental omission in last year's Amending Act, which laid down the punishments that could be awarded to warrant officers by a district court martial. Warrant officers, as Honourable Members

[Sir Henry Craik.]

endorsement or disqualification. All those offences we propose to make compoundable. The graver offences under the Motor Vehicles Act, namely, those mentioned in sections 3, 5, 6 and 7 will not be compoundable. We also propose to make an offence against a rule laid down by the Local Government under the Act compoundable. Naturally, offences against rules are of a less serious nature than offences against the substantive sections of the law. We do not propose that composition will be automatic in every case of these comparatively minor offences. The composition will only be allowed with the permission of the Court and the offender will not be entitled to claim composition as of right. There may be instances where, although the offence is of a comparatively trivial nature, the offender may have committed the same offence before and in such cases probably composition should not be allowed, at any rate not as a matter of course. Secondly, the sum for which the offence may be compounded must be fixed by the Court and cannot exceed the fine which is the maximum for the offence. The maximum fine for a first offence is Rs. 100 and for a second offence it is Rs. 200.

There are just two other points I might mention. One is that it will be within the discretion of the Court to dispense with the attendance of the accused person if it thinks fit. That will prevent people from being dragged into Court unnecessarily for trivial offences which they are quite prepared to admit. Secondly, composition of an offence will rank as a conviction, that is to say, it can be endorsed on the licence which, I think, is a reasonable provision. That I think is all I have to say about the Bill.

There is one other provision which I ought perhaps to mention, namely, that we propose to give Local Governments power to make rules regulating the procedure to be adopted by Courts when they decide that an offence could be compounded. I do not think there is anything else that I need explain to the House.

**Mr. President (The Honourable Sir Abdur Rahim) :** Motion moved :

“ That the Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes, be taken into consideration.”

**Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) :** Sir, the Honourable the Home Member said that the provisions of this Bill are very simple. But they appear to me to be very extraordinary. When you refer to clause 3 of the Bill, you will find that I am perfectly justified in saying that the provisions of this Bill are very extraordinary. If I am able to show to the House that the provisions are unusual, I hope at least the lawyer Members of this House will consider that point from the point of view of the principle involved therein and will then say whether they should accede to the passing of such a measure with such a principle embodied therein. I submit that the House should properly understand the Bill before giving its assent to it. For the benefit of those Honourable Members who might not have read clause 3 of the Bill, I will read it. It runs :

“(1) Offences punishable under this Act (other than offences under sections 3, 5, 6 and 7 and such offences against rules made under this Act as the Local Government may, by notification in the local official Gazette, have declared to be non-compoundable) shall, with

the permission of the Court, be compoundable, either before or after the appearance of the accused, on payment by the accused of such sum, not exceeding the maximum amount of fine with which the offences are made punishable by this Act, as the Court may determine.

(2) The composition of an offence under this section shall have the effect of a conviction of the accused with whom the offence has been compounded.”

Now, my difficulty is this. Under the general law or under the fundamental principles of general law, when a compromise is effected, that does not mean that the guilt has been admitted. Lawyer Members of this House will realise that under the Criminal Procedure Code, if any offence has been compounded, that means an acquittal. It leaves no stigma of criminality upon the person and it cannot be that a compromise would mean punishing the man to pay as much fine as could be levied under that very section. Because it is left to the magistrate to give permission or not for compounding an offence, it does not mean that he should impose a fine on the person even if after he compounds the offence. According to this provision contained in the Bill, it comes to this that a man is asked to plead guilty. After he pleads guilty, the magistrate will punish him with fine up to the maximum limit to which he can go. Then, I ask what is the use of compounding an offence, if the man is really going to be punished. I cannot understand this law. I have never come across any law in which compounding is treated as an acknowledgment of one's guilt and fine is imposed on the man with the result that a stain is left on the character of the man, so that the next time he commits the same offence, he is treated as an old offender and enhanced punishment is awarded to him. I do not think this House will lend its support to a drastic law of this nature. If the provisions of the Criminal Law Amendment Act are considered to be such as the most harassing to the people of this country, then a Bill of the present nature would amount to nothing less. If you become a party to it next time the Government might come forward with another Bill amending the Criminal Procedure Code to the effect that compounding will always mean admission of guilt and also a liability to punishment with fine to the maximum extent allowed by the Act. A Bill like this might be thrown on our face by the Home Member and then he may say that there is a precedent for such a measure because the House passed the Indian Motor Vehicles (Amendment) Act. I would, therefore, request the House to seriously consider the position. I am sure this would appeal to the Members of the House. As I have explained it clearly, I am sure it would also appeal to the non-lawyer Members of the House also. Would the House like that an accused, when he comes before a Court upon a summons and is willing to compromise and the other party also agrees to it, the magistrate should not allow him to enter into a compromise, except on payment of fine? The magistrate will say : “ You are fined and you are, therefore, not acquitted of guilt ”. I cannot accept a law like this. I thought that if there were any reasons for bringing forward a measure like this, those reasons must be found in the Statement of Objects and Reasons attached to the Bill. But what does a perusal of the Statement of Objects and Reasons reveal? There also I got disappointed, because it is a mere repetition of what is said in the clause of the Bill. It reads :

“ The Bill seeks to give effect to this recommendation. It is thought that offences under sections 3, 5, 6 and 7 of the Act should not be made compoundable, and as regards offences against the rules made by Local Governments under section 11 of the Act, it is proposed to leave it to them to notify what such offences are to be made non-compoundable.”



[Mr. Lalchand Navalrai.]

I can understand this. But, further on, it says :

" Other offences should be made compoundable, with the permission of the Court, either before or after the appearance of the accused in the Court, for a sum not exceeding the maximum amount of fine for the offence concerned."

This throws no further light on what is said in the clauses of the Bill. I would request the Honourable the Law Member to explain this law. Unless the Honourable the Law Member says that this is an extraordinary law and shows that there are valid reasons for enacting such an extraordinary law, I submit that this House should not give its consent for the passing of such a measure.

Further on, it is said, in the Statement of Objects and Reasons, that composition should count as a conviction. I have never heard that composition would count as a conviction. If it is a composition amounting to conviction, I submit you do not call it a compromise. Call it conviction. In such a case, it would only amount to this much that the offender will be excused from personal attendance in Court. That is the only concession to be made. That concession is allowed even under the ordinary law. An accused is often exempted from putting in personal appearance. Therefore, I submit, that the provisions contained in this Act are such that they should not be passed light-heartedly by Honourable Members of this House without giving serious consideration to the provisions.

Then, it is said :

" Such composition should count as a conviction, and the driver's licence will be liable to be endorsed under sub-section (2) of section 18. The machinery for composition of offences is left to be governed by rules to be made under the Act."

Now, Sir, my first objection is that this Bill should not be passed, but I would even go further and ask leave of the Chair to allow me to move an amendment with regard to the Select Committee, that this Bill be sent to the Select Committee and it should undergo a fresh and very careful examination in view of the peculiar nature of it. I would, therefore, request you to give me permission to move this amendment.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muham-madan Rural) : Sir, I rise to support Mr. Lalchand Navalrai. The motor car is a dangerous vehicle that has come on our roads ; and any legislation about it must be carefully considered. I may say at the outset that I am a driver myself ; and, therefore, I know the difficulties of driving, and I also know the difficulties of those who use the roads for walking and cycling and for other purposes. I hope I shall not be accused of imputing any motive to any one, but it seems to me that this law is meant to facilitate the wealthy folk who own motor cars. The Honourable the Home Member thinks that offences against sub-section (7) of section 18 of the Original Act are only of a technical nature, and I think, on the contrary, that those offences are serious offences and should not be allowed to be compounded. The section runs :

" No person whose licence has been endorsed or who has been disqualified for obtaining a licence shall apply for, or obtain, a licence without giving particulars of each endorsement or disqualification."

Any offence against this is not compoundable according to the amendment now moved. Now, I want to draw the attention of this House to this particular section which is worked in an amazing manner. I know at least two boys in my own city of Benares who, in the absence of their parents, got licenses for driving motor cars although they were not 18. And later on, I had to warn their parents against the danger that they were running under the Act if their boys actually drove those cars. Boys will be boys ; and they have actually been driving those cars in public places. Luckily no accidents have so far occurred, but I am surprised at the Licensing Officer who can give licences to boys when they go to him for a licence even though they are quite obviously below 18. If the Honourable the Home Member were to add some sort of a sub-clause making it an offence for a Licensing Officer to give a licence like that I should be with him. My great complaint against this Government is that in whatever it does it makes the non-official responsible and not the official. According to sub-section (2) of section 3 of the original Act, the parent who, in the beginning, did not even know that the boy had gone out and taken a licence like that, is made punishable. Surely the Honourable the Home Member should find some way by which the Licensing Officers should be made punishable for dereliction of duty and gross carelessness. I could go on pointing to other defects in this amending Bill but if my Honourable friend Mr. Lalchand Navalrai's motion is allowed by you, then it will be possible for the Select Committee to go into the question. I certainly would plead with you to suspend the Standing Order and permit that motion to be moved so that this question may be taken into consideration more carefully. The House has been rather excited over a most unfortunate Bill for the last so many days ; and I will confess that many of us did not bother much about the other Bills which were on the agenda. I will confess myself that it is only now that I have looked into this Bill.

I will only refer to one other section. Though I hold a couple of legal degrees they are only academic, because I am not really a practising lawyer. So, if I make some mistakes, you and my other friends here will please excuse me. There is a section, section 5, offences against which have been made non-compoundable. The section runs thus :

" Whoever drives a motor vehicle in a public place recklessly or negligently or at a speed or in a manner which is dangerous to the public having regard to all the circumstances of the case, including the nature, condition and use of the place and the amount of traffic it actually has at the time or which might reasonably be expected to be in the place, shall, on conviction, be punishable with fine which may extend to five hundred rupees."

Now, what actually happens is this. Most motor drivers,—and I am sure I can include most of the Members opposite who are so fond of law and order—most motor drivers, if not all, contravene the rules under which they hold their licences, and they clearly say that they take the risk. Many of them are not licensed to drive over 15 to 25 miles an hour. I myself have a licence to drive only at 15 miles an hour ; but I scarcely drive a car at that low speed, because, as all drivers know, engines are in danger of being spoiled if motors are driven at too slow a speed. Now, I am myself a fairly nervous man and so I never go beyond 20 or 25 miles, but most Honourable Members opposite must have enjoyed the fun of driving at the rate of 50 or 60 miles an hour.

**The Honourable Sir Nripendra Sircar** : I do not drive at all.



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**Mr. Sri Prakasa :** Now, Sir, this clause, as it stands, can be interpreted to mean that if an accident happens when a car is driven at a dangerous speed, in a crowded place, then only is the driver punishable. If he drives at an enormous speed, when, say, he is running between Delhi and Meerut and an accident happens, he can take shelter behind the wording of the amending Bill, and make his offence compoundable, because he will say that he does not come within the terms of this section because he was not driving at a speed or in a manner which is dangerous to the public having regard to all the circumstances including the nature, condition, etc. He will say that it was an open road where old men and children are not usually found; and if one came up and got crushed under the wheels of his car, then he should be allowed to take advantage of this amendment and compound the offence. Rich men can also buy off poor people. If the Honourable the Home Member really seriously means that even in those cases the offence will not be compoundable, then, I think, he should say so definitely in his Bill.

Before I close, I should like to draw the attention of the Law Member to a particular point. It is not exactly connected with this Bill, but it seems to me rather important. You know that the Honourable the Law Member is often quoting May's Parliamentary Practice; and when, after we have defeated the Bill this afternoon, I find other Bills being brought forward, I was anxious to know on what page of May's Parliamentary Practice it was given that the Government should not resign after such a thundering defeat but continue introducing other Bills. It is surprising that after sustaining that defeat they still have the gumption to come before the House with many minor Bills which also are quite dangerous in their own way. While the Criminal Law Amendment Bill was dangerous to the public peace, this particular Bill is a positive danger to those who use the public roads; and I should certainly ask the Honourable the Home Member to bring forward amendments to this Act, if he thinks of bringing them forward at all, in such a manner that the keeping of motors and the driving of motors may be regulated very strictly.

I know that the motor vehicles have come to stay, and I also know that this civilisation, which may be described as a civilisation on wheels, will invent other vehicles that will go faster than motors or such vehicles as are not in vogue today. But with the coming of these dangerous vehicles, the laws must be strengthened; and I personally suggest strongly that the laws should be so amended that we should have a decent set of Licensing Officers. I personally have very little faith in the type of men who are Licensing Officers today. They are usually police officers. Now, it is a pity that the force, that should be loved by the people, is a force that is most hated. It cannot be that our people are congenitally so perverse as to dislike a useful class of public servants without cause. They are our brothers and we should ordinarily like them. I know that the dislike that we have for the ways of the police is not minded by them, because from time to time, high officers of the Government come down and give them certificates of merit. I have never yet heard of certificates of merit being given to the London police, for the simple reason that the whole world praises them and they are not in need of such certificates. Now, to give police officers the right of granting licences to those who want to drive these vehicles is very dangerous; and I will tell you why. The first reason is that most of the well-to-do persons in a town always

to be in the good books of the police officers; and I know for a fact that many licences have been given to persons who have not known driving at all, simply because some friend of the Licensing Police Officer has requested him to give a licence to a friend of his who after receiving the licence learns how to drive. It should be made incumbent on the Licensing Officer to examine carefully and strictly the person who is seeking a licence before that licence is given.

The second thing is that there is another class of motor drivers,—lorry drivers and others—who, by ways not unfamiliar to any side of the House, keep themselves in the good books of the police, and, therefore, escape many wrongs that they do. I will give you an illustration out of an experience of my own. I was going for Congress propaganda in the interior of a district. They brought out the usual drums and slogans and flags, which are so anathema to the Honourable the Law Member and to which he referred in scathing terms in his still unfinished speech at Delhi and which we hope will at last be finished tomorrow (Laughter).....

**An Honourable Member :** No; it will not.

**Mr. Sri Prakasa :**....When I was taken out with these drums and slogans, which I dislike as much as the Honourable the Law Member—I am sick of them—I was seated on a lorry and the flags were fastened on, and as the lorry started, I happened to mark that the driver, instead of using the brake, he always used the gear, bringing it from the top to the first gear, as soon as he saw any old person or child in front. This happened about half a dozen times, when I got suspicious; and I said to the man: "Have you not got a brake? Why should you meddle with your gear in this way?" He said: "The brake is out of order; but it does not matter: there is going to be an inspection the day after tomorrow and I am going to get it put right tomorrow." I said: "But I am going to die today: what is the use of your getting it put right tomorrow?" He said: "Do not worry. I am usually taking policemen about, free of all cost, and so nobody will interfere." My death mattered very little to him, though it mattered very much to me; and with great anxiety I proceeded on my journey. Now, if this is the way in which licences are to be given, and offences made compoundable to boot, then I think you had better give up the system of issuing licences at all and delete all law on the subject. But if, really, seriously, you mean to control motor and other dangerous traffic, you ought to have a more stringent Bill than the one before the House today.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair understands the Honourable Mr. Mitchell wishes to make a statement with regard to certain business in his charge.

**The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) :** Sir, in connection with Mr. James's motion last Friday for the re-circulation of the Payment of Wages Bill, I said that I would consult some of the Members of the House specially interested and would decide whether to proceed with the Bill this Session or not. Government have considered this question, and have been influenced in their decision by two main considerations. Firstly, the interval of time

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[Mr. D. G. Mitchell.]

elapsing since the publication of the Select Committee's Report has undoubtedly not been sufficient to allow the interests concerned to study carefully the important changes made by the Select Committee. Secondly, numerous amendments have already been proposed, and these require detailed consideration. Government, therefore, propose not to proceed with the Bill till the beginning of the Budget Session.

The Assembly then adjourned till Eleven of the Clock on Tuesday, 17th September, 1935.

## LEGISLATIVE ASSEMBLY.

Tuesday, 17th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## QUESTIONS AND ANSWERS.

## OFFICER ON SPECIAL DUTY IN THE REFORMS OFFICE.

418. \*Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether they have placed an officer on special duty in the Reforms Office for the purpose of revising the Statute Book in the light of the new Constitution ;
- (b) what the scope of the work will be ; and
- (c) what the extra cost will be ?

The Honourable Sir Nripendra Sircar : (a) The reply is in the affirmative.

(b) The provisions of section 293 of the Government of India Act, 1935, render it necessary that as a preliminary to the issue of the Order in Council referred to therein, an examination of all-India Acts, Ordinances, Orders, bye-laws, rules and regulations should be undertaken with a view to the preparation of draft amendments bringing such Acts, Ordinances, etc., into accord with the provisions of the said Act. The Special Officer will be required to take up this examination and the preparation of draft amendments : he will also have to scrutinise the proposals of Local Governments who will be undertaking similar work in respect of the revision of Provincial Acts, etc.

(c) The officer has been appointed for a period of six months in the first instance and the extra cost for this period including that of his establishment will be approximately Rs. 35,000.

Mr. S. Satyamurti : May I know to what my Honourable friend refers, when he talks of Ordinances, in connection with this Special Officer's work ?

The Honourable Sir Nripendra Sircar : I was quoting the language of section 293—whatever Ordinances, orders, bye-laws, rules and regulations which are in force and which, according to section 293, have now got to be amended and brought into conformity with the present Act. That is the work which has been taken up by him.

Mr. S. Satyamurti : Apart from Statutes, that is to say, Acts, are there, to the knowledge of the Honourable the Law Member, any Ordinances, Regulations or bye-laws which will come within the scope of the work of this officer ?

**The Honourable Sir Nripendra Sircar :** Speaking offhand, I can think of some Regulations which are still called Regulations,—not only Regulation III of 1818 which has been much discussed, but other Regulations relating to permanent settlement and similar other matters. So far as I know, there are no Ordinances at present.

**Mr. S. Satyamurti :** Are there any terms of reference to the special officer for his work, apart from that wording of the Government of India Act? Have the Government of India laid down the scope of his work, by any order, or by any terms of reference?

**The Honourable Sir Nripendra Sircar :** No. So far as I know, he works under the Reforms Commissioner and instructions to him are really to be found in the language of section 293. No special instructions have been given.

**Mr. S. Satyamurti :** What is the intention of Government with regard to this legislation? Do they intend bringing it up before the next Delhi Session of the Assembly?

**The Honourable Sir Nripendra Sircar :** So far as I can see, that has not got to be done under section 293.

**Mr. S. Satyamurti :** May I take it that the work of this special officer will not require, at any stage, the consent of this Legislature?

**The Honourable Sir Nripendra Sircar :** My Honourable friend is correct.

**Mr. S. Satyamurti :** May I ask one more question? How long is this Reforms Office going to be continued, even though the Government of India Act has been placed on the Statute-book?

**The Honourable Sir Nripendra Sircar :** If my Honourable friend will tell me when the Federation is coming into operation, I may be able to answer his question.

**Mr. S. Satyamurti :** If I were the Law Member, I would be jolly glad to tell you. (Laughter.)

**The Honourable Sir Nripendra Sircar :** You would be equally ignorant, even if you were Law Member.

#### INDIAN TRADE COMMISSIONERS IN FOREIGN COUNTRIES.

419. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) how many Trade Commissioners there are representing India in foreign countries ;
- (b) whether they intend appointing a Trade Commissioner in Japan ; and
- (c) what the countries are in respect of which they intend appointing Trade Commissioners shortly ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Two, one at Hamburg and one in Milan.

(b) The question is under consideration.

(c) No decision has yet been taken.

**Mr. S. Satyamurti :** When was the last Trade Commissioner appointed?

**The Honourable Sir Muhammad Zafrullah Khan :** I could not give the exact date, but I should imagine about a year ago.

**Mr. S. Satyamurti :** May I know why this question has been hanging fire all this time? Do not Government realise that, at least in certain parts of the world, there is urgent and imperative need for the appointment of Trade Commissioners to protect Indian interests?

**The Honourable Sir Muhammad Zafrullah Khan :** If my Honourable friend will point out the quarters in which there is an urgent need, I shall consider the matter.

**Prof. N. G. Ranga :** When do Government propose to appoint a Trade Commissioner in the United States of America?

**The Honourable Sir Muhammad Zafrullah Khan :** I have not said that we are going to appoint one there.

**Mr. S. Satyamurti :** Are Government considering the appointment of Trade Commissioners to any other countries, except these two countries?

**The Honourable Sir Muhammad Zafrullah Khan :** If by considering my Honourable friend means whether Government are considering the possibility of doing so, yes.

**Mr. S. Satyamurti :** Which countries?

**The Honourable Sir Muhammad Zafrullah Khan :** The countries that are under consideration are Japan, British East Africa or rather Kenya, the United States of America, and possibly, although I do not think there is much hope of that, Egypt.

**Mr. S. Satyamurti :** How long do Government propose to consider this matter? Is there any inherent difficulty in the subject, or is it because of the usual indifference of the Government to vital matters affecting this country?

**The Honourable Sir Muhammad Zafrullah Khan :** I deny the implication contained in the latter part of the question. One difficulty, for instance, is finance.

**Sardar Mangal Singh :** Will the Honourable Member be pleased to state whether all the Trade Commissioners to be appointed will be Indians?

**The Honourable Sir Muhammad Zafrullah Khan :** I could not say.

**Prof. N. G. Ranga :** Is it a fact that the question of appointing a Trade Commissioner in the United States of America has been hanging fire for the last three years?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not know what my Honourable friend means by hanging fire, but it has been under consideration for some time.

**Seth Haji Abdoola Haroon :** What is the annual cost of the Trade Commissioner in Hamburg?

**The Honourable Sir Muhammad Zafrullah Khan :** I should require notice of that question. I have not got the figures with me here.

(e) A copy of the report, when published, will be supplied to each Member of the Legislature. Copies will also be placed in the Library. The conclusions of Government on the Report are published in the Gazette of India, Part I, and proposals, if any, requiring legislation will, as usual, be brought before the House.

**Mr. S. Satyamurti** : May I know whether, before Government finally pass orders, they will consult the opinion of this House ?

**The Honourable Sir Muhammad Zafrullah Khan** : No, Sir.

**Mr. S. Satyamurti** : Why not, Sir ?

**The Honourable Sir Muhammad Zafrullah Khan** : I am not bound to give reasons.

**Mr. S. Satyamurti** : May I know why Government, in a matter of this vital importance to the development of industries and trade in this country, refuse to consult this House or even refuse to give reasons why they will not consult this House ?

**The Honourable Sir Muhammad Zafrullah Khan** : Whatever decision Government take will come before this House, if it involves legislation. That will be the time for the House to express its opinion on these proposals.

#### RESULTS OF THE OTTAWA TRADE AGREEMENT.

422. **\*Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether their attention has been drawn to the statement of Lord Snowden in his autobiography that :

(i) the British Delegation admitted to him that they had a difficult time and the proceedings were anything but harmonious ;

(ii) a complete break-up was averted at the last moment by further concession on the part of Britain ; and

(iii) the British Delegation were out-maneuvred at every point

(b) whether they have seen his summing up of the results of the Ottawa Pact as follows :

“ Britain lost her fiscal autonomy and her power of bargaining through tariffs. The Dominions made no concessions of any value, but gained a free market in Britain, while maintaining their tariff walls intact ” ;

(c) whether they have considered the bearing of this on India and whether they will keep this in mind in making their recommendations in this House with regard to the Ottawa Pact ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) and (b). Yes.

(c) The Government of India fail to see what bearing Lord Snowden's statements have on India.

**Mr. S. Satyamurti** : May I know if Government have considered this particular statement contained in clause (b) ?

“ Britain lost her fiscal autonomy and her power of bargaining through tariffs. The Dominions made no concessions of any value, but gained a free market in Britain, while maintaining their tariff walls intact.”

May I know if my friend, the Commerce Member, has considered the bearing of that statement of Lord Snowden on India, and whether he is satisfied that India also was not let down ?

**The Honourable Sir Muhammad Zafrullah Khan** : If my Honourable friend will explain the first portion of the question and say what bearing this has on India, I may be in a position to reply to the second part ?

**Mr. S. Satyamurti** : I cannot help my friend.

**The Honourable Sir Muhammad Zafrullah Khan** : Then it is obvious I cannot answer the question.

**Mr. S. Satyamurti** : I know you cannot understand the question.

**The Honourable Sir Muhammad Zafrullah Khan** : I said “ I cannot answer the question ”.

**Mr. S. Satyamurti** : If you understood it, you will have answered it.

#### DISPUTE BETWEEN THE MYSORE GOVERNMENT AND THE GOVERNMENT OF MADRAS re CAUVERY WATERS.

423. **\*Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether the dispute regarding the Cauvery waters concerning the amount to be paid by the Mysore Government to the Government of Madras has been referred to the Government of India for arbitration ;

(b) at what stage the matter stands ; and

(c) whether the case for the Government of Madras has been presented and considered by the Government of India ?

**Mr. J. G. Acheson** : (a) Yes.

(b) and (c). The case for the Madras Government has been presented and the matter is under the consideration of the Government of India.

**Mr. S. Satyamurti** : Is it “ consideration ” by the Government of India themselves, or are they going to appoint an arbitrator or judicial authority to advise them on this matter ?

**Mr. J. G. Acheson** : It is the Government of India.

**Mr. S. Satyamurti** : When do they hope to come to a conclusion on this matter ?

**Mr. J. G. Acheson** : I cannot give any reply to that at present, Sir.

#### DEMAND FOR INDIANISATION OF INDIAN PORT TRUSTS.

424. **\*Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether their attention has been drawn to the communication of the Secretary of the Indian Merchants' Chamber, to the Secretary to Government in the Commerce Department, relating to Indian Port Trusts ;

(b) whether they are aware of the demand of an Indian majority on the Indian Port Trusts, and an Indian Chairman; and

(c) what steps Government have taken or propose to take in the matter?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (b) and (c). The Honourable Member is referred to the answer already given to Mr. T. S. Avinashilingam Chettiar's question No. 148 answered in this House on the 5th September, 1935, by the Honourable the Law Member.

**Mr. T. S. Avinashilingam Chettiar :** What is the answer to clause (c)?

**The Honourable Sir Muhammad Zafrullah Khan :** Clause (c) has been answered already by the Law Member.

**Mr. T. S. Avinashilingam Chettiar :** When do Government expect to appoint an Indian as President of the Port Trust.

**The Honourable Sir Muhammad Zafrullah Khan :** This was answered several times on the floor of the House.

**Mr. S. Satyamurti :** Very unsatisfactory, Sir.

#### RE-BUILDING OF QUETTA

425. \***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the statement made by Mrs. Karlake, wife of Major-General Karlake, General Officer Commanding the Baluchistan District, that, devastated by the recent earthquake, Quetta can never be re-built on the same spot ;

(b) whether Government have considered the site for the re-building of Quetta ;

(c) whether they are considering any alternative to re-building Quetta ; and

(d) what steps they propose to take for locating the Army if Quetta is not to be re-built ?

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

(b), (c) and (d). The Honourable Member's attention is invited to Chapter VIII of the pamphlet "The Quetta Earthquake, 1935".

The matter is now under consideration.

**Mr. S. Satyamurti :** May I know—I will only ask for some further light, if any is available—whether Government, before making up their minds on this very important question, will consult the opinion of this House? Has there been any change in the position of the Government?

**Mr. G. R. F. Tottenham :** We dealt with that matter a day or two ago, when I explained the position.

**Mr. S. Satyamurti :** Do Government propose to consult the House on this matter?

**Mr. G. R. F. Tottenham :** I explained that it was open to Honourable Members to bring a Resolution before the House on this subject, if they wish. Government have no immediate intention of bringing the matter before the House themselves.

**Mr. Lalchand Navalrai :** May I know when the consideration will come to an end and we will know the result?

**Mr. G. R. F. Tottenham :** I hope within the next fortnight or a month.

**Mr. T. S. Avinashilingam Chettiar :** At the end of the red pamphlet, it is said that the Legislature will be consulted before forming plans for re-building Quetta?

**Mr. G. R. F. Tottenham :** What is actually said on the last page is that possibly the Legislative Assembly may wish to discuss the matter. It was open to them to do so, if they wanted to.

**Mr. T. S. Avinashilingam Chettiar :** Now that the Legislative Assembly wishes to discuss this matter, will Government place it before the House?

**Mr. G. R. F. Tottenham :** I have already answered that question.

#### POSITION OF THE INDIAN BUSINESS COMMUNITY IN KENYA.

426. \***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the news published in the *Madras Mail* of June 29th, that the Indian business community in Kenya have abandoned their shops and have gathered at the Government headquarters for protection ;

(b) what steps Government have taken in the matter ; and

(c) the latest position with regard to the same?

**Sir Girja Shankar Bajpai :** (a), (b) and (c). Government have seen the report in the *Madras Mail* referred to by the Honourable Member. According to information received from the Colonial Government the trouble occurred in Narok district and the disturbance, which appears to have been purely local and was in no way directed against the Indian community, was promptly suppressed. Government have had no representation on the subject from the Indian community in Kenya.

#### ALLEGATIONS OF LOOTING, ETC., AGAINST THE SOLDIERS AT QUETTA AFTER THE EARTHQUAKE.

427. \***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the statement contained in the *Daily Worker*, London, dated the 24th July, 1935, making serious allegations of looting, etc., against the soldiers at Quetta after the recent earthquake ;

(b) whether they propose to examine the accuracy or otherwise of the statements contained therein ; and

(c) whether they will place the result of such examination on the table of this House?

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

(b) The Government made inquiries and satisfied themselves that the allegations are without foundation. The eye-witness alleged to have been responsible for making them was traced and on being questioned, he contradicted practically every statement attributed to him.

(c) No.

Mr. S. Satyamurti : Who was the eye-witness, Sir ?

Mr. G. R. F. Tottenham : I forget his name, Sir.

Mr. S. Satyamurti : Was he an Indian or a European ?

Mr. G. R. F. Tottenham : An Indian.

Mr. S. Satyamurti : Who examined him ?

Mr. G. R. F. Tottenham : The civil authorities in Sind ; I think the Chief Commissioner, Sind.

Mr. S. Satyamurti : When ?

Mr. G. R. F. Tottenham : About six weeks ago.

Mr. S. Satyamurti : Where ?

Mr. G. R. F. Tottenham : In Karachi.

Mr. S. Satyamurti : Was any written statement taken from him, and has he signed that statement contradicting all these statements ?

Mr. G. R. F. Tottenham : I believe so, Sir.

Mr. S. Satyamurti : Are the Government of India aware whether His Majesty's Government proceeded against the *Daily Worker* for publishing these statements ? That was in your country—not mine ? Was any action taken against the *Daily Worker* of London by His Majesty's Government for publishing all these, to the knowledge of this Government ?

Mr. G. R. F. Tottenham : That is not the concern of the Government of India ; I do not know whether any action was taken at home ; I imagine not.

Mr. S. Satyamurti : Why, then, was similar action taken in this country, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : Against what paper ?

Mr. S. Satyamurti : The *Free Press*, Sir. The Government of India admit that the *Daily Worker* published these statements in London. I am asking the question, in view of that statement, whether any action was, to the knowledge of the Government of India, taken against this paper in London ; if no action was taken, why no such action was taken, and why was such action taken only against the *Free Press* and other journal in this country ?

The Honourable Sir Henry Craik : The reason why action was taken in India against various papers was that those papers published a tissue of most disgraceful lies. I do not know whether action was

taken against the *Daily Worker* or not, but I imagine it was not worth prosecution, because it represents a minute fraction of public opinion there, and statements like that carry in England their own refutation.

Mr. S. Satyamurti : Why, then, should Government not follow the same good policy in this country ?

The Honourable Sir Henry Craik : Because the circumstances in India are completely different ; because a large part of the reading public here believes anything that is published. In England, a large part of the reading public does not believe anything and everything that is published in papers like the *Daily Worker*.

Mr. S. Satyamurti : What is the basis of this opinion of the Home Member that in this country the reading public is so credulous or so foolish as to believe anything and everything, that is published in the papers ?

Sir Cowasji Jehangir : May I ask the Home Member whether, in the opinion of the Government, any daily paper in England can publish the most serious libels about people in India and get off scot-free ?

The Honourable Sir Henry Craik : I do not see that that arises.

Sir Cowasji Jehangir : Is it the opinion of the Government that any paper in England can publish the most serious libel about people in India, whether they be Englishmen or Indians, and go scot-free ?

The Honourable Sir Henry Craik : It depends on the standing and influence of the paper. If the paper is one of any standing and influence, we should certainly ask His Majesty's Government at home to take action in respect of any allegation of this nature. In the case of the *Daily Worker*, we think His Majesty's Government are perfectly competent to form their own judgment.

Mr. Lalchand Navalrai : May I know from the Army Secretary if he will place the papers with regard to these things at Karachi on the table ?

Mr. G. R. F. Tottenham : No.

Mr. Lalchand Navalrai : Why not ?

Mr. G. R. F. Tottenham : Because it is not in the public interest to do so.

Mr. T. S. Avinashilingam Chettiar : Are Government aware that the very fact that they refuse to place these papers on the table raises a suspicion in our minds that there is something wrong at Quetta ?

Mr. G. R. F. Tottenham : No, Sir.

Mr. T. S. Avinashilingam Chettiar : If this gentleman has contradicted and signed that statement, what is the difficulty in the way of the Government placing that statement on the table of the House ?

Mr. G. R. F. Tottenham : It would merely give unnecessary publicity to these disgraceful lies.

Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member show those papers to Honourable Members of this House ?

Mr. G. R. F. Tottenham : If the Honourable Member wishes to see the papers, then I will show them to him personally.

**HARDSHIPS CAUSED TO PILGRIMS ATTENDING THE KANDURI FESTIVAL, NAGORE, BY THE CUSTOMS OFFICERS, SANNAMEANGALAM CHOWKI.**

428. \*Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether their attention has been drawn to the representations received by the Central Board of Revenue from the Muslim Association, Nagore, to the effect that the public, the Negapatam Municipality and the pilgrims attending the Kanduri Festival, Nagore, are put to much hardship by the Customs Officers, Sannamangalam Chowki ;
- (b) whether such officers act contrary to the provisions contained in paragraph 38, sub-paragraphs 1 to 3 (Chapter IV) of the Madras Land Customs Manual, in not exempting the cloth actually worn on and articles of less than the exempted value belonging to the passengers through the chowki ;
- (c) whether even *gosha* ladies are compelled to doff their clothing under the pretext of having to weigh them for duty assessment, and indirectly compelling them to pay maximum duty to avoid the ignominy of changing clothing publicly ; and
- (d) whether Government have taken any action in the matter, and if not, why not ?

Mr. A. H. Lloyd : (a) Yes.

(b) No. The exemption in respect of wearing apparel has been withdrawn as the concession was being greatly abused.

(c) The examination of lady passengers is always conducted by a lady clerk in a private room set apart for the purpose.

(d) Government do not consider that any further action is required.

Mr. S. Satyamurti : With reference to the answer to clause (c) of the question, may I know if Government have made inquiries if such representations were received by them and if they have satisfied themselves that the rules which my Honourable friend laid down,—that is to say, that *gosha* ladies shall be examined only in privacy and only by lady customs examiners—is being observed in all cases ?

Mr. A. H. Lloyd : Yes, Sir.

Mr. T. S. Avinashilingam Chettiar : What was the answer to clause (c), Sir ?

Mr. A. H. Lloyd :

“ The examination of lady passengers is always conducted by a lady clerk in a private room set apart for the purpose.”

**SALE OF SURPLUS STOCK OF QUININE.**

429. \*Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether it is a fact that they are carrying on certain negotiations for the sale of surplus stock of quinine to the Kina Bureau,
- (b) whether Government have at present nearly 300,000 lbs. of quinine in stock ;

- (c) the reasons why they want to dispose of this surplus stock ;
- (d) whether, before they do so, they would call a conference of the representatives of the Provincial Governments with a view to evolving a plan of co-ordinated action to solve the problem of surplus stock ;
- (e) whether they have come to any conclusion about the minimum requirements of the country to fight out malaria satisfactorily ; and the actual output of the Government plantations and the ways and means to make India self-sufficient in her requirements of quinine ; and
- (f) what steps Government propose to take to make India self-sufficient in the matter of the supply of quinine ?

Sir Girja Shankar Bajpai : (a) No.

(b) At the end of June, 1935, the total stock of quinine held by the Government of India was 229,133 lbs. This includes 150,000 lbs. which the Government of India have decided to maintain as a reserve to meet national emergencies.

(c) and (d). In pursuance of recommendations of past Public Accounts Committees Government sought to get rid of the surplus, which was much greater before than it is now, because it represented capital uselessly locked up. Of the surplus of 79,000 lbs. which the Government of India had at the end of June, 1935, after deducting the reserve of 150,000 lbs., 45,000 lbs. have been given to Local Governments for free distribution. Only a balance of 34,000 lbs. thus remains, and it is not considered necessary to call a conference of the representatives of Provincial Governments to discuss the disposal of this amount.

(e) and (f). Public health being a subject of joint responsibility and responsibility for this matter rests with the Government.

Mr. S. Satyamurti : With reference to the answer to clause (c) of the question, may I know if there is any all-India survey contemplated, to find out the data for conclusions on these very important questions,—namely, the minimum requirements of quinine to fight malaria, and the actual output of the Government plantations now, and the ways and means to make India self-sufficient ?

Sir Girja Shankar Bajpai : Well, Sir, I have already answered that question. I have said that even in future this matter will be entirely one for Local Governments, and it is for Local Governments to take such initiative in the matter as they desire. I have had an estimate from the Public Health Commissioner that the total requirements of India are something like 500,000 lbs.

Mr. S. Satyamurti : May I know if the Honourable Member realises the total toll of deaths and of permanent injury to health and suffering in the whole of India, owing to this scourge of malaria year after year ?

Sir Girja Shankar Bajpai : I can assure my Honourable friend that the Public Health Commissioner with the Government of India, whose business it is to study provincial reports and co-ordinate such information as is available in the matter year after year, does emphasise the need for Local Governments to take suitable action.



**Mr. Lalchand Navalrai :** May I know whether the Trade Commissioners who have been appointed up till now are Indians or Europeans ?

**The Honourable Sir Muhammad Zafrullah Khan :** The one at Hamburg and the other in Milan are both Indians.

**Sir Hormusji Peroshaw Mody :** Is it not a fact that Government have been repeatedly requested by industrial and commercial bodies in India to nominate at least one representative in British East Africa ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question has been on several occasions brought to the notice of Government.

**Sir Hormusji Peroshaw Mody :** Are Government aware that this is probably the fiftieth time that the same answer has been given, namely, that financial considerations do not permit of any such appointment at the moment ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir, this is not the 50th time.

**Sir Hormusji Peroshaw Mody :** Is it the tenth time ?

**Mr. S. Satyamurti :** Has the Department of Government in charge of my friend, the Commerce Member, approached the Finance Department for the appointment of a Trade Commissioner, and has that Department turned it down ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is a sort of question to which I would give no reply.

**Mr. S. Satyamurti :** Have Government taken any initiative in this matter, and, if so, what is the initiative they have taken ?

**The Honourable Sir Muhammad Zafrullah Khan :** The initiative they have taken is that they have made enquiries and are prosecuting them in connection with these appointments.

**Mr. S. Satyamurti :** How long do they propose to go on making these inquiries ?

**The Honourable Sir Muhammad Zafrullah Khan :** No Member of Government can give a reply to that sort of question.

**Mr. S. Satyamurti :** Of this Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** Of any Government.

#### INTERESTS OF INDIANS OVERSEAS.

420. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have considered the suggestion put forward by the Indian Imperial Citizenship Association for the creation of a separate Secretariat to watch, protect and promote the interests of Indians overseas ;

(b) whether they have decided to form such a Secretariat, and if not, why not ; and

(c) whether they are aware of the sufferings of Indians in South Africa, Zanzibar, Kenya, Fiji, West Indies, British Guiana

and elsewhere; and whether they propose to take steps to create a separate Department ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) and (c). There is no intention in the immediate future of appointing a separate Secretary for Indians overseas because the post of Joint Secretary in the Education, Health and Lands Department was primarily created for enabling the Department to give more attention to the problems of Indians overseas and the post of Additional Deputy Secretary was also created partially for the same purpose.

**Mr. S. Satyamurti :** What is the answer to (c) ?

**Sir Girja Shankar Bajpai :** I have answered a number of questions during this Session in regard to Africa, Zanzibar, Kenya and Fiji. I must say that the West Indies and British Guiana have been left out.

**Mr. S. Satyamurti :** May I know the reason why Government do not propose, in view of the statement in clause (c) which they do not deny, to create a separate Secretariat for this specific purpose ? Are Government aware that this is a very important matter to which India attaches great importance ?

**Sir Girja Shankar Bajpai :** My Honourable friend may rest assured that the Government of India realise the importance of the subject themselves and they are also conscious of the importance which public opinion attaches to it. All that I tried to explain in answer to parts (b) and (c) was that, at the present moment, the staff that we have is quite adequate for the work that is required to be done.

**Mr. S. Satyamurti :** Are Government satisfied that all these questions concerning these unfortunate Indians in these foreign countries receive prompt, adequate and effective treatment at the hands of this Department ?

**Sir Girja Shankar Bajpai :** In so far as it is possible for any Secretariat to give prompt, adequate and effective treatment, the staff at my disposal is giving it.

#### REPORT OF THE TARIFF BOARD ON THE WOOLLEN INDUSTRY.

421. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have considered the report of the Tariff Board on the Woollen Industry ;

(b) how long they have been considering it ;

(c) whether they intend putting the Report, as also the conclusions thereon, on the table of the House ; and

(d) whether the Tariff Board has suggested differential duties for British goods ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (d). The Report is under consideration at present and Government are not yet prepared to disclose any of the recommendations made therein.

(b) Since the middle of June when the Report was received from the Tariff Board.

**Mr. S. Satyamurti :** Will the Government of India address the Local Governments, and ask them to pool their resources, so as to find out the data for coming to the proper conclusions on these matters ; and also may I ask, with reference to clause (f) of this question, what steps they would recommend that India should take in order to make her self-sufficient in the matter of the supply of quinine ? Do not Government consider the matter to be of sufficient importance to give a push to Local Governments, who may not otherwise move in the matter ?

**Sir Girja Shankar Bajpai :** Sir, the Government of India have taken more than one step in the past in order, if I may say so, to stimulate the Local Governments, but the attitude of the Local Governments in this matter has not been particularly encouraging.

**Mr. S. Satyamurti :** Will the Government of India consider the possibility, under the new Government of India Act—when, as I imagine, they will have a Central Board of Public Health, or the Public Health Commissioner will continue as now—in the interests of the health of this country which suffers grievously year after year from this dreadful scourge, of doing something concrete to lay down an all-India policy and enjoin that policy on the Local Governments ?

**Sir Girja Shankar Bajpai :** Sir, there is no question really of laying down an all-India policy, because there is no mystery involved in it. Everybody knows that the best remedy for malaria is quininisation, and the Local Governments are aware of that fact too. It is for Local Governments to make up their minds that they will popularise the use of quinine progressively ; that requires the expenditure of funds ; and, unfortunately, the Local Governments are not prepared, or rather not able, to meet the expenditure involved in a more intensive use of quinine.

**Mr. S. Satyamurti :** Therefore, should we take the position to be this ? Local Governments will not move, the Government of India will not ask them to move, and malaria must flourish in this country ?

**Sir Girja Shankar Bajpai :** I do not know really as to what my Honourable friend should assume as regards the Local Governments. But so far as the Government of India are concerned, they have made the only possible practical gesture by giving away 45,000 lbs. of quinine free of cost with the intimation to Local Governments that they should distribute it free and try to follow this good example. They cannot do anything more than that.

**Mr. S. Satyamurti :** Will the Government of India continue to do this good work, and go on giving year after year as much quinine as is available, to fight the scourge of malaria ?

**Sir Girja Shankar Bajpai :** I have already informed my Honourable friend that the balance that the Government of India have is 34,000 lbs. They will certainly consider the desirability of giving this 34,000 lbs. also to Local Governments but, considering the incidence of the disease in this country, my Honourable friend will realise that 34,000 lbs. would not solve the problem.

**Sir Cowasji Jehangir :** May I ask whether it is not a remedy in the opinion of the Government for the complaint of my Honourable friend that my Honourable friend should become a Minister of the Local Government ?

**Sir Girja Shankar Bajpai :** I hope that my Honourable friend will follow the good advice of Sir Cowasji Jehangir.

#### APPOINTMENT OF A BROADCASTING EXPERT IN ENGLAND FOR INDIA.

430. **\*Sardar Sant Singh :** (a) Is it a fact that a broadcasting expert has been engaged in England for India ?

(b) What are his technical qualifications ?

(c) What is going to be his pay and conditions of service ?

(d) Was he in employment in England ? If so, what pay did he get there in 1932, 1933, and 1934, respectively ?

(e) What is he going to be an expert of ?

(f) Have Government no expert in India with knowledge of Indian conditions ?

(g) Was the post advertised in India ? If so, what was the result ? If not, why not ?

**The Honourable Mr. D. G. Mitchell :** (a) A member of the staff of the British Broadcasting Corporation has been appointed as the Controller of Broadcasting.

(b) He has been employed with the British Broadcasting Corporation for the last seven years in various capacities on the programme side and was largely concerned with the development of the department which deals with what are known as " Talks ".

(c) He has been engaged on a five years' contract on a salary of Rs. 2,000—50—2,200.

(d) Yes. The Government of India are unable to furnish the information asked for in the latter part of the question.

(e) The Controller of Broadcasting will be the expert with the Government of India on the programme side and will advise them on the general administration and development of broadcasting.

(f) Government have two officers employed as Directors of Broadcasting Stations in India, who have knowledge of Indian conditions. But in making the offer to a member of the staff of the British Broadcasting Corporation, they wished to take advantage of the enormously greater experience of the British Broadcasting Corporation which is generally admitted to be the most successful broadcasting institution in the world.

(g) No. As the object of the Government of India was to obtain a man with British Broadcasting Corporation experience, there would have been no object, whatever, in issuing an advertisement in this country.

**Sardar Sant Singh :** May I know what position did he hold in England in the years 1932, 1933 and 1934 ?

**The Honourable Mr. D. G. Mitchell :** I would refer the Honourable Member to my answer to part (b) where I said :

" He was engaged in various capacities on the programme side and was largely concerned with the development of the Department which deals with what are known as ' Talks '."

and 1935 by (i) Secretaries, (ii) Deputy Secretaries, and (iii) Under Secretaries, for the accommodation allotted to them by Government ?

(e) Is it not a fact that accommodation for such classes of officers is comparatively cheaper than at Delhi, and if so, does this influence the decision of Government in moving up to Simla ?

**The Honourable Mr. D. G. Mitchell :** (a) About 200 bungalows and 430 clerks' quarters remained vacant in New Delhi during the summer of 1934.

(b) A statement is laid on the table.

(c) Yes.

(d) Four Secretaries and five Deputy Secretaries occupied Government accommodation in Simla during 1934. Of the five Deputy Secretaries two occupied the accommodation allotted to them for only a part of the season. No Under Secretary occupied Government accommodation. The figures for rent for the summer season of 1934 are as follows. The figures for 1935 are not available :

|                         |       |
|-------------------------|-------|
| (i) Secretaries         | Rs.   |
| (ii) Deputy Secretaries | 4,244 |
| (iii) Under Secretaries | 2,646 |
|                         | Nil.  |

(e) Government accommodation for these officers is cheaper at Simla than at Delhi, but the accommodation available at Simla is insufficient, and private accommodation is extremely expensive. The fact that a few officers pay less rent at Simla than at Delhi has no bearing whatever on the question of the move of the Government of India to Simla.

*Statement showing the offices of the Government of India for which private accommodation has been hired in Simla for the summer season of 1935.*

| Name of office.                                                                  | Name of the house.              | Annual Rental. | Remarks.                                                           |
|----------------------------------------------------------------------------------|---------------------------------|----------------|--------------------------------------------------------------------|
|                                                                                  |                                 | Rs.            |                                                                    |
| Reforms Office                                                                   | "Carlton Grove"                 | *3,000         |                                                                    |
|                                                                                  | "Cleveland"                     | *2,800         |                                                                    |
| Imperial Council of Agricultural Research Department.                            | "Rock House"                    | 4,000          |                                                                    |
| Commercial Intelligence and Statistics Department (Statistical Research Branch). | "Dalziel" (upper flat)          | 2,200          |                                                                    |
| Army Head Quarters                                                               | "Piccadilly House" (1st floor). | †1,800         | Accommodation has been hired only from 1st August to 15th October. |

\* Plus Municipal taxes.

† Plus water tax.

**PRIVATE HOUSES RENTED FOR CERTAIN OFFICES OF THE GOVERNMENT OF INDIA IN SIMLA.**

435. \*Sardar Sant Singh : (a) Will Government be pleased to state if it is not a fact that private houses have been taken for accommodating certain offices of the Government of India in Simla for the current season? If so what are their names ?

(b) Will Government be pleased to state the reasons why these offices could not be kept down in Delhi, if they could not be accommodated in the existing Government buildings in Simla ?

(c) Will Government be pleased to state what the cost is of such accommodation taken in Simla for these offices and whether they are prepared to consider the question of keeping them down in Delhi throughout the year with effect from the next year at least ?

**The Honourable Sir Henry Craik :** (a), (b) and first part of (c). A statement giving the necessary information is laid on the table.

The answer to the latter portion of part (c) is in the negative.

*Statement giving information regarding private houses hired for accommodating certain Government Offices in Simla.*

| Part (a) of the question.                                                                    | Part (b) of the question.                                                                                                                                                                                                                                                                           | First portion of Part (c) of the question.                         |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (Name of the Office for which private house has been hired in Simla for the current season.) | (Why the Office could not be kept down in Delhi.)                                                                                                                                                                                                                                                   | (Cost of hired accommodation.)                                     |
| (1) Imperial Council of Agricultural Research Department                                     | It is necessary that these two offices should move to and from Simla along with other Departments of the Government of India, because (1) is a regular Department of the Government of India, and (2) works directly under His Excellency the Viceroy, in close co-operation with other Departments | Rs. 4,000 for the season.                                          |
| (2) Reforms Office                                                                           |                                                                                                                                                                                                                                                                                                     | 5,800 for the season.                                              |
| (3) Army Headquarters                                                                        | Does not arise as the staff is temporarily employed for a part of the current Simla season.                                                                                                                                                                                                         | 1,800 for the period from the 1st August to the 15th October 1935. |
| (4) Statistical Research Branch of the Commercial Intelligence and Statistics Department.    | The Branch works in close co-operation with the Commerce and other Departments of the Government of India and it cannot therefore be permanently located in Delhi.                                                                                                                                  | 2,200 for the year.                                                |

**Prof. N. G. Ranga :** Are Government aware that considerable inconvenience and expense are being experienced by most of their clerical staff and others because of want of sufficient accommodation in Simla ?

**The Honourable Sir Henry Craik :** I do not think that arises out of this question. It only relates to accommodation for offices.

## OFFICE OF THE CIVIL AVIATION IN INDIA.

436. \*Sardar Sant Singh : (a) Will Government be pleased to state if the office of the Civil Aviation in India is an office attached to the Department of Industries and Labour ?

(b) Will Government be pleased to state what the strength of the office was at the time of its formation and what its present strength is, giving details ?

(c) Will Government be pleased to state (i) the reasons why this office should move to Simla during the summer, and (ii) the annual cost of the move up and down ?

(d) Will Government please state if it is a fact that it was decided by an Order in Council some years ago that offices, or portion of offices, which cannot be properly accommodated in Simla without hiring private houses, should be kept down in Delhi during the summer ?

(e) If the answer to part (d) above be in the affirmative, will Government please state why a departure from the decision is being made every year and why such offices cannot be located permanently at Delhi ?

The Honourable Mr. D. G. Mitchell : (a) Yes.

(b) A statement giving the information required is laid on the table.

(c) Because the Civil Aviation Office is part of the Department of Industries and Labour and deals with Secretariat as well as " executive " work. The cost of the move was Rs. 21,136 for the year 1934-35.

(d) I am not prepared to give information regarding the contents of Orders in Council ; but it is a fact that the provision of extra accommodation in Simla is discouraged.

(e) No private accommodation has been hired for the Civil Aviation Office. The question of leaving a part of the office in New Delhi during the summer is under consideration.

Sanctioned strength of the Civil Aviation Office.

|                           | At the time of its formation. | On the 1st August 1935. |            |
|---------------------------|-------------------------------|-------------------------|------------|
|                           |                               | Permanent.              | Temporary. |
| Officers .. .. .          | 1                             | 5                       | 2          |
| Superintendents .. .. .   | 1                             | 5                       | ..         |
| Assistants .. .. .        | 2                             | 13                      | 1          |
| Stenographers .. .. .     | 1                             | 4                       | 1          |
| Clerks .. .. .            | 2                             | 31                      | 2          |
| Draftsmen .. .. .         | ..                            | 2                       | 1          |
| Inferior servants .. .. . | 5                             | 28                      | 2          |

## RECRUITMENT OF SIKH KHATRIS IN THE INDIAN ARMY.

437. \*Sardar Sant Singh : (a) Will Government please state the total population of Sikh Khatri in India in 1925 and at present, respectively ?

(b) Are Government aware that Sikh Khatri were recruited in the Indian Army in various capacities and rendered meritorious services during the Great War ?

(c) Are Government aware that many members of the sect have held and are holding commissions in the Army ?

(d) Are Government aware that Sikh Khatri are not being enlisted in the Indian Army by recruiting officers for the last few years ?

(e) How do Government justify the stoppage of recruitment of Sikh Khatri in the Indian Army ? When was it stopped and under which order ?

(f) Do Government propose to issue express instructions to the recruiting authorities to enlist Sikh Khatri also ?

(g) Do Government further propose to raise separate regiments from these castes ? If not, what are the difficulties ?

Mr. G. R. F. Tottenham : (a) According to census figures, the male population of Sikh Khatri in 1921 was 37,297 and in 1931, 32,465. No figures are available for 1925.

(b) Yes.

(c) Yes.

(d) The Honourable Member is mistaken. Sikh Khatri are enlisted in the Army. They are eligible for enlistment in all units the composition of which includes Sikhs (other than Jat Sikhs).

(e) and (f). Do not arise.

(g) No. Neither the past records of their services nor the present figures of population warrant the assumption that it would be possible to maintain regiments recruited exclusively from Sikh Khatri on an efficient basis in War.

## RECKONING OF SENIORITY ON THE NORTH WESTERN RAILWAY.

438. \*Sardar Sant Singh : With reference to Government's reply to the unstarred question No. 74, dated 13th September, 1933, will Government now please put on the table of the House a list of the staff whose cases have so far been considered by the Agent, North Western Railway as promised by Mr. P. R. Rau, in which preference has been given to the men who were superseded by their colleagues on account of racial discrimination and high start of pay, and if no action has so far been taken by the said Agent, what steps do Government propose to take in the matter ?

Mr. P. R. Rau : As stated in the reply to question No. 74, which has already been laid on the table of the House, the practice on the North Western Railway is to base promotion from grade to grade on seniority and fitness. Seniority in a grade is based on the date of confirmation in that grade and between grades an individual on a higher

**Sardar Sant Singh :** Would the Honourable Member kindly say what are his educational qualifications ?

**The Honourable Mr. D. G. Mitchell :** I require notice of that question.

**Mr. S. Satyamurti :** Is it one of the conditions of his appointment that he should train an Indian or Indians to take his place ?

**The Honourable Mr. D. G. Mitchell :** The whole conception is that he would develop broadcasting as far as possible, and, in doing so, the staff of the various stations will, as far as may be necessary and possible, be Indians.

**Mr. S. Satyamurti :** Is he now asked, as part of the condition of his appointment, to train any Indian or Indians to take his place ?

**The Honourable Mr. D. G. Mitchell :** There is no such condition in the terms of his appointment, but he will necessarily train the members of the staff who are under him.

#### INDIAN BROADCASTING SERVICE.

431. **\*Sardar Sant Singh :** (a) Are Government going to run the Indian broadcasting service on the same lines and principles as the B. B. C. in England ?

(b) Will it be used for purposes of political propaganda ?

**The Honourable Mr. D. G. Mitchell :** (a) It is Government's intention to run the Indian State Broadcasting Service on the same lines and principles as the British Broadcasting Corporation in England.

(b) It is not the intention to use it for purposes of political propaganda.

**Mr. S. Satyamurti :** Does not the British Broadcasting Corporation allow certain political leaders and Ministers to address on certain important political questions ?

**The Honourable Mr. D. G. Mitchell :** I understand that is a fact.

**Mr. S. Satyamurti :** If that is so, why do not the Government of India propose to permit certain political leaders in this country to use the broadcasting apparatus for broadcasting their speeches ?

**The Honourable Mr. D. G. Mitchell :** We should like broadcasting service to be put on a proper footing first. That is one of the questions of principle which the new Controller of Broadcasting will consider, but the Honourable Member will realise that in India it may be somewhat difficult to undertake.

**Mr. S. Satyamurti :** In view of the fact that many millions are going to be enfranchised in this country, and many millions among them will be illiterate for a long time, does not the Honourable Member consider it much more important in this country, than in his own country that the broadcasting apparatus should be availed of by leading politicians for the sound political education of the masses ?

**The Honourable Mr. D. G. Mitchell :** I personally do not agree.

**Mr. S. Satyamurti :** Am I to take, therefore, that the position of the Government is this—that they do not propose to follow the example of

the British Broadcasting Station and allow the Indian Broadcasting Station to be availed of by political leaders ?

**The Honourable Mr. D. G. Mitchell :** The position, as I have already explained, has not yet been considered. That would be one of the points that the new Controller of Broadcasting will consider.

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.

#### EDUCATION OF INDIANS IN BROADCASTING TECHNIQUE.

432. **\*Sardar Sant Singh :** What steps are Government going to take to educate Indians in broadcasting technique ?

**The Honourable Mr. D. G. Mitchell :** The staff of the Indian Stations will be recruited in India and will be trained in the Indian State Broadcasting Service Stations. They will be predominantly Indian.

**Mr. Lalchand Navalrai :** May I ask the Honourable Member what would be the qualifications of the Indians for training in broadcasting ?

**The Honourable Mr. D. G. Mitchell :** I must have notice of that question.

#### POWER IN THE AERIAL OF THE DELHI BROADCASTING STATION.

433. **\*Sardar Sant Singh :** What is going to be the actual power in the aerial of the Delhi broadcasting station ? Is this being guaranteed by the makers of the plant ?

**The Honourable Mr. D. G. Mitchell :** The power delivered to the aerial will be 20 K.-W., according to the specification of the makers of the plant and as guaranteed by them.

**Sir Cowasji Jehangir :** When will this plant be ready ?

**The Honourable Mr. D. G. Mitchell :** Sometime in the first half of the cold weather.

**Mr. M. Ananthasayanam Ayyangar :** What is to be the range of this Broadcasting Station ?

**The Honourable Mr. D. G. Mitchell :** That is an impossible question to answer. It depends entirely on the atmospheric conditions. Its range may be 70 miles or 700 miles or even 1,000 miles at different times.

#### ACCOMMODATION FOR OFFICERS AND STAFF IN NEW DELHI AND SIMLA.

434. **\*Sardar Sant Singh :** (a) Will Government be pleased to state approximately how many bungalows and clerks' quarters fall vacant in New Delhi when the Government of India move up to Simla ?

(b) Will Government lay on the table a statement showing how many private houses have been taken for the use of Government offices in Simla for the current Simla season and what are the rents thereof, and for what offices they have been taken ?

(c) Is it not a fact that the rents mentioned in part (b) above could be saved if those offices were kept down in Delhi during the summer ;

(d) Will Government lay a statement on the table showing the actual rent paid during the season in Simla in the years 1934

Master's Grade VI and upwards is made from the next lower grade without racial discrimination.

Three Indian Foremen are at present employed in the workshops (two permanent and one officiating). Three more Indians are employed as Train Lighting Inspectors in a grade corresponding to that of Foreman in Sheds and Shops.

(c) In view of the reply to part (b) this question does not arise."

#### EMPLOYEES FAILING IN NIGHT VISION TESTS ON THE NORTH WESTERN RAILWAY.

442. \*Sardar Sant Singh : (a) Is it a fact that Station Masters and Assistant Station Masters hold better qualifications than ordinary Commercial Clerks on the North Western Railway ? If so, will Government please state their eligibility for filling up the posts of other ranks in case of their having been partially incapacitated on account of night vision tests ?

(b) If the reply to part (a) be in the affirmative, will Government please place a list of Station and Assistant Station Masters who failed in night vision tests for their own posts since 1930, but who were still eligible for another rank, giving a list showing how they have been provided ?

(c) Is it a fact that such incumbents having failed in night vision tests for their own posts, have been given leave due, and the posts for which they were considered fit were being occupied by most junior men and they were drawing cent. per cent. officiating allowances ? If so, why ?

Mr. P. R. Rau : (a) The Agent, North Western Railway, reports :

" Station Masters are required to qualify in both Coaching and Goods duties in addition to Transportation and General duties. Assistant Station Masters must be qualified in Coaching duties as well as in Transportation and General duties but need not necessarily be qualified in Goods duties, although some of them are so qualified. Commercial Clerks must be qualified in both Coaching and Goods duties and are not required to qualify in Transportation and General duties. From the above it may be said that Station Masters and Assistant Station Masters have more qualifications than ordinary Commercial Clerks and it will be seen that, as far as qualifications are concerned, Station Masters, though not necessarily Assistant Station Masters, who fail in night vision test could be employed as Commercial Clerks."

(b) I lay on the table a statement prepared in April, 1935, giving the numbers of Station Masters and Assistant Station Masters who have been provided with other employment, how many have refused other employment and how many have not been so provided.

(c) The employment of these employees in other posts depends on their suitability for such posts.

| No. of Station Masters and Assistant Station Masters failed in vision test in their own class but declared fit for other post since 1930. | No. of Station Masters and Assistant Station Masters shown under item 1 provided in other posts since 1930. | No. of Station Masters and Assistant Station Masters shown under item 1 who have refused offer for other posts since 1930. | No. of Station Masters and Assistant Station Masters shown under item 1 who are now on leave due for want of suitable posts. | No. of Station Masters and Assistant Station Masters who have completed their leave due and for whom no posts could be provided. | Remarks. |
|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------|
| 120*                                                                                                                                      | 75†                                                                                                         | 5                                                                                                                          | 23                                                                                                                           | 16                                                                                                                               |          |

\* One man has since died.

† Seven out of the number shown under item 2 have since passed a medical test under the new rules and have been provided against their own posts.

Sardar Sant Singh : The Honourable Member, in answering my question, made the preliminary remark that "The Agent, North Western Railway, reports". May I know whether the Railway Board believes in the report ?

Mr. P. R. Rau : Why should the Railway Board doubt it ?

Sardar Sant Singh : Then, why preface your reply with those remarks ?

Mr. P. R. Rau : Because that is the fact.

#### BAND AT THE CONNAUGHT PLACE, NEW DELHI.

443. \*Sardar Sant Singh : (a) Are Government aware that the New Delhi Municipal Committee engage an English Band for purposes of public amusement and recreation in Connaught Place during the winter season every year ?

(b) What is the procedure observed in such appointments and how much is paid for that ?

(c) Are Government aware that the Indian public who go to listen to the Band do not enjoy it, as they cannot follow the same ?

(d) Do Government propose to move the Municipal Committee, New Delhi that in future they should appoint Indian Band as well, if not for all times, at least on alternate days in a week ? If not, why not ?

Sir Girja Shankar Bajpai : (a) Military Regimental Bands from British and Indian Regiments are engaged to play music to the public.

(b) In the winter of 1934-35, the Band of 4th Battalion (P. W. O.), 8th Punjab Regiment was engaged. The Committee paid Rs. 65 for each entertainment ; the amount included transport charges from and to the Cantonments.

(c) No.

(d) The matter is within the discretion of the New Delhi Municipal Committee.

**Sardar Sant Singh :** In reply to part (c), what justification has the Honourable Member to say that the Indian public generally enjoys the music which is given there.

**Sir Girja Shankar Bajpai :** I have at times not actually gone to the band stand, but happened to pass through Connaught Place, and I have seen a large concourse of people collected round the band. That is not exactly evidence of their disapproval of the music.

**Mr. Lalchand Navalrai :** Does the Honourable Member mean that when people collect in that place, they understand the music.

**Sir Girja Shankar Bajpai :** They enjoy the music.

#### INCOME AND EXPENDITURE OF THE NEW DELHI MUNICIPAL COMMITTEE.

444. \***Sardar Sant Singh :** (a) What was the comparative expenditure of the New Delhi Municipal Committee during 1922, 1925, 1930, 1933 and 1935 under all different heads, and what were the different sources of income in each of the above mentioned years ?

(b) Have Government ever thought of economy or reduction in the expenditure of this Municipal Committee ? If so, when and in what way ?

(c) Do Government propose to have a thorough examination of the expenditure made again in order to bring down the expenditure to the minimum ? If not, why not and if so, when do they propose to do so ?

**Sir Girja Shankar Bajpai :** (a) A statement giving the required information is laid on the table.

(b) and (c). Government do not consider that the affairs of the New Delhi Municipal Committee are not conducted with due regard to economy. The budget of the Committee receives the double scrutiny of the Local Administration and the Government of India every year. No further examination is necessary.

#### NEW DELHI MUNICIPAL COMMITTEE.

##### Sources of Income.

| Sources of Income.           | During<br>1921-22. | During<br>1924-25. | During<br>1929-30. | During<br>1932-33. | During<br>1934-35. |
|------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
|                              | Rs.                | Rs.                | Rs.                | Rs.                | Rs.                |
| (1) Taxes .. .. .            | ..                 | ..                 | 1,20,629           | 1,49,689           | 2,96,558           |
| (2) Rents .. .. .            | 25                 | 2,972              | 44,883             | 43,210             | 47,199             |
| (3) Fees and Fines .. ..     | 6,266              | 11,261             | 54,264             | 74,562             | 91,192             |
| (4) Electric Supply .. ..    | ..                 | ..                 | ..                 | 8,31,341           | 10,49,095          |
| (5) Water Supply .. ..       | 218                | 659                | 1,793              | 2,03,787           | 2,98,158           |
| (6) Miscellaneous .. ..      | ..                 | 602                | 12,097             | 41,822             | 86,165             |
| (7) Grant from Government .. | 11,437             | 22,100             | 29,609             | 2,51,825           | 5,68,525           |
| Total .. .. .                | 17,946             | 37,594             | 2,63,275           | 15,96,236          | 24,36,892          |

#### Detail of Expenditure under different heads.

| Heads of Account.                                | During<br>1921-22. | During<br>1924-25. | During<br>1929-30. | During<br>1932-33 | During<br>1934-35. |
|--------------------------------------------------|--------------------|--------------------|--------------------|-------------------|--------------------|
|                                                  | Rs.                | Rs.                | Rs.                | Rs.               | Rs.                |
| (1) General Administration ..                    | 2,838              | 4,539              | 37,590             | 76,582            | 1,00,125           |
| (2) Education .. .. .                            | 7,024              | 12,886             | 40,509             | 62,450            | 65,180             |
| (3) Medical .. .. .                              | ..                 | ..                 | ..                 | 56,382            | 83,174             |
| (4) Public Health and Sanitation                 | 2,538              | 3,492              | 41,430             | 2,49,927          | 2,79,951           |
| (5) Water Supply .. .. .                         | 218                | 425                | 17,689             | 1,70,622          | 1,81,668           |
| (6) Electric Supply .. .. .                      | ..                 | ..                 | 5,175              | 5,19,532          | 5,14,028           |
| (7) Arboriculture .. .. .                        | ..                 | 2,610              | 58,650             | 82,618            | 1,23,359           |
| (8) Veterinary .. .. .                           | ..                 | ..                 | 8,157              | 7,821             | 8,014              |
| (9) Provident Fund .. .. .                       | ..                 | 784                | 3,210              | 9,199             | 17,817             |
| (10) Cattle Pound .. .. .                        | 302                | 1,405              | 3,875              | 2,699             | 2,708              |
| (11) Fire Brigade .. .. .                        | ..                 | ..                 | 2,120              | 7,672             | 8,269              |
| (12) Maintenance of Roads ..                     | ..                 | ..                 | ..                 | 1,79,516          | 3,05,000           |
| (13) Original works and Repairs of<br>buildings. | ..                 | 6,649              | 33,709             | 83,934            | 2,53,222           |
| (14) Depreciation and Sinking Fund               | ..                 | ..                 | ..                 | ..                | 1,57,000           |
| (15) Servicing the Government Loan               | ..                 | ..                 | ..                 | ..                | 3,66,912           |
| Total .. .. .                                    | 12,920             | 32,770             | 2,62,114           | 15,08,954         | 24,66,427          |

NOTE.—The increase in expenditure since 1929-30 has been due to progressive expansion of the Committee's functions by the transfer to it of services which were formerly performed by Government Departments.

#### LEASE-HOLD LAND IN NEW DELHI.

445. \***Sardar Sant Singh :** (a) Are Government aware that most of the lease-hold land in New Delhi is held by the contractors, their dependents, or Government tenants, or their dependents ?

(b) Are Government aware that under the lease, the final decision as to whether a breach of any of the conditions of the lease occurred, is left to the C. C. ?

(c) Are Government aware that there is serious discontent amongst the lessees on the ground that the terms of the lease are used to harass them ?

(d) Is it a fact that even public institutions have strongly protested against such treatment and invoked the intervention of certain members of the Viceroy's Executive Council ?



(17TH SEP. 1935.)

Three Indian Foremen are at present employed in the workshops (two permanent and one officiating). These three Indians are employed as Train Lighting Inspectors in a grade corresponding to that of Foreman in Sheds and Shops.

(c) In view of the reply to part (b) this question does not arise.

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(b) I lay on the table a statement prepared in April, 1935, giving the numbers of Station Masters and Assistant Station Masters who have been provided with other employment, how many have refused other employment and how many have not been so provided.

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|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------|
| 120*                                                                                                                                      | 75†                                                                                                         | 5                                                                                                                          | 23                                                                                                                           | 16                                                                                                                               |          |

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(b) In the winter of 1934-35, the Band of 4th Battalion (P. W. O.), 8th Punjab Regiment was engaged. The Committee paid Rs. 65 for each entertainment ; the amount included transport charges from and to the Cantonnments.

(c) No.

(d) The matter is within the discretion of the New Delhi Municipal Committee.

| Particulars.                                       | 1933-34.   | 1934-35.   |
|----------------------------------------------------|------------|------------|
| <i>Expenditure.</i>                                | <i>Rs.</i> | <i>Rs.</i> |
| (1) Municipal charges including public works ..    | 15,50,000  | 16,98,943  |
| (2) Maintenance of Roads and Storm Water Drains .. | 3,05,000   | 3,05,000   |
| * (3) Servicing the Government loan ..             | 3,00,000   | * 6,67,000 |
| † (4) Depreciation and Sinking Fund ..             | ....       | 1,35,000   |
| Total ..                                           | 21,55,000  | 28,05,943  |

\* Government loans the service charges for which are provided in item (3) are :

(i) Rs. 60 lakhs on account of assets connected with the various activities transferred to the New Delhi Municipal Committee.

(ii) Rs. 12.70 lakhs (in round figures) advanced to the Municipality for construction of certain original works in the locality.

The increased provision of Rs. 6.67 lakhs during 1934-35 is due to (a) the non-payment of Rs. 3 lakhs provided on this account during 1933-34, and (b) the amortisation charges (.67 lakhs) for item (ii) above.

† The New Delhi Municipal Committee have instituted a depreciation fund to provide ready money for repairs and replacement of machinery. Payments are to be made annually to this fund.

#### APPOINTMENT OF THE PRESIDENT OF THE NEW DELHI MUNICIPAL COMMITTEE.

448. \*Sardar Sant Singh : (a) Did Government of India decide to appoint a whole time President for the New Delhi Municipal Committee ?

(b) Is it a fact that the post was already advertised in papers ? What was the pay and what were qualifications fixed for it ?

(c) Why was this appointment not made ?

(d) In making the decision to postpone the appointment of the permanent President, was the C. C. consulted ? At the time the decision was made, who was the Secretary to the C. C. and who was the President ?

(e) If the decision was mainly on financial grounds, do Government realise the risk in transferring various activities without having a suitable whole-time President ?

(f) Is it a fact that at present the office of the S. E., Construction Circle, the President, New Delhi Municipal Committee and the Secretary to the Chief Commissioner is held by the same person ?

(g) What is the total amount of combined budgets for 1934-35 under the three heads which are under the control of this officer ?

(h) Do Government consider that for the post of a President of such importance, previous experience of municipal administration is necessary ?

(i) What experience did this officer have of municipal administration prior to his appointment as President of the New Delhi Municipal Committee ?

5704 (j). What is the constitution of the New Delhi Municipal Committee ?

(k) Do Government realise that by transferring certain departments to the New Delhi Municipal Committee, the control of even the Chief Engineer is removed and transferred to the President who is acting in triple capacity ?

(l) Is it a fact that contractor-members of the New Delhi Municipal Committee have been given contracts for construction under the committee and that the municipal buildings were constructed by one of the sitting members ? Is this permissible under the Punjab Municipal Act ? If not, what action do they propose to take ?

(m) What is the amount of the contract given to the sitting members of the New Delhi Municipal Committee :

(i) under the Central Public Works Department ;

(ii) under S. E., C. C. and

(iii) under other S. Es. in 1934-35 ?

Sir Girja Shankar Bajpai : (a) Yes, in 1930.

(b) The reply to the first part is in the affirmative. A statement giving the pay then proposed for the post and the qualifications required of the candidates is laid on the table.

(c) Because of the pressing need for economy.

(d) The reply to the first part is in the affirmative. Presumably the Honourable Member wishes to know who was Secretary to the Chief Commissioner, Delhi, in the Public Works Department. He was Mr. F. T. Jones. The Civil Surgeon, New Delhi, was President of the New Delhi Municipal Committee at the time.

(e) Government arranged for the appointment of an experienced whole time Secretary to the Committee so as to provide adequate assistance to the Chairman.

(f) Yes.

(g) So far as New Delhi Municipality is concerned the Honourable Member is referred to the reply just given to his starred question No. 447. The budget of the Secretary to the Chief Commissioner, Delhi, for 1934-35 amounted to Rs. seven lakhs. The Superintending Engineer, Construction Circle, has not got a separate budget.

(h) Yes.

(i) The present President has served continuously on various Municipal Committees for the past 20 years.

(j) The constitution is six members *ex-officio* and ten nominated.

(k) Such activities as have been transferred to the New Delhi Municipal Committee are subject to the same kind and degree of control as similar activities entrusted to other Municipalities.

(l) Under existing arrangements, the Central Public Works Department undertake all work required by the New Delhi Municipal Committee as its agents, as the Committee has no engineering staff of its

(e) Are Government prepared to make an impartial enquiry into this state of affairs ?

(f) Are Government prepared to separate the office of the S. E., Construction Circle, President, N. D. M. C. and the Secretary to the Chief Commissioner or in any case the Presidentship of the N. D. M. C. and the Secretaryship of the C. C. ? If not, why not ?

(g) Are Government aware that private lessees have brought this state of affairs to the notice of the present C. C. and also the acting C. C. on numerous occasions informally ?

**Sir Girja Shankar Bajpai :** (a) As all the land in New Delhi belongs to Government, all lessees of land in New Delhi are Government tenants. It is not, however, a fact that most of the lease-hold land is held by contractors or their dependants.

(b) Yes.

(c) No.

(d) Government have received no such protests.

(e) If the Honourable Member will furnish any specific instances of alleged harsh treatment of lessees, Government will be glad to look into them.

(f) It has been decided that the combination of the Chairmanship, New Delhi Municipal Committee, with the two other offices mentioned by the Honourable Member shall cease after 15th April, 1936, as the officer concerned cannot spare the time required for this work.

(g) No.

#### SUPERINTENDING ENGINEER OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

446. \***Sardar Sant Singh :** (a) What is the amount of money spent by and what are the works under the construction circle under a separate Superintending Engineer of the Central Public Works Department ?

(b) Is the post of a Superintending Engineer under the Central Public Works Department, a whole time job ?

**The Honourable Mr. D. G. Mitchell :** (a) The amount spent on works in the Construction Circle, which was formed from the 1st July, 1933, was Rs. 86,92,555 up to the end of the year 1934-35. The works in this Circle are :

- (1) Construction of residential and other buildings charged to the New Capital Project.
- (2) All Provincial works in Delhi Province.
- (3) Construction of residential buildings for the staff of the Accountant General, Posts and Telegraphs.
- (4) Work done on behalf of the New Delhi Municipal Committee and Notified Area Committee, Delhi, on buildings excluding services.
- (5) Construction of buildings for the Imperial Institute of Agricultural Research.

(6) All work (excluding Civil Aviation work) undertaken in the United Provinces by the Central Public Works Department.

(b) Yes.

**Dr. Ziauddin Ahmad :** Is this Superintending Engineer also the chairman of the Municipality ?

**The Honourable Mr. D. G. Mitchell :** Yes, of the New Delhi Municipal Committee.

**Dr. Ziauddin Ahmad :** What are the other duties which he is required to do in addition to the supervision of all these buildings and the Municipal Committee of New Delhi ?

**Sir Girja Shankar Bajpai :** I have answered that in reply to my Honourable friend's earlier question. He happens to be the Secretary to the Chief Commissioner of Delhi in the Public Works Department.

**Dr. Ziauddin Ahmad :** Are not all these duties too much for one individual, and will not the work of Government suffer by this arrangement ?

**Sir Girja Shankar Bajpai :** It is because of that that Government propose to terminate the arrangement from the middle of April, 1936.

#### BUDGET OF THE NEW DELHI MUNICIPAL COMMITTEE.

447. \***Sardar Sant Singh :** (a) What was the budget of the New Delhi Municipal Committee for 1933-34 and 1934-35 and how much of it comes under the income side of the New Delhi Municipal Committee and how much is in the nature of grants direct and indirect from the central funds ?

(b) What was the budget before the transfer of certain important activities to the New Delhi Municipal Committee ?

**Sir Girja Shankar Bajpai :** (a) A statement is laid on the table.

(b) Until the Honourable Member specifies the activities that he has in mind, I regret that I cannot answer his question.

#### Statement.

| Particulars.                       | 1933-34.  | 1934-35.  |
|------------------------------------|-----------|-----------|
| <i>Income.</i>                     |           |           |
|                                    | Ra.       | Ra.       |
| (1) Municipal sources .. .. .      | 14,07,319 | 17,26,300 |
| (2) Grants from Government .. .. . | 5,30,000  | 5,64,200  |
| Total .. .. .                      | 19,37,319 | 22,90,500 |

own. There is, therefore, no question of contractors doing any work under the Committee. The Municipal buildings were constructed by a member of the Municipality, but the contract for the work was given by a Superintending Engineer of the Central Public Works Department.

(m) A statement is laid on the table.

### Statements.

#### I.

**Qualifications.**—The appointment was open to all applicants whether officials, retired officials or non-officials, who had had experience of municipal work and were generally suitable. No particular qualifications were laid down for candidates for the post, but candidates were required to possess experience of municipal administration.

**Pay.**—The appointment was to carry the following rate of pay and allowances :

(a) If an official were appointed, he was to be given his ordinary service pay, plus overseas pay, if admissible, plus a special pay of Rs. 150 per mensem and a motor car allowance of Rs. 150 per mensem; the pay and overseas pay to be drawn were, however, to be limited to that admissible on the senior time-scale of the Indian Civil Service in the 14th year of service, viz., Rs. 1,600 per mensem, plus £30 overseas pay.

(b) If a non-official or a retired official were appointed, his emoluments were to be fixed according to individual qualifications, subject to a maximum of Rs. 2,000 (inclusive of pension in the case of a retired official) per mensem, plus a motor car allowance of Rs. 150 per mensem.

#### II.

| Name of sitting member of the New Delhi Municipal Committee who got work from the Central Public Works Department in 1934-35. | Under Superintending Engineer, Construction Circle. | Under other Superintending Engineers. | Total.   |
|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------|----------|
|                                                                                                                               | Rs.                                                 | Rs.                                   | Rs.      |
| Sardar Bahadur Sobha Singh .. ..                                                                                              | 1,10,170                                            | ..                                    | 1,10,170 |
| Khan Bahadur Raja Akbar Ali .. ..                                                                                             | 84,770                                              | 62,095                                | 1,46,865 |

**Dr. Ziauddin Ahmad :** Will the Honourable Member inform this House how many members of the New Delhi Municipal Committee are contractors or servants of the P. W. D. ?

**Sir Girja Shankar Bajpai :** As far as I know, there are three members of the New Delhi Municipal Committee who, at one time or another, have had contract from the Central Public Works Department.

### CONTRACTORS IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

449. **\*Sardar Sant Singh :** (a) What are the classes of the contractors in the Central Public Works Department, and what is the object of such classifications ?

(b) In how many cases were the works not given by the Superintending Engineer, Construction Circle, to the lowest tenderer, even though he was a first class contractor and had deposited earnest money, and what were the reasons therefor ?

**The Honourable Mr. D. G. Mitchell :** (a) A statement giving the required information is laid on the table. The object is to classify contractors according to their capabilities.

(b) The Honourable Member has not mentioned any period, but in any case I could not have given the full information asked for. It would clearly not be in the interests either of Government or of the contractors concerned to disclose the details of individual cases.

### Classification of contractors in the Central Public Works Department.

|                             | Original works.    | Repairs.         |
|-----------------------------|--------------------|------------------|
| I class contractors .. ..   | Upto any amount .. | Upto any amount. |
| II class contractors .. ..  | Upto Rs. 50,000 .. | Upto Rs. 10,000  |
| III class contractors .. .. | Upto Rs. 20,000 .. | Upto Rs. 5,000   |
| Petty contractors .. ..     | Upto Rs. 2,500 ..  | Upto Rs. 2,500   |

**Sardar Sant Singh :** Is this principle accepted that ordinarily the contract should go to the person who gives the lowest tender ?

**The Honourable Mr. D. G. Mitchell :** That is the general principle, subject to exceptions.

### ELECTRIC METER RENT CHARGED IN NEW DELHI.

450. **\*Sardar Sant Singh :** (a) Are Government aware that the Simla Municipal Committee has further reduced the rent of electric meters from Government of India employees and other public ? If so, what was the rent previously charged and what is it at present ?

(b) On what principles this present reduction has been made ?

(c) Are Government aware that the rent of similar sort of meters charged by the New Delhi Municipal Committee, is about four times the rent charged at present by the Simla Municipal Committee ? If so, why ?

(d) Are Government prepared to reduce the rent of electric meters, etc., to the minimum by the New Delhi Municipal Committee when Simla has reduced it to such an extent ?

(e) Are Government aware of the general feeling amongst the residents of the New Delhi Municipal Area, and particularly the Government servants, that in spite of the fact that these meters were installed in Government buildings by the Government of India Public Works Department, the New Delhi Municipal Committee was allowed to burden the Government servants with the addition of meter rents and that too at such a high rate ?

(f) Are Government further aware that the general public of New Delhi regard this charge due to the fact that as the Municipal Committee is composed of either Government officials or nominated members who

are no less than officials, the members of Municipal Committee simply look after the interest of maintaining the most expensive administration only and do not at all look to the limit of the burden that this charge, or similar kind of other taxes, entail upon them or even upon the Government clerks residing in New Delhi ?

(g) Do Government propose to have this rent either removed altogether or brought down to a minimum which may compare with that charged by other Municipal Committees, e.g., Simla ? If not what are the difficulties and on what basis is this allowed to continue ?

**Sir Girja Shankar Bajpai :** (a) Yes. The rent for electric meters has been reduced to four annas per month. It was eight annas in 1934 and one rupee per month in 1933.

(b) The reduction has been made owing to economies in costs.

(c) and (d). No. The New Delhi Municipal Committee now charge a rent of eight annas per month. Rent for meters in private buildings which used to be Re. 1 per mensem before has also been reduced to eight annas. The rent is based on cost of installation and maintenance which is not uniform. The New Delhi Municipal Committee rate, which is just adequate to cover costs, compares favourably with the rents charged in the Delhi City, Amritsar and Mussoorie. These rates vary from twelve annas to one rupee.

(e) The electric meters have been transferred by the Government of India to the New Delhi Municipal Committee at a fixed value and the latter are responsible for repayment of the capital value charged, with interest, besides the cost of maintenance, replacements and renewals. Payment of meter rent is, therefore, inevitable.

(f) No.

(g) No. For the reasons I would refer the Honourable Member to the answer I have just given to parts (c) and (d) of this question.

**Mr. B. Das :** May I inquire, with regard to the capital which has been written off by the Government of India, whether they have evaluated the various assets and the Government of India have fixed the valuation of the various properties handed over to the New Delhi Municipality ?

**Sir Girja Shankar Bajpai :** That is so. I do not know what my Honourable friend meant by saying that there has been something written off. Nothing has been written off ; it has been transferred to the New Delhi Municipal Committee at a fixed valuation.

**Mr. B. Das :** Does not the Honourable Member know that the New Delhi Municipality's assets stood at a value of 1.71 lakhs and have been written down to 60 lakhs ?

**Sir Girja Shankar Bajpai :** If it has been, it must be because of depreciation.

**Mr. B. Das :** Does the Honourable Member say that everything is due to depreciation, this reduction of 1.11 lakhs in the value of the assets of the New Delhi Municipal Committee ?

**Sir Girja Shankar Bajpai :** I am speaking on the basis of such information as I have.

**Mr. B. Das :** But I have different information in the Public Accounts Committee.

#### PAYMENT OF THE RENT OF LAND BY LEASE-HOLDERS IN DELHI.

451. **\*Sardar Sant Singh :** (a) Are Government aware of a condition in the agreement between a lease-holder of a piece of land and the Government of India as a lessee that the rent of the land leased out to the tenants should be paid to Government either through the Lambardar of *Naqa* or by money order direct to the Government Treasury or Nazul Officer ?

(b) Are Government aware that in accordance with this condition the rent money sent by money order by certain lease-holders of Karol Bagh, Delhi, has not been accepted by the Nazul Office or the Treasury at Delhi since January, 1934 ?

(c) If the reply to part (b) be in the affirmative, will Government please state the circumstances under which the Nazul Office compels the lease-holders to pay the rents only through the Lambardars ?

(d) Are Government aware that the treatment of the Lambardar of Gurdwara Road, Karol Bagh, towards the lease-holders of that area is impolite and generally most objectionable and as such certain people desire to pay the rent-money direct to the Treasury ?

(e) Are Government also aware that sometimes the lease-holders are away for long from Delhi and cannot personally either pay to the Lambardar or the Nazul Office ?

(f) Do Government propose to order that in future payments of rents on account of lands leased out to the tenants or lease-holders may be paid at the fixed time in any way convenient to the lease-holders, e.g., through the Lambardar, personally in the Treasury or Nazul Office, or by money-order ? If not, what are the difficulties ?

**Sir Girja Shankar Bajpai :** (a) The terms of the lease provide for payment of rent either at the office of the Deputy Commissioner or to 'lambardars' who are appointed, from time to time, to receive payment.

(b) The refusal referred to by the Honourable Member would be in accord with the requirements of the lease.

(c) Lessees have the option to pay the rent at the office of the Deputy Commissioner.

(d) The local administration report that two or three lessees made complaints which were found on investigation to be frivolous and inspired by enmity.

(e) Lessees can pay rent to lambardars by cheque or money order through the medium of the post.

(f) Government do not consider that any change of procedure is required.

#### SCHEME FOR THE DEVELOPMENT OF THE INTERNAL MARKETS.

452. **\*Mr. Akhil Chandra Datta :** (a) What steps have been taken by Government to give effect to the recommendations of the Crop  
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Planning Conference, 1934, with regard to the development of the internal markets ?

(b) Have Government formulated any scheme for the development of internal markets other than the marketing scheme ?

(c) Will Government be pleased to state all the proposals involved in the marketing scheme ?

(d) What steps, if any, have actually been taken to give effect to the said proposals ?

**Sir Girja Shankar Bajpai :** (a) and (c). Attention is invited to the Government of India, Imperial Council of Agricultural Research Department, Resolution No. F-16-M.34, dated the 10th January, 1935, published in the Gazette of India of the 12th January, 1935, on the subject of agricultural marketing. The recommendations of the Crop Planning Conference about the constitution of the Standing Committees on Wheat and Rice have been followed up by the Imperial Council of Agricultural Research. Local Governments and other bodies concerned have been consulted and action to constitute these two committees will shortly be taken. The Conference also recommended that the Government of India should consider the question of an import duty on rice and paddy from non-Empire countries. The decision of Government on this point will be found in the Indian Tariff (Amendment) Act of 1935.

(b) No.

(d) Attention of the Honourable Member is invited to the answer given by me to part (a) of starred question No. 330 asked by Professor N. G. Ranga on the 13th September, 1935.

**Prof. N. G. Ranga :** Will the peasants be represented on these two committees on paddy and wheat ?

**Sir Girja Shankar Bajpai :** According to the letter which has been addressed to Local Governments, they have been asked to arrange for the appointment of a committee of eight representatives of rice growers : I presume, rice growers are peasants.

**Prof. N. G. Ranga :** Thank you.

#### ELECTION OF MEMBERS TO THE SELECT COMMITTEE ON THE AMENDMENT OF STANDING ORDERS.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that up to 12 Noon on Monday, the 16th September, 1935, the time fixed for receiving nominations for the Select Committee on the Amendment of Standing Orders, only seven nominations were received. As the number of candidates is equal to the number of vacancies, I declare the following Members to be duly elected, namely :

- (1) Dr. G. V. Deshmukh,
- (2) Mr. C. N. Muthuranga Mudaliar,
- (3) Mr. Ghanshiam Singh Gupta,
- (4) Mr. G. Morgan,
- (5) The Honourable Sir Nripendra Sircar,
- (6) Sir Lancelot Graham, and
- (7) Mr. M. S. Aney.

#### THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

**Mr. President** (The Honourable Sir Abdur Rahim) : Further, consideration of the following motion moved by Mr. B. Das on Friday, the 29th March, 1935 :

“ That the Bill to repeal the Indian Criminal Law Amendment Act, 1908, be taken into consideration.”

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I am resuming my speech of the 29th March—after five months and a half—and, in the meantime, the matter of the Criminal Law Amendment Bill has been thrashed out on the floor of this House for six full days. Therefore, it will probably be some relief to my friends on the opposite side to hear that I shall not really detain them long. (*Opposition cries of “ Hear, hear ”.*) In fact, I propose to confine myself mainly to one point and one point only ; and that is in reference to a question which was put to me by my Honourable friend, Mr. Ghanshiam Singh Gupta. That question was put in all sincerity, and I do not take it as an interruption for causing obstruction as has sometimes been done. I am not giving the exact words, but what he said was :

“ The Honourable the Law Member is probably aware of the percentage of the terrorists, whose action he is complaining of, to the total population.”

The purport of his question was—and a very pertinent question indeed it was—that the percentage of the people whose conduct I was complaining of was very small indeed, and, therefore, no generalisations should be made. That is the point on which I want to address the House today.

I may preface this by saying that when I referred this House to the 56 cases (which, out of regard to the feelings of my Honourable friends over there, I shall not increase in number), I did not want to present them as unrelated and isolated cases of crimes. That was not my desire at all. If that were the case, I might as well have picked out 56 unconnected murder cases from the Punjab or some other province. The point which I was making and the point which is clearly apparent, not only from the result of those cases, but from the documents which have been exhibited in those cases—and from, literally speaking, more than 1,000 witnesses examined in those cases—the point is this : they prove conclusively that a very large number of associations, including some of the Congress organisations to which I specifically referred by name, were dominated by men who believed in violence, although for purposes of expediency they were sailing under the flag of non-violence, just as sometimes we have been told that Chinese pirates fly the Red Cross flag over their ships.

On the percentage question, what I have got to tell the House very shortly, is that this House has to remember—and that is my submission—that forceful and active minorities who have powers of organisation, energy and courage to take action, where others flinch, can drag on large masses into acquiescence and ultimate conversion to the same opinion.

I had the honour of receiving as a present a book from my Honourable friend, Dr. Bhagavan Das : I found from that book that the Bolsheviks, the Fascists and the Hitlerites, when they started their campaign of extirpating or subduing their enemies or people who did not agree with their views, formed a microscopic minority of the entire population of those countries. Their small percentage was immaterial.

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Then, to answer my friend, Mr. Ghansham Singh Gupta's question as to what is the percentage, I would place before him and before this House certain facts from which, though they may not be able to work out any percentage, yet they can very well draw the reasonable conclusion that this percentage is much wider than what at first sight it would appear to be.

Again, I repeat my promise that I will not take up the list of cases, but I would like to remind the House of a case which is well known to them, and which I referred to as one of the 56 on the last occasion—I mean the Chittagong Armoury Raid Conspiracy Case.

What is the answer to the question as to how many people in Chittagong were directly or indirectly involved in this outrage? That is to say, how many people were there in Chittagong who believed in violence as a means of bringing about the salvation of the country and helped the terrorists? If I confine myself to the actual raiders, they were probably one hundred or two hundred or two hundred and fifty—a very small number compared to the population of Chittagong. But is it not right to say that apart from these 200 or 250, there were a large number of persons who were, not only actively sympathising with them, but were, in fact, part and parcel of the terrorist organisation? One has only to read the findings of the Court in that case, to see what was done by the seven Congress members of the working committee who started all sorts of associations, youths' leagues, girl leagues, volunteer corps, and so on. These associations were found in the first trial, on evidence, to be part of the terrorist organisation; and I may tell the House that the accused were defended by very experienced counsel, and, from the judgment, as well as from their addresses, it will be found that this part of the case was not denied. This was found and proved in the first trial which took place some time in 1930. But, at that time, the real leader of the conspiracy, Mr. Suryya Kumar Sen, had not been arrested: he was arrested and tried in or after 1932, after a few more murders and outrages had been committed by this terrorist conspiracy. After 1932, when he and one of his lieutenants were tried, the police produced certain documents in the handwriting of the leader, Suryya Kumar Sen. I may as well tell the House that the really important documents were three or possibly four; and, so far as these documents are concerned, learned counsel appearing for the accused—again very experienced counsel—admitted, as regards three documents, that they were in the handwriting of Suryya Kumar Sen. As regards the fourth document, he said that he would neither admit nor deny it,—a course which counsel appearing in a Criminal Court was legitimately entitled to take,—and the result was that this one document had to be strictly proved by the prosecution. But, Sir, the extract which I am going to read is not found in this document which the prosecution was called upon to prove, but is to be found in one of the three admitted documents. Why Mr. Suryya Kumar Sen should keep a diary, I do not know, but there it is. It is a hard fact, it is admitted to be in his own handwriting, and it was not denied during the trial that this document was not Suryya Kumar Sen's. Now, I will read an extract from this diary:

"In January, 1929, we, the members of the revolutionary organisation, took over charge of the Chittagong Congress District Committee and reformed the same. Myself became the Secretary of the Congress Committee and my co-workers Anantlal

Ganesh, Loke Nath, Nirmal, Ambica Babu and others were elected as members of the working committee. In the month of May of the same year, we arranged for the District Conference, the Students' Conference and the Youths' Conference. I agreed also to Ashim's proposal for a Ladies Conference. After gaining my consent, he obtained the sympathy of the old leaders and started working in right earnest. Eight or nine months"—(this is another portion from another long document—it is not a regular diary)—"eight or nine months after, it was in 1930, that the revolutionary souls of Bengal asserted themselves at Chittagong. The novel revolutionary demonstration of 18th April, and the subsequent unprecedented events such as Jalalabad fight and the conflicts of Feni and Kalarpole were all over then. The eyes of the whole of India were turned towards Chittagong then, and the people were in general looking expectedly for fresh incidents."

As regards girls, Sir, if they were being approached, it was not for securing independence or freedom of India by spinning Khaddar, but what was actually being done would be clear from the four lines I propose to read from that document again. Talking of one of the three girls—who afterwards became prominent, I am not going into all details,—Mr. Sen writes:

"The guardians were very strict at home and she had recently come to the auspicious notice"—(it is not suspicious notice, this is a satiric expression)—"to the auspicious notice of the Intelligence Branch."

The question he was discussing in the document was about the difficulty of getting this girl to come to Sen's headquarters and of having a talk with her, and then he goes on to say:

"She came"—(I will not give the name),—"she came by what a horrible village path full of mud and water. She had to walk two miles. We finished our important talks. She was told how and through whom she was to keep up the link with us."

The link is used in English. "She was shown and tested how she could handle a machine". I think I told this House on the last occasion that in this correspondence "Machine" or the letter "M" stands for a revolver or a pistol. "She was shown and tested how she could handle a machine. We also talked to her of the ideal of creed of violence".....

Mr. B. Das (Orissa Division: Non-Muhammadan): Is it a diary or autobiography?

The Honourable Sir Nripendra Sircar: My friend, Mr. B. Das, may choose the proper word for it, and he can call it a diary or autobiography, but it so happens that I have called it Mr. Sen's diary.

Mr. Sen further states,—and I would draw the attention of the House to this portion:

"When in the month of March, the curfew order got slackened, and the activity of the soldiers became lesser a bit, myself and Nirmal Babu began moving about."

Now, Sir, if you go through the records of that case, what is your conclusion as to the number of people who were helping this movement? The preparation took eight or nine months. All these Associations which professedly were non-violent associations were part and parcel of this conspiracy. Sir, I shall read only two more lines to give you another instance.

In the list of cases I gave to this House on the last occasion, Honourable Members will find one case which has been called the second Chachua-Hat case,—Chachua-Hat is one of the Hats in the district of Midnapore. There, knowing that the police officers would come the next day, the Congress volunteers began assembling from all parts of the district. There was an assemblage of three or four thousand congress volunteers, and we



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know what happened, how the police officers were dragged from the house where they had taken shelter and were murdered. Therefore, it is very difficult to say what is the exact percentage or what is the number of people who took part in that conspiracy. But one thing, Sir, I want to make perfectly clear, because I find that a certain amount of distortion of what I said has appeared in the press. I do not think that I said at any time in my last speech that I was charging the whole of the Congress body as being violent or composed of violent people, or that whosoever they may be those who professed non-violence, they were really violent at heart. I want to make it perfectly clear that I said nothing from which that inference could be drawn. At the very outset I said I would confine my remarks to Bengal, not because there had been no terrorism outside Bengal,—there had been crimes in some other parts of India as well,—but my whole speech was confined to Bengal. Secondly, Sir, I said in my speech that it was in some parts of Bengal, more in East Bengal than in West Bengal, but in fairly large parts of Bengal that the machinery had been taken hold of by the terrorists, who are dominating the situation, and a situation dangerous and with large ramifications, had to be met by the authorities. I made no general remark. I made no general sweeping remark. Again, Sir, because I confined myself to Bengal, because I am more familiar with conditions in Bengal and not because there has been no terrorism outside Bengal, I did not intend to convey the idea, which has found favour with some of the speakers, that Bengal should be amputated and Bengal should be dealt with locally and provincially, and there is no reason for an All-India Act because some untoward events have happened in the Punjab and in Bengal. Apart from anything else, Sir, it is not a practical proposition at all. In many of the conspiracy cases we have found that the ramifications are far and wide, covering several Provinces, and if an Act is passed confining it to Bengal and Bengal only, all that need be done is to remove the headquarters from Calcutta or some other part of Bengal to a few miles outside Asansol, so that the Bengal Act will not apply.

I read to you, Sir, on the last occasion a letter, a letter showing the hold of terrorists in Bengal and to which I am not going to refer again, from which it will be found that as regards one of the two well-known revolutionary parties, it was said that instructions used to come from Ranchi, which is outside Bengal. Therefore, it is not possible to treat such terrorist conspiracies by local legislation. Conspirators pay no respect to geographical boundaries.

Now, Sir, one point more and I have done. I have noticed the argument, a perfectly valid argument, that repression alone cannot remove terrorism. I agree, and none, I venture to submit, has asserted that this evil can be completely extinguished or extirpated by repression only, just as murder or other crimes cannot completely be extirpated by the use of the sections in the Indian Penal Code—but it can be crippled and controlled by what are called repressive measures. Nor is it suggested that attempt should not be made to remove causes for terrorism—the contrary being the fact? I admit, Sir, that we are in a vicious circle for this reason, that when secret conspiracies, or subversive movements though not secret, are on such a vast scale, that the ordinary law completely fails, compelling necessity requires the passing of repressive laws. I said it is a vicious

circle because these dangerous and subversive movements lead to repressive law, and the moment there is repressive law there is bound to be resentment,—that is perfectly intelligible—there will be widespread opposition to and resentment of a law under which executive judgment is substituted for trial by judicial tribunals or courts of law. This is not the first time I have said it, and I think I said in the last Session,—that this is not a trifling matter, it is very serious matter indeed. I would put it very shortly in this way. If repressive law is an abomination,—and, Sir, I agree that to the ordinary legal mind the detention of a man without trial is an abomination—its sole justification would be (and there we may disagree as to facts, but I maintain that the facts are such that the repressive law is absolutely necessary), the getting rid of a much greater abomination, namely, terrorism, and other dangerous and subversive movements. We have been reminded by Mr. Desai that we are people who do not realise that freedom or liberty have any influence. That may be the view of ourselves, of the Honourable speaker who said that, but I repudiate it, and may I put the matter before the House in another way? Much as we value the influence of liberty, what we have got to consider is not merely the liberty of the suspect and of the terrorist, but also the liberty of the people who will be their victims. It is a question of choice of two evils—whether the interests of a smaller section—by a smaller section I mean people who are shut up without trial on executive suspicion—whether the interests of a smaller section should or should not give way in the much larger interests of the peace and order of the entire community. That depends on facts, and on the facts—I am perfectly aware that we are not agreed on that—but on the mass of reliable and over-whelming evidence before me, I having my own view of the facts, desire to state before this House, that I do not for one moment minimise the serious departure from the ordinary law contained in an enactment which enables detention without trial.

I think my Honourable friend, Mr. Akhil Chandra Datta, dealing with this matter, said—I believe he was talking of terrorism—that this is due to hunger for food and hunger for freedom. I would ask my Honourable friend if shortage of food and love of freedom are confined to the geographical boundaries of Bengal. Is there no love of freedom, is there no shortage of food in other provinces like Madras and Bombay? Are those provinces flowing with milk and honey so that the question does not arise?

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions : Non-Muhammadian Rural) : I have given my explanation.

**Mr. N. M. Joshi** (Nominated Non-Official) : Permanent settlement.

**The Honourable Sir Nripendra Sircar** : I shall say only one word about a remark which was made—I forget the speaker, but I think it was by the Leader of the Opposition—that if you do not repeal this Act, or rather putting it the other way, if you continue the Act there will be a probability of re-launching or re-starting the Civil Disobedience Movement. Now, that, of course, from our point of view, would be an evil.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhammadian Rural) : I was not referring to this Act. I was referring to the Bill that was then before the House.

**The Honourable Sir Nripendra Sircar** : I am not referring to any speech of his on the Bill which is now under discussion. That is why he

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be accurate I should say that the Honourable the Leader of the Opposition said, "if you continue this Bill (that is the other Bill), then there is the probability of Civil Disobedience being again started".

**Mr. Bhulabhai J. Desai :** I did not quite say that. What I said was that measures of this kind necessarily provoke civil resistance because you make such bad laws. That is what I said.

**The Honourable Sir Nripendra Sircar :** I like to stand corrected, although I do not know where the correction comes in.

If bad law like this or some other law make the probability of a re-appearance of Civil Disobedience Movement, I say that, then it is a choice of two evils, the first evil being the probability of a re-appearance of Civil Disobedience Movement, and the other being, that if this legislation is withdrawn and thereby we lose all control over unlawful assemblies and over other matters which are the subject matter of this measure, there will be almost the certainty of this subversive movement gaining upperhand, a much greater probability than the mere chance of there being a recrudescence of the Civil Disobedience Movement by reason of the passing of this law. Sir, this Bill has been thrashed out for seven days and I have nothing more to add. But may I make a reference to the good humoured joke of my Honourable friend, Mr. Sri Prakasa, about myself. He referred to me in a good humoured way and followed it up immediately—while discussing the Motor Vehicles Act yesterday—by giving his experience of his journey in a lorry bedecked with Congress flags, but which was a danger to his life by having no brakes. My Honourable friend thinks that he was in a very unusual and unexpected situation, but, so far as the opposite side is concerned, we do not expect Congress lorry to have any brakes. (Applause.)

**Dr. Bhagavan Das** (Cities of the United Provinces : Non-Muhammadan Urban) : May I ask for just one piece of information from the Honourable the Law Member in order to be able to make up my mind properly on which side to vote ? The Honourable the Law Member has disagreed with my Honourable friend, Mr. Akhil Chandra Datta, in his analysis of the causes of this outbreak of terrorism, but he has not given us his own view as to the real causes of the outbreak. Will he kindly enlighten us on that point ?

**The Honourable Sir Nripendra Sircar :** I am quite prepared to do that if the House is willing to hear me and if the Chair allows.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has finished his speech ?

**The Honourable Sir Nripendra Sircar :** Yes, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : In that case, he cannot speak again.

**Mr. Sham Lal** (Ambala Division : Non-Muhammadan) : After all, the *katha* of the Pandit from Bengal is over. We thought that it would never end, but the family priest of Bengal is here and is being paid in proportion to the amount of work that is done by him. My only claim to speak on this Bill is that while the Honourable the Law Member has dealt with records, I have dealt with human beings. I have been conduct-

ing the Lahore Conspiracy Cases and the Delhi Conspiracy Case for the last four years, and I have also argued the Delhi Conspiracy Case in appeal, and, just as the Law Member has stated that his conclusions are not based on gossip but on facts and that the conclusions are based on judicial records, I shall also confine myself to judicial records and the judgments of the High Courts and the statements of the witnesses produced by the Crown in those cases. The Honourable Dr. Bhagavan Das put one question and asked how these terrorists are recruited and how this Civil Disobedience Movement and Non-Co-Operation Movement grew, and I think he will have the answer from the records of those cases.

I am glad that the Honourable the Law Member confined his speech to Bengal. At one time it appeared to me that in Bengal there is nothing but murder, robbery and dacoity. I thought that perhaps Miss Mayo had again visited Bengal and exposed all the dirt and filth of Bengal. Bengal might well be proud of the Law Member, but the position is not as stated by the Law Member. As regards the Punjab, I have got here the judgment of the High Court, and I have got the evidence on record, and I am going to show how the terrorists are recruited, how special powers given to the Government are being abused and how the evidence is fabricated in murder cases, how the police officers and magistrates are held guilty by the High Court of fabricating false evidence and committing perjury in Court, how these police officers and magistrates are rewarded, how titles are conferred upon them, and how, in a way, all their offences are condoned. The Honourable the Law Member has stated how, under the guise of non-violence, persons have committed murders and violent crimes. I am going to show from the records of the cases that the officers of Government, interested in the maintenance of law and order, fabricate false evidence in murder cases which is no less a crime than the murder itself, and how they pounce upon the special powers and usurp them.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : On a point of order, Mr. President. I do not see the Law Member here. Is it not discourtesy to the House that he should make a speech and then walk out of the House, when references are made to his speech ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member perhaps knows that even the Law Member is human.

**Mr. S. Satyamurti :** I may point out that, even on the last occasion when our Leader was addressing the House, he left the House and did not come back until he had finished.

**The Honourable Sir Henry Craik** (Home Member) : The Honourable the Law Member asked me if I was remaining in the House for the next few minutes, as he has been called away on urgent business. I am the Member in charge of this Bill.

**Mr. S. Satyamurti :** I thought he was, but you are ?

**Mr. Sham Lal :** My Honourable friend, Mr. Satyamurti, need not have raised this point of order, because all my arguments were directed to the Home Member, because all my facts are within the knowledge of the Home Member. He was at the head, practically regulating the procedure in the Conspiracy Cases. Everything was being done after consulting him and the statements that I am going to make are within his knowledge.

[Mr. Shama Lal.]

Now, Sir, the political case was tried under a special Act, Act IV of 1930. This Act was introduced by the Honourable Sir Henry Craik in the Punjab Legislative Council. Having bitter experience of the case of Sardar Bhagat Singh, he wanted that the case might be disposed of soon, and he got that Act from the Punjab Council and all these accused, about 30 in number, were tried under that Act. Now, of course, the Punjab Government had a very bitter experience of that Act and the Punjab Government had to confess that that Act did not serve its purpose. The Punjab Government was told by the C. I. D. that the case had been prolonged and that the accused had prolonged it. That is not the case. I would read to you the judgment of the High Court in order to show that the case was prolonged, not by the defence, but by the prosecution. The police officers having committed perjury and forgery in Court tried to maintain their position, and, therefore, the cross examination was justified, and, therefore, so much time was taken. They got an Act and then they condemned the Act, because the police informed them that the case could not be finished very soon. I will come to that judgment later and you will see that the Government took an undue advantage of the special powers invested in them under the Criminal Procedure Code. Now, Sir, an approver, Inderpal was produced in Court. After three or four days' confinement, Inderpal said :

" I am confined in police custody in the Lahore Fort, and, if I am kept there, I shall have to stick to the statement prepared by the police for me. If I am removed from the police custody to judicial custody, I would be able to make a proper statement."

An application was made by the accused that the approvers, five in number, should be removed from the police custody to the judicial custody, so that they might be able to make their statement voluntarily and freely. What did the Government of Sir Henry Craik do? The High Court was moved. Government issued a Notification under section 541, that the Government declare the Fort to be a jail and that the custody is judicial custody. (*Cries of "Shame"*.) Section 541 says :

" Unless, when otherwise provided by any law for the time being in force, the Local Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined ! "

Now, this section applies only to cases where there are no jails. Formerly no jails were established in the districts, and, therefore, this provision was laid down that unless there is some jail, the Local Government may declare any place to be a jail. The wording of the section is very clear, but the Punjab Government abused their power, and, in order that the approvers might remain under police custody, and against law made this Notification, and that was done by the Government of Sir Henry Craik. An appeal was filed against this order and the High Court declared this Notification to be illegal and the High Court ordered that all the five approvers should be removed from police custody to the jail. Here is a Government exercising their power under a section and abusing the clear wording of the section. Now, they want special powers. I do not say that Sir Henry Craik or the Punjab Government really wanted that the police should have influence over the witnesses. I do not make any such charge. What I say is that if once the Punjab Government or Sir Henry Craik is told that these witnesses might go wrong, on some excuse or other, they accept the directions of the C. I. D.

Now, the High Court did not take one minute in declaring this Notification to be illegal and still the Police refused to obey the orders of the High Court. The approvers were transferred to the Central Jail in Lahore, but all the police guard, all the sub-inspectors were admitted into the jail, and they were ordered to keep a guard on those approvers. We put in an application in the Court that the conditions of those approvers in the Lahore case had been reproduced in the Central Jail, and that it was practically a police custody, and the Court asked the Government to supply information with regard to the custody of the approvers, how they were being kept, who were the guards, and so forth, and it was the Government of Sir Henry Craik who refused to supply such information to the Court ; and, knowing full well that they had not obeyed the orders of the High Court, the Government Advocate stated that jails being under the administration of the Local Government, the Courts have got no jurisdiction and they refused to give any information with regard to the custody of the approvers. Then, Sir, the Chief Justice, Sir Shadi Lal, was going to commit the Punjab Government for contempt of Court (Hear, hear), and I am told that it was the Governor of the Punjab who intervened, but the other executive officers stuck to their guns ; they would not supply any information to the High Court ; and when the High Court held out the threat that the Government of the Punjab would be punished, it was then and then only that an apology was offered in the High Court, and the police guard was removed. (*Cries of "Shame, shame"*.)

Mr. M. S. Aney (Berar Representative) : " Apology " on behalf of whom ?

Mr. Shama Lal : On behalf of the Government. I am going to read that judgment ; it will be very interesting.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : Interesting, illuminating and instructive.

Mr. Shama Lal : Then, Sir, I will read out that judgment which Chief Justice Sir Shadi Lal gave in the High Court.

Now, after having removed them from the judicial lock-up, of course, they had to comply with the orders of the High Court, what did they do ? A certain part of the Borstal Jail was put under the charge of an assistant jailor, and the Superintendent of Jails had no jurisdiction. They, again, reproduced those very conditions here, they would not obey the law,—these preachers of " law and order ", they disobeyed every direction of the High Court, and they disobeyed every provision of the law. (*Cries of "Shame, shame"*.) Then, what happened ? The C. I. D. police officers stealthily came in contact with a number of the approvers in the Borstal Jail, because the assistant jailor was their own man, and they visited those approvers. Those approvers came into Court, produced the writings given by the police to them, and those were in the hand-writing of the C. I. D. officers themselves, and they said they were being asked to commit these things to memory and to give such and such evidence accordingly, and we had to produce those police officers, and they had to admit that these things were in their own hands. (*Cries of "Shame, shame"*.)

Sir, here are these preachers of law and order ! You can see what disgraceful things can happen in political cases conducted, as it was con-

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[17TH SEP. 1935.]

[Mr. Sham Lal.]

ducted, under the direct supervision, as here, of the Punjab Government ! This, Sir, is the judgment of Sir Shadi Lal delivered in 1931 (A. I. R., page 473). Let us confine ourselves to judicial records : and if Congress people, sailing under the Congress flag of non-violence, do commit violence here and there, let us condemn them, unreservedly, but let us see whether the Government who preach law and order and ask people to maintain it, what do they do in the case of their high officers, what do they do in the case of their officers who refuse to obey the very orders of the High Court :

“ The Court is entitled to call upon the parties to a case to make a full and true disclosure of all the facts within their knowledge which have a bearing upon the question to be determined and to visit with punishment any attempt to evade this duty cast upon them. The Crown or Local Government occupies in a criminal case no higher position than that of a litigant and cannot claim any privilege which is denied to a private prosecutor unless there is a special legislative authority for it.....

When an allegation is made by one party and not denied by the other party, it must ordinarily be presumed to be correct.....

It is the function of the Court to determine an issue upon the material before it, and a litigant cannot be allowed to arrogate to himself the right to decide it.....

The circumstances, which have given rise to this application, may be shortly stated. The applicants are accused in a criminal case, which is being tried by three Commissioners appointed under section 4, Criminal Procedure (Punjab Amendment) Act of 1930. It appears that among the witnesses for the prosecution there are five approvers, and the first approver, Indar Pal, during the course of his examination stated that he had been supplied by the police, in whose custody he was being kept, with copies of the statements made by the other approvers before a Magistrate, and that pressure was being brought to bear upon him to modify his statement in certain respects in order to bring it into conformity with the statements made by the other approvers. In order to substantiate his complaint that he had been supplied with copies of the statements of the other approvers, which he was asked to study in order to make his own deposition tally with them, he declared that those copies would be found in the cell in which he was detained in the Lahore Fort ; and that he had read them and could repeat before the Court a summary thereof. He added that as he was not prepared to comply with the wishes of the investigating officers, he was afraid of being tortured by the police ; and he accordingly requested that he should be removed from the police custody. The accused also made an application on the 13th January, 1931, suggesting that arrangements be made for the immediate search of the cell of the approver in order to seize the copies referred to by him. This request was, however, refused by the Commissioners, but the approver was transferred from the police custody to judicial custody. The question was then raised whether the other approvers should remain in the custody of the police or should be transferred to judicial custody. The Commissioners decided it in favour of their detention in police custody. But against that decision the accused preferred to the High Court an application for revision.

That application was heard, in the first instance, by a Judge sitting alone, who in view of the importance of the question involved made an order on 18th March, 1931, referring the case to a Division Bench for decision. On 18th April, 1931, the learned Judges of the Division Bench, who heard the case, delivered concurrent judgments, holding that there was no legal authority for the detention of the approvers in police custody. The learned Judges accordingly directed that the approvers be detained in judicial custody, in other words, either in a prison or in a judicial lock-up, during the trial of the case.

This judgment was duly communicated to the Commissioners who issued orders for the transfer of the approvers to jail. The accused, however, urge that various devices have been adopted by the servants of the Crown to avoid compliance with the direction of the High Court ; and they have made the present application asking the High Court to enforce obedience to its direction, as the Commissioners have expressed their helplessness in the matter.....

Mr. President (The Honourable Sir Abdur Rahim) : Was that a trial under the ordinary law ?

Mr. Sham Lal : Those persons were tried under Act IV of 1930 ; so much of the Criminal Procedure Code, as was consistent with Act IV of 1930, was applicable to that case.

Mr. President (The Honourable Sir Abdur Rahim) : It was under Act IV of 1930 ? Is that one of the Acts in question in this Bill ? The Honourable Member must confine himself to the Bill.

Mr. Sham Lal : I want to make it relevant, Sir, in this way. When the Local Government has got any discretion with regard to any matter, it always exercises it in its own favour ; and if power is given to the Government, it always exercises it in its own favour, and, not only this, if it has got no power, it tries to bring that power under some section or other, and that the Local Government in such cases abuses all the powers and accepts the recommendation of the C. I. D. If these powers are given under the Criminal Law Amendment Act of 1908, to declare any association unlawful and to forfeit their property and money, they would only accept the recommendations of the C. I. D. Only executive considerations would guide them. That is our experience. My submission, therefore, is that the Government would always abuse their powers and no special powers should be given to them. And I want to prove this from the judgment of the High Court as to how they disobeyed. Not only this, but when this order had been passed by Justice Shadi Lal—and the Honourable Sir Henry Craik, the Home Member, can testify to this—they moved even the Government of India to pass an Ordinance to give them powers that the approver should be kept in the police custody. Is there any Honourable Member who can argue with any justification that an approver in a Crown case should be kept in the police custody like the attached property and can those witnesses be called free and voluntary ? With regard to these witnesses Members of Government are of this opinion that, if they are removed from the police custody to the judicial custody, there will be a grievance, and, in order to remove that grievance, a special Ordinance should be passed.

The Honourable Sir Henry Craik : I must rise on a point of personal explanation. The Honourable gentleman has given a completely *ex parte* account of all these things, and, in any case, it is completely irrelevant. But I must say at once that I never asked the Government of India to pass an Ordinance. That is fantastically untrue.

Mr. Sham Lal : I stand corrected. My information was as reliable as it could be, but if the Honourable the Home Member says that he did not move the Government of India, I accept his statement. Anyhow, this much is true. What action did the Honourable Member take when it had been discovered that the approvers were being still approached in the Borstal Jail through the assistant jailor and that notes were being given by police officers ?

Mr. President (The Honourable Sir Abdur Rahim) : Individual cases like this cannot be discussed.

Mr. Sham Lal : It is not an individual case. I am going to show that, with regard to the whole of the C. I. D. of the Punjab, there is a doubt expressed by the High Court that they have committed perjury and

[Mr. Sham Lal.]

officers and in the magistracy? Is this not interference with the course of justice on the part of the police and the magistracy? In the English language, there is only one word for this action, and that is "perjury". A police officer who commits perjury in a Court does not deserve to be in the service of the Crown. These are the words of Justice Munroe who heard this case. Now, Sir, that police officer is not only in service, but he is being rewarded by the Government. Government Members come to this House and preach maintenance of law and order and they want to have certain enactments in the name of law and order. But they try to shield such police officers who commit forgery and perjury and they are even given promotion. If we, belonging to the Congress, commit any such act, immediately we are hauled up for perjury and forgery. The aim of the Government seems to be that no course is dishonourable for them to suppress the Congress movement. The police can freely commit forgery and perjury in the name of suppressing the Congress and no harm would be done to the police. That is the way in which these records were prepared and the House must be surprised at this.

Perhaps the House will remember the Conspiracy Case which was started with reference to the explosion of Lord Irwin's special train and the simultaneous explosion that took place on the 19th June, 1930, in the Punjab. When actually the explosions took place, the culprits could not be traced. Certain witnesses were examined. Now, Sir, those statements were made in June, 1930. Afterwards this conspiracy was traced and certain suspects were arrested and certain people were taken as approvers and they made those statements. Now, what the police wanted was that the statements of the witnesses who were examined in June, 1930, should tally with the statements of the approvers who were examined in October, 1930. As the House is aware, under section 172, every police officer is required to submit a diary to the Superintendent of Police. That is the safeguard provided in the Criminal Procedure Code so that subsequently any fabrication may not take place. The Superintendent of Police is required to keep those original *zimmies* in his custody. What this Khan Sahib, the D. S. P., did was this. Against all rules of Government, this police officer removed those statements from the custody of the Police Superintendent and altered them by committing extensive forgeries so as to suit his purpose. With regard to these statements, 75 per cent. of the police officers were held to be guilty of having altered the statements. Now, the position comes to this. The Government depend upon the evidence of these police officers for the suppression of the terrorist movement and the Congress movement. The House can very well imagine the nature of the evidence concocted by these C. I. D. officers against the Congress. They can fabricate any evidence, commit any amount of forgery. Of course, the Government might say that they could not vouch for the integrity and veracity of the police officers. Just as the Honourable the Law Member remarked, they will say that there are always black sheep in every fold. But my submission is that this is not the question. I can well understand if there are stray cases of corruption in the police ranks, if there are stray cases of perjury or forgery. In such cases, the Government are not at all to blame. But when the cases of perjury and forgery are found to be quite rampant among the police officers, to the extent of more than 75 per cent. of the police force, and on the top of that, when the Government retain the services of such

delinquents, even in spite of the finding of the High Court against such officers, I would say that the Government are as much guilty as those police officers and the magistrates. What is the use of Government coming to this House and saying that they must maintain law and order. Is law and order only to be maintained to suppress nationalism and not in the interest of the purity of administration? Questions were put in the Punjab Legislative Council and the reply was that the Government saw no reason to interfere. The Government do not even want to institute an enquiry. I offer my services free if an enquiry is held with regard to the conduct of these police officers and the magistrates. I make bold to say that practically 75 per cent. of the C. I. D. officers in the Punjab have committed perjury and forgery and still they are retained in service. Formerly this case was heard by a Divisional Bench of the Punjab High Court consisting of Justice Dalip Singh and Justice Currie and they held that perjury and forgery had been committed by the police. After that this trial was held and though it was proved that forgery and perjury were committed by these officers, no action was taken by the Government. Of course, the Government might say regarding the Congressmen, "you preach non-violence, but many of the rank and file among the Congressmen practise violence". I will reply by saying that the Government sail under the flag of law and order, but they are the first to upset law and order. (Hear, hear.) The Government do not take any action against its officers who break law and order by committing perjury and forgery. So the Government cannot lay any claim to any honesty of purpose in their dealings with the Congress. Therefore, I say that any more power given to the executive as under this Act of 1908 is bound to be abused.

Now, coming to the statement of Inderpal, that gives you a clue as to how the terrorists were recruited. There was no terrorist crime in the Punjab before 1928. Of course there was only one in 1915, but that is past history. I do not want to take the House to the martial law days when people were made to crawl on their bellies, but afterwards those very persons were released and knighted and some of them even adorned the High Court Benches and others were made Ministers of Government. I do not want to go to those days. I make this assertion on the floor of the House that there was no terrorist crime in the Punjab before 1928. What is the story of Inderpal who was the chief approver? How did they decide to murder Mr. Saunders? What is the story of the approver in the case against Sardar Bhagat Singh? How did terrorism grow in the Punjab? It grew like this. There was no terrorism in the Punjab till 1928. On October 25, 1928, there was a demonstration against the Simon Commission led by Lala Lajpat Rai. Now, I am saying what your own witnesses said. (*Interruption by Mr. Muhammad Yamin Khan.*) My Honourable friend does not know. There is the judgment of the High Court, and if my Honourable friend wants, he can read the judgment and find out if what I say is correct or not. The Judge himself remarked that I put the case squarely and fairly before him when I was arguing the case. It was on the 25th October, that there was a demonstration against the Simon Commission. The approvers in both the conspiracy cases say that Lala Lajpat Rai was hit with a *lathi* by the Superintendent of Police and that exasperated the people in the Punjab. The approver says: "We were very much upset and we took a vow to murder the police officer who had hit Lala



[Mr. Sham Lal.]

Lajpat Rai". Of course, those young men committed a crime by taking such a vow. I do not admire them. I do not adore them.

The Honourable Sir Henry Craik : That is an entirely *ex-parte* statement, the truth of which I do not admit. It has never been admitted.

Mr. Sham Lal : Here is the testimony of your own witnesses. It is the approver who says that Lala Lajpat Rai was hit by the Superintendent of Police. I would go further and say—let the Honourable the Home Member deny its accuracy if he can—there was the Boyd Enquiry Committee and a pleader of Lyallpur was produced as a witness who deposed that Lala Lajpat Rai was not beaten. That pleader afterwards issued a statement to the effect that his statement before the Enquiry Committee was a false statement made on the promise of some reward from Government. He even brought a suit against certain officers of the Government for not fulfilling their promise to reward him.

The Honourable Sir Henry Craik : That is quite untrue.

Mr. Sham Lal : Well, Sir, the pleader came to me to consult me. I know him very well. He brought a suit against the Government. My submission is this : that I have not got all those facilities which the Honourable the Law Member has of stealing some letter under some Statute. Otherwise, I could have produced all the letters connected with that case. I have no power to intercept those letters. Of course, my letter can be intercepted. In a recent case, a letter containing instructions for me was intercepted in connection with a case with which the Government had nothing to do. But the Government were interested in one party, and when I got the case settled, the party told me : "We know your case ; we have engaged the Public Prosecutor and we have managed to intercept your letter." That is to say, these letters are not intercepted in the interest of the administration alone, but also in the interest of persons who are supporters of Government. I could give the case and I could name the person, but, as I got the case compromised, I do not want to give that to the House. Here is a case of interception of letters and the stealing of letters. It was not like the Hallett Circular which was taken stealthily, but Government got this letter under a Statute,—that is what the Law Member says. When you take unlawfully and immorally it is not theft, because you take under the Statute, but what we do is theft. It is not maintenance of law and order, it makes the abuse of law and order more easy. Just as the Honourable Sir Muhammad Zafrullah Khan said : "Why do we want these provisions in the Criminal Law Amendment Act of 1935 ? We want to make the Act of 1908 more effective." More effective means that formerly the police officers used to take possession of our Congress houses and used to loot our property. That was not allowed by law. Now, they will be able to loot this property. A horse of the value of Rs. 250 was sold to a police officer who paid only Rs. 5 for it. This is only to appropriate the property of Congressmen. And this is law and order.

Sir, I was saying how the recruits are made. It would perhaps be a point in favour of the Law Member that witness Inderpal said : "I believed in non-violence, but when I saw Lala Lajpat Rai being hit,

I became a terrorist and made up my mind to murder the police officer on that very day." Here is the evidence which was never challenged in the Tribunal and the Honourable the Home Member can consult the Public Prosecutor whether that was his case in Court.

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 Abdur Rahim) in the Chair.

Mr. Sham Lal : Sir, the Honourable the Home Member made a remark that my statements were *ex parte* and he did not accept the accuracy of those statements. I was really surprised to hear that remark. I have got here a certified copy of the judgment, and there it is given that the learned Sessions Judge thought this statement to be a fabricated one and the learned Public Prosecutor admitted it in the High Court. I am going to read it :

"There are excellent reasons in support of this conclusion, but it is not necessary to state them here. The learned Sessions Judge himself declined to accept the statement of the police officers that the Exhibit P. E. W. was the original statement made by Inderpal from the 28th August to the 2nd September, 1930. He also held that corrections and alterations were made in the original statement from time to time, though the precise date on which it assumed its final date could not be ascertained. The learned Public Prosecutor was not able to challenge the correctness of this finding, though he urged that additions and alterations were made with the consent of Inderpal. We are not prepared to consider the explanation when the Police officers concerned do not admit that any additions and alterations were made after the 2nd of September, 1930."

These facts are admitted, and the only question that arises is that these officers and these magistrates are still in the service of the Crown—I do not want to put the case higher—I appeal to the whole House, even the supporters of the Government—supposing there is a finding by the High Court that police officers and magistrates have committed forgery and perjury and the Government do not take any action, what would be their sense of justice ? I appeal to their sense of justice that in the case of a finding by the High Court where the police officers and magistrates had full opportunity, does it not call for an inquiry ? Does it not call for any action, and does it call for rewards and titles ? One officer is a Deputy Superintendent of Police, other officers are inspectors and sub-inspectors of police, and one officer, who tore away one sheet from the approver's statement and substituted another, is a section 30 magistrate, who can sentence a man to seven years' rigorous imprisonment ; and the question is this : if we read the Criminal Law Amendment Act of 1908, the Government made a declaration that any terrorist association or any other association which is a danger to the peace of the country to be an unlawful one : what I want is that if the Government can act upon C. I. D. reports and declare an association to be an unlawful one, should that power be given to such police officers who are capable of committing such perjury and forgery ; and, if the Government is not taking any action, what should be the attitude of the House ? If this case was decided in June, 1935, the Government can still say that they might take action. If the Government do take action, well then there is something to be said : or if any undertaking or assurance is given that the inquiry will be made it might be something. The Honourable the Home Member

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forgery. Sir, Punjab and Bengal are being accused of revolutionary crimes, and the question is, whether the crimes are being committed by these revolutionaries or they are being committed by police officers and magistrate getting Rs. 1,000 and Rs. 2,000 a month? Forgery and perjury in the interests of the Crown are not punishable in the Punjab, and that is not my statement, but there is the decision of the High Court.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member should confine himself to the provisions of this Bill. The Chair cannot allow him to discuss the general administration of law in the Punjab.

**Mr. Sham Lal :** With all due deference to you, Sir, I may submit that the Honourable the Law Member could cite 56 cases and could read judgments and could read the statements of the approvers in order to show that the Congress is an unlawful organisation, and, therefore, it must be declared unlawful.

**Mr. President (The Honourable Sir Abdur Rahim) :** That related to terrorist crimes against which the Bill is directed.

**Mr. Sham Lal :** He dealt with terrorist crimes, and I want to show that there is another association, the association of the C. I. D. and of the magistrates which is more unlawful and which is not being declared unlawful, but it is only the organisation of the Congress which is being declared unlawful. Whom are you going to give these special powers? Are you going to give these special powers under the Criminal Law Amendment Act to the executive authority who, in murder cases, commit forgery and perjury and are allowed to retain their seats? Sir, this is not my statement, nor is it a bazaar gossip, but it is the judgment of the High Court. Now, Sir, I do not want to take much time of the House, and I will at once read the judgment of the High Court on this point and that would make the position clear. The judgment says :

"We desire to emphasise that the original trial and this trial have become so complicated and have been prolonged so inordinately merely because the Police did not wish to place a true picture of investigation as it proceeded before the Court. It has been most painful for us to record that responsible officers have committed perjury in Court in order to maintain the untenable position they had taken up....."

**Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) :** Sir, I rise on a point of order. Standing Order 31 says :

"A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same Session."

**Mr. President (The Honourable Sir Abdur Rahim) :** A point of order like this ought to have been raised at the very beginning.

**Sir Cowasji Jehangir :** May I point out, Sir, that a point of order may be raised whenever it strikes a Member of the House. If it did not strike me before and has struck me just now, am I debarred from raising it?

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair will not say that the Honourable Member is not entitled to raise it at this stage, but the Chair thinks that it is not fair to the House after the debate

has proceeded so far that the Honourable Member should raise a preliminary objection like this. Preliminary objections ought to be taken at the very first opportunity.

**Sir Cowasji Jehangir :** If it had struck me before, I would have raised it straightaway. It struck me only a few minutes ago. The point of order I wish to raise is this. Having referred the House to Standing Order 31, a part of which I have just read out, I contend that the Bill which was sought to be introduced yesterday by the Honourable the Home Member covers a good deal of the ground of the Act which my Honourable friend, Mr. B. Das, desires to repeal.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair would allow the Honourable Member who is in possession of the House to conclude his speech first.

**Mr. Sham Lal :** I was quoting from the judgment of the High Court when I was interrupted. The judgment runs :

"We trust that the lesson learnt from that trial will be taken to heart and the police officers who have at all times to perform a difficult task will never again disgrace their force and cause such a waste of public time and money as in this case."

With regard to the magistrate the finding is :

"It is alleged that the magistrate re-wrote the whole sheet and substituted it for the original in order to correct the mistakes as to the date and the proceedings of a political meeting. All the facts taken together raise a very strong suspicion in our mind that the sheet in question was re-written by the magistrate. We are prepared to believe that this substitution was made out of their false.....but the emphatic denial of the magistrate on this point. There is a great doubt in our mind on his fairness as a magistrate and his veracity as a witness."

My point is that this cantonment magistrate and these police officers, who have committed forgery and perjury, are getting Rs. 700 or Rs. 800 a month, and the chief culprit is the Czar of the C. I. D. of the Punjab. Every person is being detained and every association is being declared unlawful on his report. He is a title holder and he has been given squares of land and he is still held in respect and it is being freely stated that if any case is got up against him, he would expose the entire police, because it is also stated that the perjury and the forgery were committed because of the connivance of the superior officers concerned. I am going to show from this judgment that the perjury and the forgery could not be committed unless the whole C. I. D. was involved in it. Now, Sir, this Act of 1908 is before this House, and if I can show that these police officers, upon whose report these associations are declared unlawful and persons are detained without any trial, concoct false evidence, will it not be in order? Just as it was relevant for the Law Member to quote those cases, so it is relevant for me to show what our experience has been in such cases.

Now, Sir, this is not a bare instance, but it involves the entire police force and the House will be able to follow the manner in which perjuries were committed. I would also like

to refer to the two remarks made by the Judge when I was arguing the case. Justice Munroe observes that : "so far as the magistrate is concerned, he has been maliciously false in tearing off one sheet of Indar Pal's statement and substituting it by another". If a Judge of the High Court remarks like that, does it not shake the credit of the people in the police



[Mr. Sham Lal.]

our voice will not be heard. We know that the rule of game in this House is that even if we win, we lose. If we lose, we lose; even if we win in this House, still we must admit defeat. I remember an incident in a Munsiff's Court, and that has an exact parallel to our position here. In a mufassil Court, when the judgment was pronounced against the defendant, the defendant threw the paper weight at the head of the Munsiff and the Munsiff was seriously injured. The defendant was arrested and sent to jail. He was there beaten by the warders as a mischievous person, and the warders fearing lest he should complain challanned him for a jail offence in the Court of the magistrate. The magistrate heard all the evidence; but that man, the alleged culprit, protested and said that he was quite innocent, but the magistrate gave him two months imprisonment. The magistrate, however, asked him to argue the case in which he had beaten the Munsiff. The man said: "I have no further arguments to urge; my only argument is that in this case the Munsiff should be imprisoned". The magistrate asked, why? The reply was: "Well, so far as I can find the rule of this Court is that he who is beaten is sent to jail. I was beaten by the warders, and I was given two months. I had beaten the Munsiff, and, therefore, it is the Munsiff who should be sent to jail". (Laughter.) The rule of this House, it appears to me, is that he who is aggrieved should be imprisoned. We are to be imprisoned in any case, whether violent or non-violent, and even if all these criminal laws are repealed by this House, orders will still be passed by executive decree against us. We now find that everything is changed. Democracy here means loss of liberty. Young people come and preach to us saying: "Oh, you do not understand democracy, this democracy has been made safe by the world war". A claim was made at the time of the Great War that Britain was making democracy safe for the world, and we now find how safe it is, and, therefore, it is we say that democracy in this country means loss of liberty. And what is more, air bombing is a humanitarian act of Government. The whole order of things has been upset, all our calculations, all our values are being upset, and the only root cause responsible for terrorism and for oppressive laws is the British Government and British exploitation. If we can remove this dominating spirit, if we can remove this spirit of exploitation, my submission is, there will be no terrorism, and there will be peace and tranquillity and true democracy.

**Sir Cowasji Jehangir** : Sir, I wish to say.....

**Mr. President** (The Honourable Sir Abdur Rahim) : On the point of order?

**Sir Cowasji Jehangir** : Yes, Sir. Standing Order 31 says that a motion must not raise a question substantially identical to the one on which the Assembly has given a decision in the same Session. I am not going to read the whole of it, because it is not relevant to my point. Yesterday, the House considered the introduction of a Bill, and the House had been considering the same Bill during the whole of last week which sought to make permanent certain sections which are today the law of the land and which are included in this Act of 1908.

**Some Honourable Members** : Some sections.

**Sir Cowasji Jehangir** : I did not say all. Sections 17A, B and C were sought to be made permanent on the Statute-book. That was being discussed during the last few days. The present Bill seeks to repeal the whole of the Act which contains these sections. I contend, Mr. President, that this motion does raise a question substantially identical. The whole question is not identical, a part of it is identical.....

**Mr. N. M. Joshi** : No, no.

**Sir Cowasji Jehangir** : You are not the President. As I have said, and I will repeat, we were discussing making permanent sections 17A, 17B and 17C of the Act of 1908. This Bill seeks to repeal the whole Act.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Bill which the House disposed of yesterday sought to make permanent certain sections of the Criminal Law Amendment Act of 1932. Those sections will expire in December.

**Sir Cowasji Jehangir** : They will expire in December, and the Bill that was before us sought to make them permanent, but today they are part of this Act.

**Mr. President** (The Honourable Sir Abdur Rahim) : Supposing this Bill now before the House is passed, that will mean that it will come into operation at once.

**Sir Cowasji Jehangir** : Yes, and it will repeal all those sections which we were discussing for the last number of days.

**Mr. President** (The Honourable Sir Abdur Rahim) : Upon the Honourable Member's statement that all those sections he has mentioned are now sought to be repealed, the Chair takes it, the object of the present Bill is to repeal the Act altogether at once, while the result of the discussion of the Bill that was disposed of yesterday, that is to say, the rejection of the consideration motion of that Bill means that those sections will not become permanent, but they expire in December.

**Sir Cowasji Jehangir** : That is exactly the position. The Bill yesterday sought to make permanent certain sections of the Act, which are to expire in December. The Bill that we are now discussing seeks to repeal the whole Act including those sections.

**Mr. President** (The Honourable Sir Abdur Rahim) : To repeal it at once.

**Sir Cowasji Jehangir** : Yes, to repeal at once, and, therefore, I contend that although the whole of this Bill that we are now discussing does not fall within Standing Order 31, part of it does.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then, why does the Honourable Member say that there is any inconsistency between the two Bills? So far as the operation of the sections in question is concerned, it goes on until they expire next December.

**Sir Cowasji Jehangir** : If they had already expired, my point would not arise. My point simply arises, because they do not expire and we have not come to December.

[Mr. Sham Lal.]

may go through the certified copy of the judgment of the High Court. If no action is taken, what will be the presumption? If a man commits theft and if I have any sort of control over that man and I do not punish him or admonish him, what would be the natural presumption? It may be very difficult for us to prove that this had been done with the connivance of the Government but what is the natural presumption? Government may be keeping up their high position of domination and we may be helpless, but what is the natural presumption? My submission is—and I say it with all the emphasis at my command—that really very high police officers were involved in this investigation and it is for this reason that no action has been taken.

I was dealing with the beating of Lala Lajpat Rai : the Boyd Inquiry Committee reported that no beating had taken place, while there was clear evidence of the Crown witnesses that Lala Lajpat Rai had been beaten, and there is the Crown evidence that it was on account of the beating of Lala Lajpat Rai that the terrorist crime began in the Punjab. With regard to the demonstration against the Simon Commission, my point is that the non-violent demonstration against the Simon Commission was justified ; even subsequent events have shown that the appointment of the Simon Commission was a mistake. And if a demonstration is led by a man of the position of Lala Lajpat Rai and he is beaten with *lathis* by a Superintendent of Police, what would be the feelings in other countries? Supposing in England a demonstration against some measure of the Government is led by the Leader of the Opposition, and he is beaten with *lathis*, what would be the attitude of mind of the young men of England? If they lose their temper or if they become terrorists, who is to blame for this terrorism? Dr. Bhagavan Das put a question to the Honourable the Leader of the House to be answered : I can understand the Law Member's position that the Congress volunteers or the Congress members of the committee, on account of oppression and on account of terrorism of the Government, might have been converted to terrorism ; but the question is, who is responsible for this Civil Disobedience and for this terrorism? I had occasion to see Lala Lajpat Rai after the beating he had received : what he told me was : " I can bear all these pains and the physical injury : what I cannot bear is this, that I should be beaten like an ordinary criminal by a police officer, when I was not doing anything wrongful." He was tired of his life : he told me : " I do not want to live in a country where, after having dedicated the whole of my life to the service of the country, I should be beaten like a criminal." Those were his feelings. Mahatma Gandhi may be able to control himself. But what would you think the ordinary person would do, when he finds that in their own country for a justifiable demonstration they are beaten with *lathis*? You will not take these incidents into consideration : you merely say : " These persons have become terrorists : they must be executed." I do not want that you should slacken or relax the law in their favour ; but I want to tell you that if you go on like this, treating non-violent demonstrators like this—and the position of Lala Lajpat Rai who was respected throughout the country was such that if there was any calamity or earthquake or famine anywhere, Lala Lajpat Rai was there. He was called " The Lion of the Punjab " : I put it to you, Sir, was there any terrorist crime in 1926 or 1927? How is it that, just one month after the death of Lala Lajpat Rai, you find this crime,

and who is responsible for this crime? You might punish the crime, but you must go to the root cause, because it is the Government oppression that is at the bottom of this terrorism : I must say that the exploitation by the Government and this unemployment problem are responsible for these terrorist crimes.

Let us now come to the question of recruitment of other accused in the conspiracy case and go through the statement of Inderpal. Inderpal himself said that their movement could not succeed with all their efforts, but the Press Ordinances having come to their help, they succeeded. Sir, the copy-writers in the newspapers in the Punjab were thrown out of work. They had nothing to do with politics ; they did not know politics, but they became idle, and they were recruited as members of conspiracy instead of remaining as copy-writers for newspapers and they began to make bombs. This is the statement of Inderpal. He said, this was the work of the Press and other Ordinances, and if Government threw people out of work, if educated men were thrown out of employment, if educated people could not make a living, they found terrorism was the only way open to them. Whatever amount of preaching Mahatma Gandhi might do,—and it must be acknowledged that he has been able to wean most of the terrorists from terrorism,—what would be the position of an ordinary human being? My submission is that it is the Ordinances, it is the oppressive laws of the Government that are responsible for the recruitment of members to these conspiracies.

Let us again go through another part of the statement of Inderpal. He says, when ladies and volunteers were beaten by the police, they decided to throw bombs on police. In every case, whatever the ultimate cause may be, the root cause is the oppression of the Government. Youngmen get no employment ; even now, though most of the accused have been acquitted or discharged or have served their sentence, they cannot make even Rs. 15 a month ; they cannot find any kind of employment anywhere. My submission, therefore, is that this kind of oppression on the part of Government, coupled with unemployment, is driving youngmen to terrorism, and, as I said, every high salaried Government servant is a potential revolutionary himself. He is responsible for unemployment in the country. Everybody is trying to keep up a high standard of life. That was not the case a few years ago. In the districts, the Deputy Commissioners who were the highest officials used to lead a simple life ; there was not much disparity in the life led by the ordinary people and that led by the highest officials. But, now, high salaries are paid to officials and every one of them wants to join that class of exploiters with the result that the whole burden is thrown on the poor people. It is not so much a question of patriotism or nationalism. My submission is that it is a question of bread and butter. People who have not got anything to fall back upon are kept back at the point of the bayonet, and these criminal laws and other kinds of oppressive laws are being enacted so that the few may enjoy the sumptuous dinner served to them. Sir, you may appeal to the people in the name of law and order, but what is law and order to them when they don't get sufficient food? Therefore, my point is that the root cause of terrorism is unemployment and exploitation by the Government, and, unless and until that root cause is removed, you can enact any number of criminal laws or other oppressive laws, but they will not serve the purpose and terrorism will not disappear. Sir, I know that

**Mr. Mohan Lal Saksena** (Lucknow Division : Non-Muhammadian Rural) : Is not that a proscribed book ?

**Sir Abdul Halim Ghuznavi** : I do not think so.

**Mr. Mohan Lal Saksena** : Where did you get it from ?

**Sir Abdul Halim Ghuznavi** : It was sent to me by a terrorist. And, first of all, from this book I find that in Lower Circular Road, Calcutta, they had their association. Now, they made a "bookbomb", that is, a bomb in the shape of a book and they sent it to Mr. Kingsford, so that, in case he happened to open it, he might be dead. Well, that did not succeed with Mr. Kingsford ; by some accident or other, Mr. Kingsford did not open that book at all. Then Khudi Ram and Prafulla were deputed to murder Mr. Kingsford at Muzaffarpur. Sir, many of us, who come from Bengal, know that instead of murdering Mr. Kingsford, unfortunately Mrs. Kennedy and Miss Kennedy, two European ladies were murdered. Now, the Criminal Law Amendment Act was passed in 1908 after the murder of Mrs. and Miss Kennedy.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadian Rural) : And still that Act did not stop the murders ?

**Sir Abdul Halim Ghuznavi** : It would have stopped the murders and I will tell you now why it did not stop them. This is the information I get from this book—not from Government or from any other person.

**An Honourable Member** : That is your Bible ? What is the name of that book ?

**Sir Abdul Halim Ghuznavi** : I have said it half a dozen times,—“Khudi Ram”, “Khudi Ram” (Laughter.)

**An Honourable Member** : Was it sent to you as a present ? When was it sent to you ?

**Sir Abdul Halim Ghuznavi** : It was sent recently to me.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member had better address the Chair.

**Sir Abdul Halim Ghuznavi** : Sir, my good friend, the Honourable Member for Bakargunj cum Faridpur in Bengal, and the Mayor of Calcutta, in his speech the other day said this :

“ Since the year 1910, efforts have been made to pass various Acts in order to put down terrorism, anarchism and Communism. Has any attempt been made to find out the root causes of this anarchism, terrorism and Communism ? I say, no attempt has been made. A faint voice says, ‘ yes ’ ”—(that faint voice was mine)—“ but I say that no attempt has been made to find out the root cause of these. Sir, if there is a headache, is that the way to eradicate the disease,—to cut off the head ?.....”

My Honourable friend, Mr. James, asked :

“ What efforts did you make to eradicate this evil of terrorism ? ”

My Honourable friend from Bengal replied :

“ I was not given a chance at all.”

May I point out to him—that my Honourable friend then was serving this Satanic Government as a Deputy Magistrate, and, if I am not wrong, he was then posted at Jamalpur, where he used to lash Hindu boys who used to shout “Bande Mataram”.....

**Mr. A. K. Fuzlul Huq** (Bakargunj cum Faridpur : Muhammadan Rural) : Sir, I could not hear what the Honourable Member said about me ? But if this is what he said about me, it was absolutely false, I say. (Hear, hear.) I warn the Honourable Member and must ask him to drop that expression. Will he ?

**Sir Abdul Halim Ghuznavi** : If it hurts him, certainly I will.

**Mr. A. K. Fuzlul Huq** : Sir, I never tried a single case, as Deputy Magistrate,—a case between Hindus and Muslims, and I never sentenced a Hindu to jail or any such thing to which the Honourable Member refers.

**Sir Abdul Halim Ghuznavi** : Then he sentenced to jail only Mussalmans ? (Laughter.)

My Honourable friend's memory is so defective that only the other day he said when my Honourable friend, Mr. James, asked him.....

**Mr. A. K. Fuzlul Huq** : On a point of order, Sir. Will my Honourable friend withdraw his statement which I say is absolutely false ?

**Sir Abdul Halim Ghuznavi** : I have already said that if it hurts my Honourable friend, I withdraw it. When I asked him the other day :

“ How many repressive laws did you support while you were a Minister in Bengal ? ”

What reply did my friend give ? He said :

“ I do not think the pages of the proceedings of the Bengal Legislative Council can show a single instance where I supported any repressive measure. (Applause.) ” (Laughter.)

Now, what do we find ? The Honourable the Law Member, the Leader of the House, in his speech has shown an instance from the debates of the Bengal Legislative Council where he lent his support to these repressive measures. (Dr. P. N. Banerjea : “ He was not a Minister then.”) He might not be a Minister, but he was a member of the Bengal Legislative Council all the same. If time is given to me to go through the proceedings of the Bengal Legislative Council, I shall be able to show at least dozens of instances where he had supported these measures.

**Mr. President** (The Honourable Sir Abdur Rahim) : We are now discussing the Bill and not any individual Honourable Member.

**Sir Abdul Halim Ghuznavi** : Mention has been made even today : Did you find out the root cause ? Why do Government not find out the root cause ? I want to tell the House that they did find out the root cause. When these terrorist activities were going on, Government wanted to find out what was the cause. They were told that the root cause was the Partition of Bengal. Well, the Partition of Bengal was annulled in 1912 to remove the root cause of terrorism in Bengal.

**Mr. A. K. Fuzlul Huq** : On a point of information. Was not the agitation against the Partition led by Sir Surendra Nath Banerjea.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is not giving way.

**Sir Abdul Halim Ghuznavi** : If Mr. President will permit him, I will let him put the question to me.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has not perhaps understood the difficulty which the Chair is feeling. The difficulty which the Chair is feeling is, supposing his premises are correct that certain clauses are sought to be continued by the clause which are mentioned in the Bill which was disposed of yesterday,—supposing that is the fact, the present Bill seeks to repeal them at once.

**Sir Cowasji Jehangir** : Then, under Standing Order 31, we are discussing the same subject.

**Mr. Bhulabhai J. Desai** : May I say a word ? Standing Order No. 31 says :

“ A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same session.”

The shortest way to put the issue is this, has our decision of yesterday repealed the Act of 1908 ? That must be the only possible test. If my Honourable friend says, yes, I have no objection ; but, I am sure, he won't say that. The true test is this. If it is the case of the Leader of the House—I am sure, he would not support any such thing, I am almost confident, but supposing it was so, he would have to answer the question in the affirmative, namely, inasmuch as yesterday's decision necessarily involves a repeal of the Act of 1908, there can be no debate now.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Yesterday's decision was that it shall remain.

**Mr. Bhulabhai J. Desai** : Yesterday's decision does not touch the Act of 1908 in so far as the main provisions are concerned. The Act of 1908,—the main provisions, at all events, which have survived, are the power given to Government to declare associations unlawful, (a) those which incite to violence, and (b) any other associations which, in their opinion, disturb, I am using substantially the same words, disturb public peace. Having done that, there are certain other provisions dealing with being a member of an unlawful association and assisting in the operations of an unlawful association. Those are the substantive provisions of that Act. Undoubtedly, added to that, were certain provisions, all those which have been repealed by the House yesterday, namely, confiscating property or taking charge of it, and so on. The point on which I lay emphasis is this. Is the question raised substantially identical, because, in so long as what we call declaring an association unlawful and punishing people who are members of an unlawful association and for assisting in the operations of an unlawful association are concerned, the Act remains untouched by these provisions so to say, and, as was said by my Honourable friend, Sir Muhammad Zafullah Khan, they are what is called the logical extension of the thing. In order to test what is substantially identical, you ought to say that our decision covers this, and it cannot possibly be said that our decision does it. I should be very glad if the Government thought so, inasmuch as we turned down the motion, we will now agree to repeal all this also. But, I am sure, they would not do any such thing. There has been strenuous effort spread over for more than 5½ hours to argue out the case. What we submit is that the motion for repealing the substantive provisions of the Criminal Law Amendment of 1908 is not a motion

substantially identical with refusing to pass the further provisions of certain Acts.

**Mr. President** (The Honourable Sir Abdur Rahim) : The decision was that it shall not be made permanent.

**Mr. Bhulabhai J. Desai** : The Act of 1932. The decision is that the Act of 1932 shall not be made permanent, but it does not, in the least degree, affect any decision, either direct or indirect, whether or not the Act of 1908 shall remain. There are some provisions which refer to the Act of 1908.

**Mr. President** (The Honourable Sir Abdur Rahim) : What are those provisions ?

**Mr. Bhulabhai J. Desai** : Section 6 of the Bill that was presented here deals with section 13 of the Act of 1932, which provides for section 17A, etc., in the Act of 1908. Substantially what remains of the Act of 1908 after repeal is this,—section 15, “ ‘ association ’ means any combination or body of persons, whether the same be known by any distinctive name or not ”, “ ‘ unlawful association ’ means an association—(a) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or (b) which has been declared to be unlawful by the Local Government under the powers hereby conferred ”, then, section 16 which gives power to declare an association unlawful, section 17 is penalty section which was sought to be supplemented by clause 13 of the Bill dealt with yesterday, and section 13 of the Criminal Law Amendment Act of 1932, says. “ So long as this Act remains in force ” the following section shall be deemed to be inserted in the Act of 1908, and so on, so that the position is this, that in so far as the Act of 1908 is concerned, irrespective of whether these provisions are passed or not, and, in fact, up to the year 1932, when these provisions were not a part of the law at all, the Act of 1908 had still an operation as part of the law, and really that is the substantive part of the law, that is power to declare an association unlawful and punishment in respect of persons who are members or who aid the operations. The other sections were sought to be added to that Act with a view to making it stronger and more effective. That does not affect the question we are discussing. You may not declare any class or group of persons unlawful by means of executive orders under section 16, and, consequently, you may not punish any person under section 17, so that the real and substantial point is this, that though the motion yesterday covered a part of the supplementary powers sought to be added to the Act, the motion which is before you today intends to deal with a substantive Act itself, and, therefore, they are not substantially identical, one with the other, that is my submission.

**The Honourable Sir Nripendra Sircar** : The position shortly is this.

8 P.M. Consistency or inconsistency is not the test of the situation. The idea is that the same question should not be put twice in the same Session. If we compare the two Bills, speaking in colloquial language, the sections making picketing and certain other offences non-bailable, and so on, and the Press sections are not in the Act which my Honourable friend, Mr. B. Das, is trying to repeal. Conversely, there are some in this Act which are not there.

[Sir Nripendra Sircar.]

The position is that although there is a certain amount of overlapping, the two motions are not substantially the same.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair holds that the question raised by the Bill under discussion is not substantially the same on which the Assembly gave a decision yesterday. The Chair need not go into the details of the provisions of the two Bills which have been very clearly dealt with by the Leader of the Opposition and the Leader of the House.

**Sir Abdul Halim Ghuznavi** (Dacca cum Mymensingh : Muhammadan Rural) : Sir, my good friend, the Honourable Member from Orissa, Mr. B. Das, is, I think, pursuing a Chinese policy—of “no see” and “no hear”. If my Honourable friend will not pursue that policy, I shall be able from the facts, that I shall place before the Honourable House, to convince him that it is not practical politics to repeal this Act. Now, Sir, I shall place before the House some facts as to what the terrorists themselves say and what the Communists themselves say. It is not what the Government say or we say. I shall produce the literature I have received from time to time (*An Honourable Member* : “From whom?”) From these terrorists. My terrorist friends give me notice saying “Your time is up, you scoundrel!” Bhagat Singh dropped a bomb in the Assembly during the Delhi Session of 1929, and, immediately after that, a notice was sent to me by my terrorist friends.

**Mr. S. Satyamurti** : Who are they ?

**Sir Abdul Halim Ghuznavi** : Mr. Satyamurti may know them.

**Mr. S. Satyamurti** : I do not know them.

**Sir Abdul Halim Ghuznavi** : This is the plan of the Assembly Chamber (showing it to the House), and the aim of the terrorists was to wipe out the Treasury Benches, the European Group and the Central Muslim Party of which I was the Secretary. This is from the “Hindusthan Socialistic Republican Association”. I shall not read the whole of it. (*An Honourable Member* : “Please do.”) You want to hear it ? This is how it runs :

“Notice to A. H. Ghuznavi, M.L.A., Secretary, Central Muslim Party, Legislative Assembly, New Delhi.....”

(Interruptions.)

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member had better take no notice of these interruptions.

**Sir Abdul Halim Ghuznavi** :

“Whereas you and the other members of your party are blindly supporting Government, knowing it is a Government of foreign exploiters, against the larger national interests ; Beware, therefore, that any further support you may give to the present foreign Satanic Government will draw upon you the just punishment that all treachery to the National Cause deserves at the hands of those who are determined to avenge all national treachery and dishonour. Issued on Monday night, 8th April, Delhi Camp, Dharam Raj, Minister of Justice.”

When I went back to Calcutta, I received this literature. (*An Honourable Member* : “You have preserved it all this time?”) This is a book about Khudi Ram, the first terrorist of Bengal.....

**An Honourable Member** : Is it proscribed ?

**Sir Abdul Halim Ghuznavi** : It is proscribed.

**An Honourable Member** : Then, where from and how did you get it ?

**Sir Abdul Halim Ghuznavi** : Sir, terrorism was first started in 1897 (*A Voice* : “Not 1757?”) during the plague at Poona where a bomb was thrown at an English doctor.....

**Mr. N. V. Gadgil** (Bombay Central Division : Non-Muhammadan Rural) : It was not a bomb—it was a revolver shot.

**Sir Abdul Halim Ghuznavi** : Sir, I have been listening to my Honourable friend, Mr. Sham Lal, who said that the Satanic Government is responsible for all these terrorists because they have been taking such actions as were irritating people and compelling them to become terrorists. May I ask my Honourable friend, what did the Satanic Government do in 1897 ?

**Mr. N. V. Gadgil** : Do you know the acute troubles the people had to undergo in connection with the segregation measures ? You know nothing about these, I tell you.

**Sir Abdul Halim Ghuznavi** : Well, the Government wanted to prevent people from dying of plague by segregating people. And the result was a shot at the English doctor !

**Mr. M. S. Aney** : My Honourable friend knows nothing about the affair.

**Sir Abdul Halim Ghuznavi** : Sir, the next shot was in London. (*A Voice* : “From Poona to London !”) At that time, Mr. Curzon (Wyllie was shot. Then, Sir, I gather from this book that the first *Gupta Samiti* (secret society) was started at Midnapore in Bengal, and then what happens ? There was an “extensive organisation”—the book has given me that information, and, on the Partition of Bengal in 1905, Bengal was very much agitated, and what do we find ? This *Gupta Samiti* sends a gentleman—one of its own members—to murder Sir Bamfylde Fuller. The man was one Prafulla Chaki. But this attempt was frustrated. However, in 1908, a lot of agitation was going on against the Partition of Bengal.

**Dr. P. N. Banerjea** (Calcutta Suburbs : Non-Muhammadan Urban) : You yourself were against the partition.

**Sir Abdul Halim Ghuznavi** : I am not ashamed of that. (Laughter.) Sir, Mr. Kingsford, who was then the Presidency Magistrate of Calcutta, sentenced the *Naba Sakti*, a terrorist newspaper, once and he sentenced another terrorist paper, the *Yugantar*, thrice—and Honourable Members must by now be familiar with the name of the *Yugantar* to which reference was so often made by my Honourable friend, the Law Member, only the other day,—the *Bande Mataram* once, and the result was that Mr. Kingsford had, as a safeguard, to leave Calcutta and was posted at Muzaffarpore as District Judge (*A Voice* : “Promotion ?”) (*A Voice* : “What is that book ?”)

**Mr. S. Satyamurti** : What is that book ?

**Sir Abdul Halim Ghuznavi** : “Khudi Ram”. (Laughter.)

**Mr. A. K. Fuzlul Huq :** I wish to ask a simple question. Is it not a fact that the agitation against the Partition of Bengal was led by Sir Surendra Nath Banerjea and the Honourable Member was his right-hand man ?

**Sir Abdul Halim Ghuznavi :** Yes. My Honourable friend, Mr. Fuzlul Huq, in his speech in Machua Bazaar Park declared me to be a *Kafir* as my Honourable friend then called Hindus *Kajirs*. Sir, the Partition was annulled, and there was a general amnesty, and all the detenus and political prisoners were let out. Now, what was the result ? They started with double force and double vigour. Then, Sir, in 1916, the Home Rule Agitation was started. Again, my friend will ask me : " Why did you not go to the root cause of this agitation of terrorism ? " They went to the root cause and the result was—the Montagu-Chelmsford Reforms. There was another amnesty, and they were all let out.

**Dr. P. N. Banerjea :** What about the Amritsar disturbances ?

**Sir Abdul Halim Ghuznavi :** I will answer that in the lobby.

**Sardar Sant Singh (West Punjab : Sikh) :** Do not come to the Punjab please. You had better confine yourself to Bengal. We are practical people in the Punjab.

**Sir Abdul Halim Ghuznavi :** Sir, after the amnesty, the usual thing happened. They went on with full force again. The first part of the Criminal Law Amendment Act of 1908 was repealed to soothe them down. Nothing happened. When Sir Stanley Jackson came to Bengal as the Governor in 1927, there was another amnesty, and the result was that terrorism increased with treble force. So, we know now that by repealing these Acts and by giving them the general amnesty, they take more courage and they come out stronger to destroy the whole fabric of Government. Sir, what happened in 1930 ? Part I of the Bengal Criminal Law Amendment Act of 1925 was repealed. Now, this Part I gives the executive power to arrest and detain without trial members of the revolutionary organisations who have for their object violence and assassination. A Bill was introduced in the Bengal Council early in 1930 to repeal the powers of arrest and detention to which I referred just now. This Bill was passed in the Bengal Legislative Council on the 1st April, 1930, and it received the assent of the Governor General on the 5th April, 1930. Thereafter, there was no power to arrest and detain without trial members of revolutionary organisations planning violence and murder. Now, Sir, what was the result of the repeal of these powers which Government had ? The result was that, on the 18th of April, the Chittagong armoury raid took place. Sir, the Chittagong armoury raid was so well devised, so well organised, and so well planned that if the two machine guns which had been in the armoury, but had been already removed, could be seized—and they went there to get hold of those two machine guns—the result would have been the complete wiping out of the whole European colony.

**Mr. M. Asaf Ali (Delhi : General) :** Why did not the Act of 1908 stop it ?

**Sir Abdul Halim Ghuznavi :** Because it had been repealed, as I have just now said. The Government had no power to arrest even when they knew that the raiders were coming there. That power was repealed. The result was the Chittagong armoury raid. That was my point.

In 1931, the Indian Press Act was passed. The assent of the Governor General was obtained on the 9th October, 1931. What do we find ? There was a murder, by two girl terrorists, of the District Magistrate of Comilla. Sir, I have heard a lot from my Honourable friends opposite. Why don't you get into touch with the people ? That was the cry of my Honourable friends opposite. You cannot do it yourself. You must get into touch with the people to help you. That is the burden of the song of my Honourable friends opposite. Let us now see how that helps us, namely, getting into touch with the people. The District of Midnapur is one of the districts, as I have already said, where terrorism first started. What do we see ? In 1931, at Midnapur, Mr. James Peddie was the District Magistrate. He came into touch with the people and he wanted to help the whole district by going about from door to door and making necessary arrangements for the improvement of the district. He wanted to help Swadeshi in his district. There was a Swadeshi Exhibition in Midnapur which was being held at the Collegiate School, and the District Magistrate was asked to open the Exhibition. He had no suspicion in his mind as to any malpractice, because, after all, he was going there to open the Swadeshi Exhibition at the request of the people of the district with whom he had been in touch for some time then. Of course, he did a very foolish thing. There is no electricity in Midnapur and he went to open the Exhibition in the darkness of the night with a hurricane lantern in his hand. He was shot in the Exhibition grounds when he went there to open the Swadeshi Exhibition. Still my Honourable friends opposite say ; " Why don't you get into touch with the people ? Unless you get into touch with the people, how can you help these things not going on ? " What is the next incident ? In the following year, that is, 30th April, 1932, Mr. Douglas was murdered. He went there to help the people. As the Chairman of the District Board, he made various improvements for the district, he opened roads, he opened hospitals and dispensaries. He went to the District Board to preside over one of its meetings. He also had no suspicion in his mind of any danger for his life. He was in close touch with the people, he improved the district in several respects ; he never even allowed an attendant to follow him with a revolver behind him. What was the result ? One of the employees of the District Board—if I remember rightly, one of the very men whom he appointed—shot poor Douglas. That is the outcome of getting into touch with the people and mixing with people and trying to help the District Board and trying to help the country to achieve prosperity.

What is the next incident ? Mr. Burge was murdered. He was a very popular officer. He used to mix with students freely. He opened a football ground for the students to play in. He was asked one day to play football with the boys on the football ground. He went there unarmed without any suspicion of the impending danger. He was shot by those very boys who were playing in the football ground. Still my Honourable friend, Mr. Das, wants to repeal this Act, so that tomorrow anarchy, terrorism, and, what not, will spread from one end of the country to the other. Then, there was the murder of Mr. Garlie, the District Judge of Alipore. He was known in Bengal as the *padri* judge, and I was told that, excepting in one terrorist case, in which he sentenced the accused to death, he never passed a sentence of death in any other case. I may be wrong. That was his only folly. He was murdered in the open



**Sir Abdul Halim Ghuznavi** : I want to show that this Act should not be repealed : that is the point. In Bengal, in 1933, 42 ; in 1934, 16 ; in 1935, 6 :

**An Honourable Member** : Why are they decreasing ?

**Sir Abdul Halim Ghuznavi** : Because of the existence of this Act. In the United Provinces, in 1933, 7 ; in 1934, 9 ; in 1935, 7 ; in the Punjab, in 1933, 1 ; in 1934, nil ; in 1935, 1 ; in Assam, in 1933, 3 ; in 1934, 6 ; in 1935, 3 : in Bihar and Orissa, in 1933, nil ; in 1934, 1 ; in 1935, 2 : in the Central Provinces, in 1933, nil ; in 1934, 1 ; in 1935, nil ; in Ajmer-Merwara, in 1933, nil ; in 1934, nil ; in 1935, 1.....

**An Honourable Member** : The number goes up !

**Sir Abdul Halim Ghuznavi** : The number is going down : the Honourable Member has not heard. (Laughter.) Everywhere it is going down.....

**An Honourable Member** : Read your last figures.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would ask Honourable Members on its left to hear patiently what the Honourable Member, who is now addressing the House, is saying. It is not fair to the House to go on interrupting speakers in this way.

**Sir Abdul Halim Ghuznavi** : As regards Communistic speeches and writings, there were 46 prosecutions all over India in places so far apart as Calcutta, Cawnpore, Sholapur, Lucknow, Bombay, Amritsar, Etawah, Nasik and Agra. The point I am making is this : that I have placed these statistics for 1933, 1934, and 1935, in order that Honourable Members may be able to judge the advantages of the Act of 1932, and, therefore, it should not be repealed. (Interruption.) It may be irrelevant to my Honourable friend, Mr. Saksena, but it is quite relevant to the House. As regards prosecutions under section 18 (1) of the Press (Emergency Powers) Act of 1931, this Honourable House has already heard that there have been 4,004 convictions out of a total of 4,214. Taking Bengal, in particular, with which I am better acquainted, the matter regarding securities from papers and presses stands as follows....

**Mr. S. Satyamurti** : How is this relevant ? Presses have nothing to do with this Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would remind the Honourable Member that the whole subject has been debated at length for six days.

**Sir Abdul Halim Ghuznavi** : I admit, the matter has been debated, but the figures that I am placing before the House show how the Act has worked and the benefit that has accrued.....

**Mr. S. Satyamurti** : How is it relevant to this Bill ?

**Sir Abdul Halim Ghuznavi** : I say, you must not repeal this Act.

**Mr. S. Satyamurti** : This is not the Press Act.

**Sir Abdul Halim Ghuznavi** : These are the points which should convince you that you should withdraw this Bill. If it is your ruling, Sir, I will not read it ; but I think it ought to be on the record once for

all to show that this Act has been beneficial so far as terrorism, Communism and this sort of writings is concerned and also communal unrest to a certain extent. The security demanded in.....

**Mr. President** (The Honourable Sir Abdur Rahim) : This Bill has nothing to do with the press. (Opposition Laughter.)

**Sir Abdul Halim Ghuznavi** : All right, Sir. One word about my Honourable friend whom I do not see here—Mr. Abdul Matin Chaudhuri. He was shedding crocodile tears about the Muslim presses..... (Interruption.)

**Mr. President** (The Honourable Sir Abdur Rahim) : The Act of 1908 has nothing to do with the press.

**Sir Abdul Halim Ghuznavi** : Sir, I have not yet finished the sentence—in connection with that, what he said was this : that is what I was coming to : he said that the Muslims are not terrorists : why this *zoolum* on the Muslim presses ? I say, he forgets that the Islamic injunction forbids them to be terrorists : but there is nothing against being Communists which they are. Communist Muslims there are in large numbers : and, if those presses had been suppressed, it was for the Communist literature that they used to publish.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair is doubtful if the Honourable Member has read the Act sought to be repealed.

**Sir Abdul Halim Ghuznavi** : This is a red leaflet—a terrorist leaflet (Interruption) sent to me after three warnings that I should behave properly.....

**An Honourable Member** : They seem to be very fond of you !

**Sir Abdul Halim Ghuznavi** : Because they get the truth from me. It has been translated : they have sent me the translation also : what they want they have said very clearly in this document. This red leaflet, entitled “Swadhin Bharat”,—“Free India”, says this :

“Who do speak ill of revolution, it is they who deceive the masses by holding before them alluring hopes with a view to satisfy their individual or class interests. We never understand what is individual good. We never know of any special class. We want to wet the earth with torrents of blood coming from the heart with a view to do good to the oppressed mankind..... A class of people term us as terrorists and try to convince the country that freedom cannot be attained by means of such secret murders. On the other hand, the Government also circulate in foreign countries that these murders are being committed by a handful of terrorists. We once again proclaim to our people—we are not terrorists,—our object is to establish a revolutionary Government by a country-wide armed revolution.”

Now, Sir, may I read something of what they say about the Congress ?.....

**Mr. S. Satyamurti** : How is it relevant ?

**Sir Abdul Halim Ghuznavi** : This is what they say, and it will show the House in what esteem they hold the Congress :

4 P.M.

“Oh, the deceased men and women of this persecuted country ! Say ye—how can freedom come without the help of revolution ? There is only one party in the whole of India who speak about complete independence, and it is the Congress. But it does not do the thing with all the sympathy it can offer. Congress has done many things for the country. We have not the meanness to deny its offering in the national sacrifice, but we cannot also deny this fact that behind all the doings of the



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Court. Then, there was a meeting at the Dalhousie Institute, Calcutta, in which four of us were asked to speak. The *Morning Post* reported the proceedings of that meeting thus :

" It was significant that the loudest British cheers were reserved for Mr. Ghuznavi, a delegate to the Round Table Conference, who demanded that the British should govern or get out."

Four of us were the speakers at that meeting. Mr. C. C. Biswas, whose father was shot by a terrorist, was one of the speakers. Myself was another speaker.

**Mr. S. Satyamurti :** Were you also shot at ?

**Sir Abdul Halim Ghuznavi :** There was also an attempt on me. What do we find ? I got a terrorist letter for making that speech. This is what the letter says :

" Now the time has come to warn you that you will be shot or bombed down soon. You are going to have this punishment for your going against your native country with the co-operation of your English friends."

This is the liberty of speech and freedom of talk that we have been hearing so much about for the last one week, that I must not talk in the way I did. This is only oppression by the minority against the majority that they must not talk in a manner they do not like. Then, the letter says :

" You delivered a lecture in the Dalhousie Institute attacking Congress, Corporation and Revolutionaries and condemned violence and non-violence also."

—I do not know when I said that—

" Moreover, you and your white friends sent a deputation to the Governor to control the power of Corporation, to revive Press Ordinance and to chain the youths of Bengal. You said that India will not be independent by such coward attack upon British officers. Will you please tell how India will be free ; by flattering and licking the feet of the Englishmen like you ? (Laughter.) You fool : do you know what is the punishment for the betrayers of their own countries—a righteous retribution—Death. Now time is come to send all betrayers like yourself in hell, none will be able to protect you in this world, because, one will kill you even at the sacrifice of his life for motherland to remove the sin like you of this country.

Bengal Revolutionaries,  
Calcutta, 25th May, 1931."

What was the condition of that time ? I will read only one passage from the speech that I delivered in 1931 on the 11th September on the Press Bill.....

**Mr. S. Satyamurti :** Sir, I am sorry to interrupt my Honourable friend, but I would invite your attention to Standing Order 29 which says that the matter of any speech shall be strictly relevant to the matter before the Assembly. My Honourable friend, Mr. B. Das, wants to repeal the Criminal Law Amendment Act of 1908 which gives power to Government to declare certain associations unlawful. The Law Member undoubtedly tried to connect Congress membership with terrorist organisations, and suggested that, since terrorist organisations sometimes flourish as Congress organisations, this power ought to remain. The Honourable Member, who is speaking now, has not attempted to connect these interesting incidents with any association whatever ; unless my friend contends that all these acts or speeches were made by persons

professing to be members of lawful associations, but who pursue unlawful activities, and, therefore, Government ought to have this power, I submit, the speech is irrelevant.

**Mr. President** (The Honourable Sir Abdur Rahim) : In several parts of the Honourable Member's speech, he has been wandering from the point. The Chair hopes the Honourable Member will try to stick more closely to the Bill.

**Sir Abdul Halim Ghuznavi :** My aim was to impress on this House that this Act should not be repealed. In trying to convince my Honourable friends on the other side, I am showing that, every time an Act has been repealed, terrorism has increased, and, for every amnesty that has been granted, terrorism has increased doubly and triplefold. There was also a question asked today as to why Government does not go to the root cause. I showed that the first root cause was the Partition of Bengal. That was annulled, but there was no improvement. Then, the new reforms were introduced, but I want to show that the terrorists did not want those reforms at all.

**Mr. S. Satyamurti :** How is that relevant ?

**Sir Abdul Halim Ghuznavi :** The relevancy is that, if you repeal this Act, you will encourage the terrorists to come in full strength and upset the Government. Your idea is that if you repeal this Act, they will agree to settle down in life, but, I say, it is all a mistake. I will just show in what respect they hold the Congress. Their own literature which they sent me and which I will read out will show that. Let me tell you frankly what they really want. They want no ordered Government at all ; there is no communalism in them, and they do not care a tuppence how many seats the Muslims get and how many seats the Hindus get. What they want is a Communistic Republic, and nothing short of that.

Sir, I find that Honourable Members opposite are getting impatient, because I am saying the whole truth, and, so, my Honourable friend jumps up to say that I am speaking irrelevant matter.

**Mr. S. Satyamurti :** The Chair called the Honourable Member to order.

**Sir Abdul Halim Ghuznavi :** My Honourable friend has drawn the attention of the Chair, as if we are not accustomed here to listen to all sorts of things which are quite irrelevant to the point under discussion. If my Honourable friend will have a little patience, he will see the relevancy.

Before I go into this literature, I should like to say that dangerous associations and conspiracies exist, that terrorism, Communism and communalism and Civil Disobedience, in some form or other, still exist, and I shall show that. I have prepared a statement of terrorist incidents in India after the passing of the Criminal Law Amendment Act of 1932,—that is, in the years 1933, 1934, and 1935. The number of cases in Madras in 1933, were 3 ; in 1934, nil ; in 1935, nil. In Bombay, in 1933, 3 ; in 1934, 10 ; and, in 1935, 3.....

**Mr. S. Satyamurti :** How is this relevant to this Bill ? Perhaps this speech was all prepared for the other Bill !

[Sir Abdul Halim Ghuznavi.]

Congress there lies the mentality of a tradesman. There, the supremacy, is in the hands of traders who are blind for their self-interest. They want reforms; they want wider chances to satisfy their self-interests—”.

--referring to my friends from Bombay,—

“Not only that, Congress wants to bring freedom through non-violence. There may be self-progress of the nation by initiation to non-violence, but the value of freedom is much more than that. We might have been able to reach our goal by non-violent agitation if the majority of the men and women of the country would have tried in all possible ways to make the movement a success. It is not possible for men to make that sacrifice and accept that hardship which are necessary to undermine the very foundation of that throne by non-violent means which have been firmly implanted in India by a people covering a period of more than 175 years. Victory is only possible in the path aligned by the Congress if for over a year the trade and commerce and the agricultural production of the country may be stopped and the country may be turned into a cremation ground like the Rajput age, if the railway or other vehicles of locomotion are closed for a long time, and if Indians in bands resign Government appointments.”

Next, Sir, there was what was called the “United Socialistic Republican Party”, and, in their programme, they say :

“Propaganda, agitation, and destructive and terroristic activity. Terroristic activities consist in the destruction of the most harmful persons in the Government, the protection of the party from spies and the punishment of official lawlessness, the organization of small secret societies with all sorts of revolutionary aims is indispensable.”

Then, there was another pamphlet called the “Call to Revolt”. It says its policy is :

“An eye for an eye, a tooth for a tooth, and, therefore, a life for a life”.....

An Honourable Member : Supposing there are false teeth, then what happens ?

Sir Abdul Halim Ghuznavi : One more, and this is from the “Hindustan Socialistic Republican Association”, and this is what they say :

“The object of the Association shall be to establish a Socialist Republic of the United States of India by an organized and armed Revolution”.....

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) : With yourself as its President ?

Sir Abdul Halim Ghuznavi :

“By the armed insurrection of the widest possible masses of the working class, the peasantry, and the revolutionary petty bourgeoisie.”

Now, Sir, what was the position before this Act was passed ? The Corporation of Calcutta, the Second City in the British Empire, paid a tribute to Dinesh Gupta who was executed.....

Mr. S. Satyamurti : What has that got to do with the motion before us ?

Sir Abdul Halim Ghuznavi : The Corporation adjourned its meeting as a mark of respect to Dinesh Gupta. The Corporation of Calcutta expressed its sorrow at the execution of Dinesh Gupta and adjourned its meeting on the 8th of July. When the Corporation assembled, Councillor Mr. B. N. Banerjee moved :

“This Corporation records its sense of grief at the execution of Dinesh Gupta who sacrificed his life in the pursuit of his ideal.”

and the House adopted the Resolution standing. On the motion of another Councillor, a meeting was adjourned till Friday, the 10th of July. The Mayor of the Calcutta Corporation, in associating himself with the Resolution, paid a tribute to the courage and devotion of the deceased. Sir, this was published in the *Corporation Gazette*, and still my friends say that we must.....

Mr. S. Satyamurti : The Honourable Member can declare the Corporation unlawful.

Sir Abdul Halim Ghuznavi : Sir, what happened ? In 1931, while I was passing, I noticed the Corporation free schools were holding morning and night classes. A beautiful song was being sung. I saw that one day, and I thought that it was only on that day. But, next day, I found the same, and so on. What was this song ? This is the lesson which the Corporation teaches to its boys numbering 40,000 in the Calcutta free schools. What is the lesson ? It is in Bengali, but I shall translate it also. (An Honourable Member : “Sing it in Bengali.”)

Mr. B. Das : On a point of order, Sir. My Honourable friend, when he was “Mr. Ghuznavi”, gave out this song on the floor of this House. Then, the Mayor of Calcutta, sent a telegram which was read out by Mr. S. C. Mitra. The Mayor of Calcutta denied that in the Calcutta schools any such education was being given, and that is in the records of the Assembly debates.

Sir Abdul Halim Ghuznavi : I will completely answer my Honourable friend, but let me finish this song :

“Ek, Dooi, Tin, Bharat Hoyibe Swadhin ;”

The English translation is : “One, two, three, India will be free.” I say Amen :

“Chhār, Pāñch, Chhāi, Ghandhi Maharajki jai ;”

The English translation is : “Four, five, six, Mahatma Gandhiki Jai”. I say Amen also. Now comes the sting :

“Saat, Aat, Naai, Picketing karite Haai ;”

The English translation is : “Seven, eight, nine, learn picketing”. (An Honourable Member : “Say Amen”) I would not say Amen. Then, comes the greatest sting :

“Dash, Egara, Baara, Ingrejoko Dharo aur maro.”

“Ten, eleven, twelve, catch hold of the Englishman and give him a thrashing.”

I received a terrorist notice wherein they said : “Because you went to the Governor and asked him to legislate against the Corporation” ;—the Government was helpless without the Act as the Corporation was not taking any grant from the Government. I asked the Governor to stop that education which was being given to 40,000 little boys inculcating the hatred of the British and the boycott of British goods and picketing. My Honourable friend, Mr. Das, said just now that the Mayor denied this when I referred to it in connection with another Bill of the same type as this in this Assembly. What happened was this. In 1931, I made this statement in the Round Table Conference when Mahatma Gandhi and Pandit Madan Mohan Malaviya were there. When I said, one, two, three, Malaviyaji said “Amen”. But, after I had finished my speech at 12 o'clock at night, Mahatma Gandhi rose to answer and

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regretted if what I had stated was a fact, and he apologised on behalf of the Corporation. What do I see? On the following morning, I saw in the *London Times* the Mayor of Calcutta calling a meeting regarding the statement that had been made by me in the Round Table Conference. A Resolution was passed to prosecute me. I was prepared for that prosecution, because, I had evidence in my pocket before I made a statement of that kind. It was in their educational curriculum which is in my possession still. After that, many of the teachers have been sentenced to imprisonment over this teaching. But I was prepared to receive a summons for making a statement which was not true, but what did I find? On the fourth day, it was said: "Don't give publicity by prosecuting him, he is too small, ignore what he has said." And, still, the then Mayor of Calcutta had the audacity and cheek to say that it is not a fact. (An Honourable Member: "Withdraw.") Yes, I will withdraw. I will make the statement outside the House, and let him prosecute me.

**Mr. A. K. Fuzlul Huq:** I said nothing of the kind.

**Sir Abdul Halim Ghuznavi:** I am very sorry. I never meant the Honourable Member. This happened long before him. This took place in 1932, and he was not anywhere near it. All the statement that I have made is not during the Honourable Member's term as Mayor.

Sir, we have heard of high political philosophy, liberty of association. Who, in his sense, I ask, would ever think of disputing the proposition that these are sacred rights, fundamental rights, valuable possessions? But every right, if I may say so, implies a corresponding obligation, a duty on the part of the citizens not to abuse those rights and privileges and turn them into veritable engines of oppression for a section of the people and create and foment those disruptive tendencies which operate as clogs in the wheel of administration and act in such a way as to make ordered progress impossible. Sir, the liberty of person, the liberty of press, liberty of association are not rights unrestricted in character. I shall not give this House instances of countries where there are no parliamentary institutions, but let me take the House to what England has done. These rights are often restricted there by the existence of strong public opinion in the first instance, and, where and when necessary, by exceptional legislation. One recent instance of this exceptional legislation in England was to be found in the reference to Hansard quoted by my Honourable friend, Pandit Govind Ballabh Pant, and to which attention was pointedly drawn by my Honourable friend, the Commerce Member. Legislation regarding trade unions in England, during recent years, was a clear restriction of the right of association. The New Deal in the United States is a clear restriction of various individual rights which the citizens had learnt to appreciate and value, so that, even in the most go-ahead countries, where Parliamentary Government prevails, exceptional circumstances would seem to justify exceptional legislation. The exceptional attitude of the people in general and the press in particular towards similar exceptional manifestations of cankerous growths in the body politic would also justify exceptional legislation. If the great strike in England, for instance, which was the biggest instance of direct action in recent times in England, failed, it was because of the unmistakable force of public opinion which asserted itself through the press and otherwise. Now, Sir, there were exceptional circumstances in the country which

justified the enactment of the Criminal Law Amendment Act of 1908 and the existence of those circumstances has not been very much questioned. If the Partition of Bengal had been the proximate cause, it was undone in 1911, and still terrorism went on. Then, Sir, there was the general amnesty of political prisoners and still this is going on and the revolutionary movements have continued. I have been able to show that these various amnesties that have been granted had only given more time to the terrorists and they came out with full vigour and stronger than they had been before. There is no doubt that law and order are at a discount, the seeds of revolution are abroad and public opinion has not yet fully asserted itself against these subversive movements, and, but for the preventive measures taken by Government and permitted by the provisions of the Act of 1908, which we are now called upon to drop, ordered progress will be impossible, constitutional government a mockery and the reign of the rule of law a figure of speech. Sir, I ask my friends, do they not see even now what is happening at Chittagong? Have you not heard of another manifesto which has been plastered all over Chittagong—red leaflets—immediately when this Session of the Assembly began? What did that leaflet say? It incited the students to terrorism and threatened with violence and death those who worked against the terrorist organisations. With your permission, I will read....

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has already taken one hour and 20 minutes and there are other Honourable Members who want to speak.

**Sir Abdul Halim Ghuznavi:** Why should I not be allowed to read, when I have got the materials with me?

**Mr. President** (The Honourable Sir Abdur Rahim): Provided the Honourable Member does not repeat himself and repeat the arguments of other speakers.

**Sir Abdul Halim Ghuznavi:** I am not going to repeat what other speakers have spoken:

"The teachers of the English High School at Chittagong....."

**An Honourable Member:** Where did you get it?

**Sir Abdul Halim Ghuznavi:** This is a photographic reproduction of the notice.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member had better address the Chair.

**Sir Abdul Halim Ghuznavi:** I will read only the last paragraph of that notice:

"I, therefore, warn you not to do anything that may offend the national feeling."

(Interruption.) I have repeatedly told my Honourable friends on the opposite side that, every time I get a notice, I get some literature also. Will you see the number of literatures I have got? There you are, look.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is again reminded that he should address the Chair.

**Sir Abdul Halim Ghumanavi :**

"Patriotic culture of students, not to harm or punish any student for his love of country and not to help the police or the military in any repressive measures against the student community. If in spite of this warning, you still resort to reactionary, unpatriotic and immoral methods, the Indian Republican Army will be compelled to take drastic steps against you which the Army has not done so long, as you are the sons of the same Mother India whose independence is the ever cherished goal of the army."

I will read only one paragraph of the Indian Republican Army's second notice :

"While thus vindicating before the world the claim of humanity on behalf of India's down-trodden millions, the Indian Republican Army craves the sympathy and hearty approval of every Indian people and hereby proclaims its emphatic condemnation of the conduct of the public leaders who are juggling with the solemn sentiment of the nation at this hour, in the name of emasculated non-violence."

The Indian Republican Army further declares that any person who will be able to produce any Englishman, woman or child of any age to its headquarters, dead or alive, will be amply rewarded.

Sir, I think I have been able to show that this Act has done a lot of good to the country, and that, if it is repealed, the same thing will happen as had happened before. Once you repeal the Act, you can realise from the instances, I have already given, what will happen. Sir, I ask the Honourable Members—do not pursue the Chinese policy of "no see", and "no hear". I say, do your duty by voting against this Bill, as, I dare say, a good case has been clearly made out for the retention on the Statute-book of Part II of the Criminal Law Amendment Act of 1908. (Loud Applause.)

**Srijut N. C. Bardaloi** (Assam Valley : Non-Muhammadan) : Sir, after the long and tedious oration of my Honourable friend opposite, I hope this House will excuse me if I speak for sometime about a few facts which are within my own personal knowledge concerning the administration of this very Bill which has been the subject-matter of discussion. Sir, the Honourable the Law Member began his speech during the discussion at Delhi by saying :

"The question at issue before this Honourable House is whether this Act of 1908 should be repealed. Is there any justification for its continuance ?"

And, then, the Honourable the Law Member confined all his arguments to the cases of Bengal alone, as he said he was well-conversant with Bengal and was not so well-conversant with the instances that occurred in other provinces. Sir, although I do not belong to Bengal, I did pass a long number of years of my life in Bengal from 1893 till 1915. So, as a disinterested observer, I have been observing all the time how the soul of Bengal has been troubled, how Bengal has suffered all these years from different cruel circumstances. But, before I begin with Bengal, I will begin with my own province of Assam and shall give you some examples of the numerous acts of lawlessness of the police and the magistracy in the name of law and order.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Sir, Assam never knew anything about anarchy or terrorism before, but, after the shooting at Amritsar, when men, women and children were mercilessly murdered by a high European military officer,—after that, the soul of India got troubled and Assam could not avoid that excitement. Before that, things were different. I, myself, Sir, belong to a

family of loyalists, and was myself a loyalist, and I followed English ways of food and dress and used to feel like a Sahib ; but, after I read the accounts of those barbarous atrocities and after I read the statement of Dr. Rabindra Nath Tagore and when I read the words by which he gave up his knighthood, after that I had to give up my ways of life, my ways of food and clothing, and then I came to know that a slave is a slave, however, much you ape the ways of your rulers. (Hear, hear.) Well, Sir, Mahatma Gandhi then came to the front, and after that he said that for a subject-nation to get redress from insolent and arrogant rulers, the only way is Civil Disobedience, the only way is non-co-operation, non-violent non-co-operation. (Hear, hear.) I am still, Sir, a strong believer in non-violent non-co-operation. I am a humble follower of Mahatma Gandhi. I believe in non-violence, and nobody regrets more in this House the violence committed by our own fellow-countrymen in Bengal or elsewhere, and also the acts of violence perpetrated by the Government party, nobody regrets this more than I do. Sir, I do not eulogise or praise those men who commit violence ; I say a murderer is a murderer who ought not to be eulogized : but the fact remains, Sir, why do these people commit all these murders ? I will first begin with my own province of Assam. In 1921, suddenly a notification appeared in the Assam Gazette that all the Congress volunteer organizations were unlawful. After the publication of that notification, the orgy of oppression began. Wholesale arrests of innocent men were made after wholesale house searches, people were sent to jail in numbers, all the leaders were sent to jail, and then what happened ? I will give you a few instances of all these acts of cruel oppression. While I was in Jorhat jail a number of volunteers—some Muhammadans and some Hindus, at a distance of about four miles from the town, were holding a common ground. The Muhammadans were saying their *Molud Sharif* and the Hindus also were saying their prayers. Suddenly, a lot of Gurkhas surrounded the house and set fire to the house, and the poor volunteers could escape only with very great difficulty from that house, and everything was burnt down ! The police officer—I can even name him, he was a Ghose—was ultimately imprisoned and lost his service for other misdeeds, but were these officers, including this man, at all punished then ? The District Magistrate, who was a European, and who was almost as fluent a speaker as my Honourable friend, Mr. Griffiths, the District Magistrate of Midnapore, was at the station while this act of arson was taking place ! Then, Sir, in Assam, many Congress offices were cut down with the help of Gurkhas and many such houses were set fire to. Were not these cases of arson ? Then, there were many other cases. Is one case at Lakhimpore, a volunteer was being married, he sat down before the sacred fire with his would-be wife on his left, and then the police officer came and said : "I arrest you, you must come at once !" And, then, what happened ? The bridegroom went away leaving his photograph on the seat ! Sir, I can cite innumerable other authentic and pathetic cases like this.

Sir, was this Act of 1908 properly used ? Who misused its provisions ? Did the volunteers misuse it ? I say, no. I challenge anybody to say that any of the Assam volunteers committed any act of violence or assault on any policeman or anybody else. Then why were they treated like this ? Sir, when I came to know of all these things, I was inside the

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Jorhat jail, and then I felt how terrorism was being generated in Bengal. Possibly, the Assamese being not as sentimental as Bengalis, there was no revolutionary manifestations there. Then, I shall give you another example. In 1921, a batch of Gurkhas, under a civilian officer, went to Boko to realise fines from the Boko men, because that was a stronghold of non-co-operation. And how, Sir, were the fines realised? Well, those who paid the fines, it was all right with them. But, alas, with those who did not, what happened to them? Some of them were put into the cold waters of the river during the night, for hours and hours together, and, in the morning, they were brought out, and their hands were tied down, and they were made to stand facing the sun, and this used to be continued unless and until they paid their fines. They were tortured like that: (*Cries of "Shame, shame"*.) Sir, did this Act of 1908 authorise them to do all these acts of oppression? Then, in Sylhet, a Muhammadan sub-inspector, with a posse of Gurkhas, went round and tore a copy of the Holy Koran in the house of a Muhammadan besides doing other injuries to his house and properties. A newspaper had written that a copy of the Holy Koran had been torn in this way, and the editor of that paper was hauled up in Court; but, because there was a very honest and impartial judge at that time, he went to the place of occurrence, saw it, and then acquitted the editor, and afterwards a case was brought against the persons who committed this act, a Resolution was also passed in the Assam Legislative Council, condemning the action. And, then, Sir, there was the famous shooting case of Kanaighat. In that case, a constable was shot and it was said that a European I. C. S. officer shot him, because he disobeyed his orders, and there was also a lot of repression at that time. Later on, notice was given for the filing of a civil suit against that officer, but by that time that officer had left the country. These facts are not mine. They can be corroborated by the proceedings of the Assam Council of 1924 of which my friend, Mr. Basanta Kumar Das, was a Member. All these facts were mentioned in the Legislative Council and Mr. Bentinck, who was the Commissioner of Sarma Valley and the Deputy Commissioner of Gauhati in those days and was in the Council as Chief Secretary, did not contradict these facts. He himself said later on:

"When all these things occurred, when we arrested our respectable friends and when we sent them to jail, there was lot of searching of the heart. Now, my friends, forgive and forget and let bygones be bygones."

That was the reply. Now, I ask, was good use made of this Act of 1908? Whenever any extraordinary power is given to the executive, they always abuse it right and left. Sir, this Act of 1908 came as a bolt from the blue in Assam because there was no necessity of such an Act there. During the days of the Non-Co-Operation Movement this Act was used extensively. After that the Non-Co-Operation Movement subsided in Assam. In 1930, the movement began again and as it was an All-India movement, Assam also took her part in it. If I were to recite one or two instances of oppression of those days, I am sure the House would be shocked. The Deputy Leader of the Opposition in the Legislative Council, Babu Brojendra Narayan Chaudhuri, a great zamindar, a great patriot and a man who is held in the highest reverence, and my Honourable friend, Mr. Basanta Kumar Das, another great leader, were leading a procession. What happened was that they were stopped on the street.

Gurkhas assaulted them and they were thrown into the ditches. They were caught hold of by their necks with their own *chadars* and were shoved into a motor lorry and were then taken to the jail. What was their offence? They were leading a procession. Was all that authorised by this Act of 1908? They were tried and sentenced to two years rigorous imprisonment each. Now, when they were in Sylhet jail, what happened? In this jail, there were a number of boys some of them of the best families. A warder insulted them and they came in a body to the jailor to make a complaint against him. My friends were then confined in the European ward. Suddenly an alarm signal was given and a lot of warders and police constables rushed into the jail and gave such a beating to these men that some of them got their arms broken, some had their legs injured and others had other injuries. After that good beating, they were transferred to different jails. All the men who were assaulted complained to the District Magistrate and a sort of inquiry was made and it was said that the boys were to blame. All this beating and all this breaking of bones went for nothing. I myself was imprisoned at Gauhati in 1932, and I will tell you why I was arrested. On one occasion, I hoisted the national flag and this I did inside a private compound where the Congress office was. I and my friends were at once surrounded by the Gurkhas and the police constables with their regulation *lathis* and the Deputy Superintendent of Police was there in full uniform. I asked him: "How could you come inside this private compound? Is it an offence to hoist a flag?" He said: "I have come here under section 144. I don't care what you say, but I have been ordered by the Deputy Commissioner to arrest you, and so I will arrest you." So, all of us were arrested and were taken to jail. Probably the Deputy Superintendent of Police reported to the Deputy Commissioner who wired to Shillong, and, after the close of the day, we were let off. We came home thinking that good sense had prevailed with the authorities. After seven days, I was again arrested, not on the previous charge, but because I was the head of the volunteer organisation. I was not the captain, but I was the President of the District Congress Committee. I was hauled up under section 17 of this Act, and, then, I was given three months. Of course, the magistrate was an honest man and a friend of mine, and I have got all respect for him. He wrote in his judgment that so far as Mr. Bardaloi was concerned, he was connected with many good movements and public activities, and there was nothing wrong in his speeches. As, however, I was the head of the organisation, I was sentenced to three months' rigorous imprisonment and was sent to Sylhet jail. I expected two years, but I was sent for three months. On the previous occasion, I was sent for 18 months. Now, when I went to Sylhet jail, what did I find there? I found a serious rebellious spirit inside the Sylhet jail. The boys in that jail were highly spirited boys and were well educated, but they had become very glum, because they were so much offended on account of the above beating. The Superintendent of the Jail, who was a good man by the name of Colonel Sen, could not manage them easily and he came to me and said: "Look here, what can I do? These boys do not obey my orders." So, I sent for all of them and argued with them and said: "Look here, as you have come inside the jail, you must obey the jail rules. That is the injunction of Mahatma Gandhi. I have been doing work and you can also do the same. You must obey the orders." So, I made them obey the orders and the Superintendent of the Jail came and thanked me. While I was in jail, I



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made two bamboo and cane stools which I have got still with me as memento. I asked them to emulate me. If I had not been there to pour oil on troubled waters, perhaps there would have been another case of beating. At that time I felt that, because of the way in which these boys were treated, Sylhet may see some terrorist activities hereafter, because every boy was dissatisfied, every boy was angry and every boy was punished for it. One day I saw a number of boys—about 12 of them—being ordered to put on gunny clothing for 15 days, because they had said something to the jailor. Probably, those gentlemen sitting opposite have no idea what gunny clothing means. They may say : “ You have done some wrong, and, therefore, you must put on gunny clothing.” But, even as a *tamasha*, I would ask them to put on gunny clothing in great heat like that of Sylhet and see how they like it. Now, Sir, these boys had to put on this gunny clothing for 15 days and suffered tremendously. After all, they were human beings. Do you mean to say that their hearts were not rebellious at that moment when they were suffering from itchings day and night and they could not sleep because of it ? And, mind you, they were all educated and members of respectable families. Do you mean to say that these punishments did not bring some sort of anger into their hearts ? At that time I felt that something was coming to Sylhet as it is part of Bengal and as it was suffering like this. There was no terrorist movement at that time in Sylhet.

Another fact which attracted my attention very much was that in some places in the Assam Valley the punishments were light. Even an old offender like myself was sent to three months only, but when I went to Sylhet I was simply shocked to see the condition of things there. Girls of 16 and 17 and wives of very respectable lawyers with little babies were sent to two years' rigorous imprisonment and some of them also got 2½ years' rigorous imprisonment simply because they were picketing foreign cloth shops. They were awarded two years and 2½ years' imprisonment. In one instance, I saw a pleader's wife sentenced to two years' imprisonment. She had a little baby, and, because the pleader could not maintain the little baby, the baby also was kept in the prison along with the mother. I used to see the pleader every day, after attending the Court, would come in the evening to the jail gate with a bottle of milk for the baby. Was it humane ? This was not any isolated instance of a lady going to jail. There were several other instances where ladies were sent to prison with small babies. Those ladies all belonged to respectable families and their husbands were respectable members of society. In Sylhet, there was no light punishment for anybody, everybody was sentenced to hard labour, sometimes ranging over two years period. There were a number of subdivisions in which the European officials and the policemen assaulted young boys. Can the Government show a single instance in which a European official or a policeman was assaulted by boys ? The District Magistrate of Midnapur, Mr. Griffiths, while speaking in the House, the other day, asserted with great vehemence and eloquence that civil resisters used to begin with non-violence, but ended by violence. I want to know how many heads have been broken in Bengal on account of that ? How many heads of magistrates and policemen were broken on account of violence on the part of the people ? None. All the violence was on the other side. Now, Sir, I think I have finished with the instances in Assam. Though there are innumerable cases left, I think I will now come to Bengal.

I was in Bengal from 1893 to 1915, most of the time as a student, and, afterwards, as a legal practitioner in the High Court. I observed that Bengal has always been suffering. I have always been observing from a distance, because I was not in it. I always hated terrorism. I submit that the whole trouble began from the partition days. The partition of Bengal was effected in spite of the unanimous opposition from the Bengalis of all classes. There were very few who did not oppose it. There were meetings all over the country. The public voice was silenced without being able to get its objective. What did these men do in Bengal ? They first started the swadeshi movement, that is boycott of British goods. The British people are a dominant race. They have got plenty of soldiers and bayonets and cannons. In their pride of power, the British people did not hear the wailings of the poor people of this country. They did not take into account the sincere prayers of the people of this country. The people of Bengal thought there was no use of fighting the British physically. They also thought there would be class war if violence is resorted to. So, as a subject race, the only instrument in their hands for the redress of their grievances was the instrument of boycotting British goods. What did they do ? They boycotted British goods by way of retaliation. They went to every shop and picketed those shops and dissuaded people from buying foreign goods. In fact the seeds of swadeshim were sown only at that time. Out of evil cometh good. Every Bengali, whether he is an official, in the police service or in any other Government service—go wherever you like into the interior of the country—has got that national sentiment within him. Buy swadeshi, that is the slogan of all.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

The Bengali has suffered the greatest of oppression and repression at the hands of this Government. The people have come to believe firmly that Swadeshim is the only panacea for all the economic ills of this country. At that time when swadeshi preaching was at its height, we know what sort of repression was going on in Bengal. The people were mercilessly beaten. People were sent to jail in numbers. What is all this due to ? The chief aim of this Government is to set up one class against another. During the days of the partition of Bengal, Sir Bampfylde Fuller was the Governor. He had the bad taste of saying that Muhammadans in Eastern Bengal were his favourite wives. That was a very bad taste. In that way, one class was set up against another. In those days, there were many riots and lootings. It was only from that time anarchy began in Bengal. I hope my Honourable friends, including the Honourable the Law Member, would not take me to task if I say that before that everywhere in India, especially among Englishmen, the Bengali was considered to be a cowardly man. I know of one incident which happened in the St. Xavier's College in my college days. There were 150 or so Bengali boys sitting in the college, and a European boy came and said : “ I wish I could kick out all the Babus from this college ”. Not a single Bengali boy replied to that challenge. All the boys pocketed that insult. Now, what is the position ? Even if a hundred Europeans should come and taunt a single Bengali boy with advanced ideals, he will give a proper reply. The Bengalis have got rid of that cowardly mentality. (Hear, hear.) Who has changed the mentality of the Bengalis ? It is

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only the Government by their oppression and repression have stirred up the nationalism of the Bengali young men. These young men read all the literature of Europe and their imaginations were fired by such literature and they actually began to form secret societies with a view to liberate India from foreign domination. Formerly when a handful of Muhammadan hooligans attacked the Hindus, the Hindus were so cowardly as not to retaliate. Afterwards, the Hindus began to practise *lathi* play and sword play, with the result that, when the Hindus are now attacked by the surrounding Muhammadans in a village, they will be able to repel all their attack. Similar was the case with Muhammadans formerly. When the Muhammadans were attacked formerly by the Hindus, they kept quiet. Now, the Muhammadans also have practised all the *lathi* play and the sword play and now they are able to defend themselves against the attack of their neighbours. The people in Bengal have become much more manly than the older race in Bengal. Unfortunately, the Government could not divert that manliness among the Bengalis to proper channels, but by oppressions diverted that to a wrong channel. That is why anarchism broke forth. That is why secret societies sprung up and that is why the cult of murder became generated in the minds of young Bengal. We have been hearing of several instances of murder. Nobody denies that. I say there are murderers, there are anarchists. I deplore the incidents, I regret that these young men have taken to acts of terrorism. Being a follower of Mahatma Gandhi, I deplore the violence of these young men. They should not take the life of a single individual. Though I regret their acts of violence, I regret much more the apathy of the Government because though they see all these sorrows and miseries of the people, yet they do not take any steps to remove these sufferings and miseries. The case of Khudi Ram was mentioned. If you go into the history of the case, possibly you will find behind it some strong cause. Possibly the attempt to murder Kingsford was due to the fact that one man was publicly flogged by his order. I think there are many people in the world who think that life is not worth living after being flogged publicly. Personally I would also think so. I may not commit murder, but I may commit murder to my own self, or immolate myself in some way. There are men with such mentality, that if you do any wrong to them, if you oppress them or if you insult them publicly, they would not take that insult lying down.

**Mr. President** (The Honourable Sir Abdur Rahim) : Will the Honourable Member be able to conclude his speech today ?

**Srijut N. C. Bardaloi** : I will take some time more.

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will now adjourn till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 18th September, 1935.

## LEGISLATIVE ASSEMBLY.

Wednesday, 18th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, **Mr. President** (The Honourable Sir Abdur Rahim) in the Chair.

### QUESTIONS AND ANSWERS.

#### CONSTITUTION OF A STANDING COMMITTEE ON RICE.

453. **\*Mr. Akhil Chandra Datta** : (a) Has the Standing Committee on Rice recommended by the Crop Planning Conference of 1934, been constituted ? If so, who are the members appointed and what are the terms of their appointment ?

(b) What is the approximate annual expenditure on the Committee ?

(c) What amount, if any, has been sanctioned by the Imperial Council of Agricultural Research ?

**Sir Girja Shankar Bajpai** : (a) The Imperial Council of Agricultural Research is still in correspondence with the various Local Governments, Indian States and others concerned and the Committee will be set up as soon as preliminary negotiations are complete.

(b) and (c). The question of providing funds will be considered when the constitution of the Committee has been settled.

#### PREFERENCE FOR INDIAN RICE IN BRITISH MALAYA AND CEYLON AND FOR INDIAN PADDY IN THE UNITED KINGDOM.

454. **\*Mr. Akhil Chandra Datta** : (a) Has any preference been obtained for Indian rice in British Malaya and for Indian paddy in the United Kingdom in consequence of the representations made by the Government of India to the proper authorities in that behalf ?

(b) Have any steps been taken to obtain preference for Indian rice in Ceylon ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) No preference has been obtained for Indian rice in Malaya but a preference of 2½ penny per lb. has been obtained for Indian paddy in the United Kingdom.

(b) The grant of reciprocal preferences between India and Ceylon is still under negotiation. I may, however, add with regard to (a) that the Honourable Member is no doubt aware that Indian rice has a preference of a penny a pound in the United Kingdom. And, with regard to Malaya, the position is that all duties on foreign rice have been removed in Malaya and rice now enters Malaya duty free, and, therefore, the Government of India cannot press for a preference in that respect.



**Mr. S. Satyamurti :** At what stage do the negotiations for a trade agreement between Ceylon and India stand now ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have explained that in detail before that the matter is awaiting settlement of the scale of duties on cocoanut and cocoanut produce. As soon as we are able to settle that, we shall proceed with the question of preferences.

**Mr. S. Satyamurti :** Has any agent been deputed by the Government of Ceylon to the Government of India about this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** A deputation arrived some time ago, and as a result of the visit of that deputation, negotiations started. They are now awaiting the result of the Government of India's action with regard to cocoanut and cocoanut produce before they can be carried further. Nobody from India has been deputed to go down to Ceylon.

**Mr. S. Satyamurti :** Will anybody be deputed to go to Ceylon and finish these negotiations, and, if so, when will they be completed ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question of sending anybody or asking anybody to come here or to carry on negotiations by correspondence will be taken up as soon as this matter of cocoanut and cocoanut produce is out of the way. With regard to the date, I am sure, the Honourable Member will understand that nothing definite can be said now. The matter is being pushed forward with regard to cocoanut as quickly as we possibly can.

#### SPECIAL RAILWAY RATES FOR SPECIAL CROPS.

455. **\*Mr. Akhil Chandra Datta :** Have the Agents of any Railways implemented the undertaking given by the representative of the Railway Board to the Sub-Committee of the Advisory Board of the Imperial Council of Agricultural Research, that special rates would be allowed to facilitate particular movements of special crops ? If so, will Government cite the instances and extent of special rates ?

**Mr. P. R. Rau :** The undertaking given was that sympathetic consideration would be given to the question of allowing special rates when these were required to facilitate particular movements of special crops and that the Railway Board would consult agricultural officers and the new marketing staff in connection with any proposals put up to them. The Railway Board have not received any proposals as yet.

The quotation of special rates is influenced entirely by local conditions and is, therefore, a question primarily for consideration by Railway Administrations who have been advised of the undertaking given by the Railway Board and asked to take action in consultation with agricultural officers and marketing staff to ensure that it was implemented.

I am placing on the table a statement summarising briefly the action taken by Railway Administrations in cases in which requests were received for special rates to be quoted.

*Assam Bengal Railway.*—The question of special rates for rice and paddy from milling stations in paddy growing areas served by the Gauhati Branch, is under correspondence with the Marketing Officer.

At the request of the Director of Agriculture, Assam, quarter parcels rates for pine-apples have been quoted from stations on the northern section to *via* Pandu (for traffic to Calcutta).

At the request of the Director of Agriculture, Bengal, quarter parcels rates have been quoted for grafts, fruit plants and shrubs.

*Bengal and North Western Railway.*—At the request of the Director of Agriculture, United Provinces, it has been agreed to quote special rates for ground-nuts to Cawnpore.

The question of reducing rates for wheat to Bengal and Assam is under correspondence.

*Bombay, Baroda and Central India Railway.*—At the request of the Director of Agriculture, United Provinces, reduced rates for ground-nuts have been quoted on the Cawnpore-Achnera Section.

*Eastern Bengal Railway.*—A large number of special rates have been quoted for grain and pulses, rice and paddy, seeds common, garlic, onions, potatoes, ginger, chillies and tobacco from and to various stations.

*North Western Railway.*—At the request of the Marketing Officer reduced rate is being quoted for wheat from Lyallpur to Bombay.

*South Indian Railway.*—Special rates have been quoted for rice, paddy, ground-nuts, cotton, cocoanuts, plantains, potatoes and sugarcane.

#### PROTECTIVE DUTY ON IMPORT OF DAIRY PRODUCTS.

456. **\*Mr. Akhil Chandra Datta :** Has the Tariff Board examined the question of a protective duty on all imports of dairy products ? If so, what has been their recommendation ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question has never been examined by the Tariff Board.

#### REDUCTION IN THE NUMBER OF CLASSES ON INDIAN RAILWAYS.

457. **\*Mr. Akhil Chandra Datta :** Has any decision been taken on the question of a reduction in the number of classes on Indian Railways ? If not, what specific proposals are under consideration ?

**Mr. P. R. Rau :** The reply to the first part is in the negative. As regards the second part, no specific proposals are at present under consideration, but the general question was discussed with the Central Advisory Council for Railways on the 14th instant.

**Dr. Ziauddin Ahmad :** Is it not a fact that the Ackworth Committee recommended that the classifications should be simplified and reduced ?

**Mr. P. R. Rau :** I think the Honourable Member is referring to the number of classes for passengers ?

**Dr. Ziauddin Ahmad :** And is it not also a fact that Government also promised a consideration of such reduction as published in their Administration Report ?

**Mr. P. R. Rau :** Is my Honourable friend referring to the classification of goods or of passengers ?

**Dr. Ziauddin Ahmad :** I am talking of the reduction in the number of classification on the Indian Railways.

**Mr. P. R. Rau :** I do not remember if the Ackworth Committee suggested any such reduction in the number of classes into which the

Indian Railways are divided. The Indian Railways are divided roughly into three classes, the first class consisting of those whose gross earnings are over 50 lakhs, the second class of those of over 10 lakhs, and the rest belonging to the third class.

**Dr. Ziauddin Ahmad :** And there are a number of items in the third class of all possible things owned by the district boards, owned by private companies, and so on ; and it was recommended that they should be amalgamated, if possible, into smaller units.

**Mr. P. R. Rau :** This question refers to the number of classes for passengers, viz., first, second, intermediate and third, and whether they should be reduced.

**Pandit Lakshmi Kanta Maitra :** May I know what were the specific proposals made in the Central Advisory Council about the classes for passengers ?

**Mr. P. R. Rau :** The opinions were varied. Some members thought that the present classification ought to be retained while others thought that the number of classes should be reduced by one and we should have one upper class, one lower class and one intermediate class.

**Pandit Lakshmi Kanta Maitra :** Is the matter still awaiting the decision of the Central Advisory Council or has any final decision been reached ?

**Mr. P. R. Rau :** The Central Advisory Council discussed this question only on Saturday last.

**Mr. Muhammad Azhar Ali :** Is it a fact that, as reported in the *Hindustan Times* yesterday, the intermediate class is proposed to be abolished ? Did the Honourable Member see it ?

**Mr. P. R. Rau :** I do not believe all that I read in the newspapers.

**Pandit Lakshmi Kanta Maitra :** Was there not a proposal like that that the intermediate class should be abolished ?

**The Honourable Sir Muhammad Zafrullah Khan :** If it is meant whether there have been proposals of that description in the meeting of the Central Advisory Council, there have been proposals of all kinds, almost all the permutations and combinations which can be imagined with regard to classification and reclassification. But, as has been explained, the meeting was held only on last Saturday and the proposals have been collected together, and the matter will now receive the consideration of the Railway Board.

**Pandit Lakshmi Kanta Maitra :** Will the Honourable Member place the final decision before this House ?

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.

#### REPORT OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS.

458. **\*Mr. Akhil Chandra Datta :** (a) Do Government propose to give an opportunity to this House to discuss the report of the Indian Delegation to the League of Nations, published in the Gazette of India of the 26th January, 1935 ?

(b) Are Government aware that there is a demand for such an opportunity ?

**The Honourable Sir Nripendra Sircar :** (a) and (b). The Honourable Member is referred to my reply to question No. 572 on the 14th August, 1934, in which I stated that if Government were made aware through the recognised channel of Party Leaders that there was a general desire to discuss any future Report, otherwise than on a Resolution making specific recommendations with reference thereto, they would be prepared to consider the possibility of allotting time for the purpose. No representation on the subject having been made to Government, they are not in a position to infer the existence of such a demand. They have, however, themselves considered the matter and reached the conclusion that the extreme diversity of the subjects dealt with in any Report of the Indian Delegation would render any general discussion thereof impracticable and I would suggest that any Honourable Member who desires to discuss specific questions arising on the Report should give notice of a Resolution relating to that specific question.

**Dr. Ziauddin Ahmad :** In view of the fact that the number of days allotted for Resolutions are so few and a Resolution like this has been tabled half a dozen times during the last four years, but had never a chance to be discussed, may I request the Honourable Member to consider the proposal of allotting a day or half a day in this Session for the discussion of this question ?

**The Honourable Sir Nripendra Sircar :** I may remind the Honourable Member that I said on the 14th August, 1934, more than a year ago, that Government would be prepared to consider it should any information be given to them through the usual channels of Party Leaders that there was a demand for it. They have received no such demand for a year and two months. If such a demand is made, the matter has to be considered.

**Dr. Ziauddin Ahmad :** Thanks.

**Dr. P. N. Banerjee :** Was that not in the last Assembly, and not in the present one ?

#### INTRODUCTION OF REFORMS IN THE PROVINCES.

459. **\*Mr. Akhil Chandra Datta :** (a) Will Government please state the approximate time by which the Reforms are likely to be introduced in the provinces ?

(b) When do Government propose to have the election for the formation of the reformed Legislatures in the provinces ?

**The Honourable Sir Nripendra Sircar :** (a) and (b). While every effort is being made to ensure that the Reforms are introduced into the provinces with the least possible delay, Government cannot at this stage commit themselves to any statement as to the probable date of their introduction or of the elections. Both matters depend largely upon the course and duration of the electoral preparations which cannot at present be forecasted with any accuracy.

**Mr. T. S. Avinashilingam Chettiar :** Are Government aware that some of the Provincial Legislative Councils have already run for six years,

that is, twice the usual period and that more delay means more number of years for the same Council ?

**The Honourable Sir Nripendra Sircar :** The Honourable Member is giving me information, which is not new to me.

**Pandit Lakshmi Kanta Maitra :** So far as the Bengal Council is concerned, it has already lived to a life of seven years.

**The Honourable Sir Nripendra Sircar :** That is not a question : that is information which is not wanted.

**Mr. T. S. Avinashilingam Chettiar :** Does the Honourable Member propose to have re-election under the present Constitution itself if it will take longer for the new Constitution to come in ?

**The Honourable Sir Nripendra Sircar :** I cannot express an opinion as to what will happen, not knowing when the new Constitution is going to be introduced.

**Mr. S. Satyamurti :** Apart from the time required for completing the electoral arrangements under the new Constitution in the provinces, are there any questions outstanding which must, to the knowledge of Government, be settled before the elections can be held to the various Provincial Legislatures ?

**The Honourable Sir Nripendra Sircar :** If there are any questions outstanding, certainly they do not stand in the way. Therefore, my answer is that the only ground is what I have already given in my answer to the original question.

**Mr. S. Satyamurti :** Have Government attempted to make any rough calculation of the time required for preparing the electoral rolls in the various provinces ?

**The Honourable Sir Nripendra Sircar :** No.

**Mr. Lalchand Navalrai :** May I know if the reforms in Sind are going to be in operation earlier ? If so, when, and who will be our Governor ?

**The Honourable Sir Nripendra Sircar :** I have no information ; but I believe the Honourable Member will be quite eligible for the post. (Laughter.)

#### CONSTRUCTION OF THE DACCA-ARICHA RAILWAY.

460. **\*Dr. P. N. Banerjea :** (a) Has the attention of Government been drawn to the proceedings of a Dacca-Aricha Railway Conference, held at Dacca on the 14th July 1935, at which the representatives of the people of the district of Dacca expressed their emphatic opinion that in the interest of the public the construction of the Dacca-Aricha Railway should be proceeded with without delay ?

(b) If so, are Government prepared to re-consider their decision with regard to the construction of this Railway ?

**Mr. P. R. Rau :** (a) No.

(b) Does not arise.

**Pandit Lakshmi Kanta Maitra :** Is it not under contemplation of the Government to construct the Aricha Railway ?

**Mr. P. R. Rau :** No.

**Pandit Lakshmi Kanta Maitra :** Was there no such scheme before the Government ?

**Mr. P. R. Rau :** There was a scheme which was under consideration for a long time, but, as I explained to the House some time ago, the Government of Bengal considered that this scheme would have seriously bad effects on the public health of the province, and so the Government of India had to give it up.

**Dr. P. N. Banerjea :** Was not a copy of the proceedings of this conference sent to the Honourable Member ?

**Mr. P. R. Rau :** No.

#### BAGGAGE FREE ALLOWANCE FOR THIRD CLASS PASSENGERS FROM CEYLON TO INDIA.

461. **\*Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether it is a fact :

(i) that the Central Board of Revenue have issued notification No. 31, dated 30th August, 1930, regarding baggage free allowance for passengers from Ceylon to India ;

(ii) that no specific free allowances have been prescribed for third class passengers ; and

(iii) that, as a result of the indefiniteness of this provision, third class passengers are open to petty persecutions ?

(b) Do Government propose to consider the advisability of fixing specifically the allowances for the third class passengers, as has been done for the higher two classes ?

**Mr. A. H. Lloyd :** (a) (i). Customs notification No. 31, dated the 30th of August, 1930, as amended by Customs notification No. 56, dated the 27th of August, 1932, exempts from duty, subject to certain conditions and exceptions, *bona fide* personal baggage brought by passengers from Ceylon.

(ii) No specific free allowances have been prescribed by the Central Board of Revenue for any class of passengers.

(iii) Government have no reason to believe that Customs Officers are abusing the discretion which is vested in them.

(b) No. It must be left to the local officers to decide what can be regarded as *bona fide* personal baggage in each individual case.

**Mr. T. S. Avinashilingam Chettiar :** Is it not necessary that definite allowances should be provided for each class of passenger ?

**Mr. A. H. Lloyd :** I would only say that, in view of the great opportunities for abuse on such a short journey as the run from Dhanushkodi, if any cast iron rule were laid down, the limit would have to be so rigid as to inconvenience many passengers.

**Mr. S. Satyamurti :** Is it or is not a fact that Indians who go to Ceylon and return, are compelled to pay taxes or duties on goods which

they have imported into Ceylon for their own use, and on which duties have already been levied and paid ?

**Mr. A. H. Lloyd :** That can happen.

**Mr. S. Satyamurti :** May I know if the Government realise that it is double taxation and may involve injustice, and will they examine it and see if this double taxation can be avoided ?

**Mr. A. H. Lloyd :** A representation on the subject is before the Central Board of Revenue and will be examined.

**Pandit Lakshmi Kanta Maitra :** With regard to part (iii) of this question, I was inquiring whether the Honourable Member has made any inquiry whether there are petty persecutions like that ?

**Mr. A. H. Lloyd :** Certainly we have made inquiries.

RICE, BROKEN-RICE AND PADDY IMPORTED INTO INDIA FROM SIAM AND INDO-CHINA.

462. \***Mr. T. S. Avinashilingam Chettiar :** Will Government state :

(a) the amount of rice, broken-rice and paddy imported into India from Siam and Indo-China since the levy of the import duty on broken-rice ; and

(b) the effect of the import duty on broken-rice on the above imports ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) A statement is laid on the table furnishing the information asked for as far as it is available.

(b) The Government are unable to offer an opinion at this stage, but of course it is open to the Honourable Member to draw his own conclusions from the figures in the statement.

*Statement showing imports into India of rice, broken-rice and paddy from Siam and Indo-China during April to August, 1935.*

| Month.    | Rice. |             |        | Broken-rice. |             |        | Paddy. |             |        |
|-----------|-------|-------------|--------|--------------|-------------|--------|--------|-------------|--------|
|           | Siam. | Indo-China. | Total. | Siam.        | Indo-China. | Total. | Siam.  | Indo-China. | Total. |
|           | Tons. | Tons.       | Tons.  | Tons.        | Tons.       | Tons.  | Tons.  | Tons.       | Tons.  |
| April ..  | 300   | 607         | 907    | 3,918        | 600         | 4,518  | ..     | 1,442       | 1,442  |
| May ..    | 500   | ..          | 500    | ..           | ..          | ..     | ..     | 10,548      | 10,548 |
| June ..   | ..    | ..          | ..     | ..           | ..          | ..     | ..     | 7,360       | 7,360  |
| July ..   | 500   | ..          | 500    | ..           | ..          | ..     | 5,073  | 3,411       | 8,484  |
| August .. | 750   | ..          | 750    | 9,035        | ..          | 9,035  | 550    | ..          | 550    |
| Total ..  | 2,050 | 607         | 2,657  | 12,953       | 600         | 13,553 | 5,623  | 22,761      | 28,384 |

**Mr. T. S. Avinashilingam Chettiar :** Are Government aware that large quantities of paddy and rice are being imported into this country from Siam ?

**The Honourable Sir Muhammad Zafrullah Khan :** So far as the information available goes, there were no such imports during May, June and July : there have been imports of broken-rice—not paddy—of a fairly substantial quantity during August.

**Mr. C. N. Muthuranga Mudaliar :** Does the statement contain figures for August ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes.

**Pandit Lakshmi Kanta Maitra :** Can the Honourable Member give us an idea of the quantity of imports ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am prepared to read out any portion of the figures required.

**Prof. N. G. Ranga :** What is the last import of broken-rice ?

**The Honourable Sir Muhammad Zafrullah Khan :** 9.035 tons from Siam.

**Prof. N. G. Ranga :** In view of the fact that this duty has been imposed on broken-rice imports, does it not clearly show that this duty does not, after all, operate in the interests of our Indian producers ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have submitted that it is too early to express an opinion, because, during May, June and July, there was absolutely no import of broken-rice at all.

**Mr. T. S. Avinashilingam Chettiar :** Will Government be prepared to revise the duty in the light of the figures given in these statistics ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government are not prepared to take any action as a result of one month's imports.

**Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member kindly give the figure for June, July and August ?

**The Honourable Sir Muhammad Zafrullah Khan :** For broken-rice—June nil, July nil, August, I have already given the figures.

**Pandit Lakshmi Kanta Maitra :** And for ordinary rice ?

**The Honourable Sir Muhammad Zafrullah Khan :** June nil, July 500 tons, August 750 tons.

SUGGESTION REGARDING IMPOSITION OF A PROHIBITIVE IMPORT DUTY ON ZANZIBAR CLOVES.

463. \***Mr. T. S. Avinashilingam Chettiar :** Will Government state :

(a) whether they have received any representations from the Zanzibar Indians that the extension of moratorium to Arab producers and the increase in the licensing fees have had disastrous effect on Indians :

(b) whether they have suggested that the Government of India should impose a prohibitive import duty on Zanzibar cloves as a retaliatory measure :

- (c) what reply have Government given to the Zanzibar Indians ;  
 (d) whether they are negotiating with the Zanzibar Government ;  
 and  
 (e) if so, what the results are ?

**Sir Girja Shankar Bajpai :** (a) Representations on the subjects mentioned by the Honourable Member have been received.

(b) Yes.

(c) The Zanzibar Indians have been informed that the matter is receiving attention.

(d) and (e). The attention of the Honourable Member is invited to the reply given by me on the 4th September, 1935, to Mr. S. Satyamurti's question No. 118.

#### TEMPORARY CLERKS IN THE OFFICE OF THE CONTROLLER OF TELEGRAPH STORES, ALIPORE.

464. **\*Dr. P. N. Banerjee :** (a) Is it a fact that there are some clerks in the office of the Controller of Telegraph Stores, Alipore, Calcutta, who have been retained on temporary basis for periods ranging from six to ten years without being made permanent ? If so, will Government be pleased to state the reason for retaining them on a fixed pay for a considerable number of years without annual increase in emoluments ?

(b) Is it a fact that these temporary posts were first created in the year 1923 ?

(c) Have these clerks been drawing Rs. 50 per month since the year 1929, and, according to Fundamental Rule 39, does not the maximum limit of Rs. 50 per month constitute the minimum stage of the grade Rs. 50—6—110—5—160 prevalent in the Store Office for "A" Cadre posts ? If the reply be in the affirmative, are Government prepared to consider the desirability of confirming these clerks in the existing scale Rs. 50—6—110—5—160 ?

(d) Was there any preferential provision for graduate and under-graduate clerks in the Posts and Telegraphs Department ?

(e) Was the said concession withdrawn long after the graduate and under-graduate incumbents had entered the Department ? If so, do Government propose to grant them the said concession ?

(f) Did some of these officers submit any petition to Government in July, 1934 ? If so, what action has been taken on their appeals and what do Government propose to do with them ?

**The Honourable Mr. D. G. Mitchell :** (a) As regards the first part of the question, some clerks in the office of the Controller, Telegraph Stores, Alipore, were retained on a temporary basis for periods ranging from two to nine years. As regards the second part, the question of the reorganisation of the office of the Controller of Telegraph Stores was under consideration for some time but for administrative and financial reasons it was found impracticable to bring the temporary staff earlier on to the permanent establishment. In March last, a decision was finally arrived

at and orders were issued to bring the temporary staff on to the permanent establishment with effect from the 1st April, 1935. The officials in question were not eligible for any increments as they were only holding temporary posts sanctioned on a fixed pay from year to year.

(b) Yes.

(c) The reply to the first part is in the affirmative but the position with regard to the fixation of pay of the temporary posts is not as stated by the Honourable Member. The clerks in question have been drawing a fixed pay of Rs. 50 in the temporary posts held by them and the rule cited by the Honourable Member does not require them to be brought on to the scale mentioned by him. The last part of the question does not arise.

(d) Yes.

(e) The reply to the first part is in the affirmative, and to the second part in the negative. As stated in the reply to part (a), the question of confirmation of the temporary men was deferred on financial and administrative grounds ; and they are not eligible for the concession now.

(f) The reply to the first part is in the affirmative. As regards the second part, the petitions have been carefully considered and such of the concessions prayed for as were admissible according to the rules were granted.

**Mr. M. Ananthasayanam Ayyangar :** Does the period of temporary service count for pension ?

**The Honourable Mr. D. G. Mitchell :** Yes, Sir.

#### GROWTH AND DEVELOPMENT OF INDIGENOUS INSURANCE BUSINESS.

465. **\*Mr. Akhil Chandra Datta :** (a) Are Government aware that non-Indian Insurance Companies are dumping their business in India ?

(b) Have Government considered the necessity of adopting anti-dumping measures against the non-Indian Companies in order to stop the drain of Indian money and to afford protection to the indigenous insurance Companies ?

(c) Are Government aware that such measures are adopted even in most of the advanced countries of the world ?

(d) Is it in the contemplation of the Government to amend the existing Insurance Law of this country ? If so, when is the Bill likely to be introduced in this House ? What progress has been made in this connection ?

(e) What is the main object of the proposed amendment ?

(f) Is it their object or is it one of their objects to make effective provision to help the growth and development of indigenous insurance business ?

(g) Have Government considered the advisability of appointing a committee of enquiry consisting of representative insurance men to ascertain the real problems of Indian insurance business and their requirements and drafting the Bill in the light of their recommendations ? If not, are Government prepared to do so ?

**The Honourable Sir Nripendra Sircar :** (a) No. On the other hand business of non-Indian Companies is declining.

(b) No.

(c) No.

(d), (e) and (f). Government are provisionally of opinion that the rapid development of insurance business during the last few years has created numerous circumstances in which the existing law is inadequate. They have, therefore, appointed an Officer on Special Duty to examine the question and to indicate broadly the lines on which new legislation should be undertaken. Representations relating to provisions for growth and development of indigenous insurance business have been received from public bodies and are being considered by the Officer on Special Duty. This Officer's report is expected to be ready about October, and it is impossible for Government to state in what directions amendments will be made until the report of the Special Officer has been received and considered.

(g) Government will consider what their further procedure should be after the report of the Special Officer has been received, but they will certainly consider the suggestion made by the Honourable Member.

**Mr. S. Satyamurti :** What is the amount of insurance business now done by Indian and non-Indian companies in this country ?

**The Honourable Sir Nripendra Sircar :** I am afraid I have not got that information.

**Mr. S. Satyamurti :** I think I heard the Honourable Member say that non-Indian business is declining. May I know on what basis he made that statement ?

**The Honourable Sir Nripendra Sircar :** On the basis of the information I have received. I have not got the exact figures before me, but there is no question that non-Indian insurance business is declining and, if my Honourable friend wants the exact information, I shall be able to give it at short notice.

**Mr. S. Satyamurti :** Is it not a fact, Sir, that even today a not inconsiderable share of the insurance business is done by non-Indian companies in this country ?

**The Honourable Sir Nripendra Sircar :** A not inconsiderable share ?

**Mr. S. Satyamurti :** Yes.

**The Honourable Sir Nripendra Sircar :** Yes, that is right.

**Mr. S. Satyamurti :** May I know whether Government propose to take steps to conserve, as far as possible, insurance business which is almost fool proof and knave proof for Indian companies.....

**The Honourable Sir Nripendra Sircar :** I must really raise a point of order on this. During the last two months, we have been having these questions loaded with observations which are no part of the question itself,—they have been more by way of criticism of Government or reflections on the Government, but surely they did not form part of the question. A question is directed only to get information.

**Mr. S. Satyamurti :** I can understand the Government saying there is some class of business in which we cannot interfere, because it may upset the canons of honesty. My point is that insurance business is

fool proof and knave proof. There is a real law in the country which governs insurance companies, and almost any company may be trusted to conform to it. It is no reflection on the Honourable the Law Member.

**Mr. President** (The Honourable Sir Abdur Rahim) : With regard to the point of order that has been raised, I have observed that often in supplementary questions reflections and criticisms are introduced which is contrary to the rules and Standing Orders.

**The Honourable Sir Nripendra Sircar :** In the meantime I have forgotten what the question was.

**Mr. S. Satyamurti :** My Honourable friend is always after other things than the question itself. My question is this: Will the Honourable the Law Member say why Government don't propose to consider taking steps to conserve as much of insurance business as possible, by such steps as the Government can take, for Indian companies ?

**The Honourable Sir Nripendra Sircar :** I ignore your remark and I say that Government do not propose to take any steps before this Report is received and considered. We expect this Report to be ready about October.

**Mr. S. Satyamurti :** Will Government bring up proposals in the next cold weather in the Assembly on this matter ?

**The Honourable Sir Nripendra Sircar :** I think I answered that question.

**Mr. S. Satyamurti :** I want to raise a point of order, Sir. I can understand the Government saying "We won't answer the question...."

**The Honourable Sir Nripendra Sircar :** I said I answered it.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is what the Chair heard.

**Mr. S. Satyamurti :** If you have heard the answer, I am satisfied, but I have not heard the answer.

**The Honourable Sir Nripendra Sircar :** May I just repeat what I said ? This officer's Report is expected to be ready about October, and it is impossible for Government in what directions amendments will be made until the Report of the Special Officer has been received and considered. Therefore, our proposals are not yet ready, and I cannot say definitely the date on which such proposals would be brought forward.

**Mr. S. Satyamurti :** You have now answered. That was not the original answer.

**The Honourable Sir Nripendra Sircar :** That was the original answer.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has now got the answer. Next question please.

IMPOSITION OF DUTIES ON PERSONAL EFFECTS CARRIED BY PASSENGERS FROM CEYLON TO INDIA.

466. **Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have heard from the Nadar Mahajana Sangam, Ceylon, about the unjustifiable imposition of duties on per-

sonal effects carried by passengers from Ceylon to India *via* Tuticorin or Dhanushkodi ;

- (b) whether Government have replied to them, and if not, why not ;
- (c) whether duties are levied on the following articles, *inter alia*, a piano carried by a pianist passenger or a similar musical instrument by people interested in the line, a typewriter by a professional typist, a few yards of cloth either cotton or silk to be conveniently made into a parcel, and if so, why ;
- (d) whether it is a fact that no specific free allowance is prescribed for third-class passengers ; and if not, why not ;
- (e) whether it is left to the discretion of individual Customs Collectors ; and
- (f) whether they propose to enquire into the matter, and take steps to redress these grievances ?

**Mr. A. H. Lloyd :** (a) A representation was received from the Nadar Mahajana Sangam, Ceylon, in 1933.

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

(c), (d), (e) and (f). In so far as these parts of the question relate to the application of the Baggage Rules, I would refer the Honourable Member to the reply which I gave to question No. 461 asked by Mr. T. S. Avinashilingam Chettiar and to the notifications quoted in that reply. In so far as they relate to the disposal of claims to the benefit of No. 77 (1) of the Indian Customs Tariff, the reply is that every case must be decided on its merits.

FROM RAI BAHADUR PANDIT RAM NATH, B.A., SECRETARY, CENTRAL BOARD OF REVENUE, TO THE HONORARY SECRETARIES, THE NADAR MAHAJANA SANGAM, 77, MALIBAN STREET, COLOMBO (CEYLON), R. DIS. NO. 536-CUS.I|33, DATED SIMLA, THE 18TH AUGUST, 1933.

*Baggage—Passengers from Ceylon—Notification regarding—Proposed amendment of—Your letter, dated the 29th May, 1933.*

I am directed to refer to the letter quoted above.

2. The Government of India have already decided not to prescribe any scale of free allowance in the baggage rules, as the question of what is or is not covered by the term personal effects is one which must be decided by reference to the facts of each case. It has, however, been ascertained from the Collector of Customs, Madras, that instructions have been issued to the Inspectors of Customs to be as helpful as possible to the travelling public. Also that the baggage regulations should be enforced in a liberal spirit subject to adequate safeguards to the revenue. No complaints have been received from the travelling public since the issue of these instructions.

**Mr. S. Satyamurti :** With reference to the answer to clause (e) of the question, may I know, Sir, why free allowance is not specifically mentioned ? Individual Customs Collectors prescribe these free allowances, and, if so, do they do it in each individual case or from time to time, and, if so, on what principles ?

**Mr. A. H. Lloyd :** I believe the position is, the Customs Collectors have general Standing Orders which are subject to adjustments in individual cases.

**Mr. S. Satyamurti :** What are the principles on which these Customs Collectors lay down the specific free allowance ?

**Mr. A. H. Lloyd :** The principle, I think, may be said to be the desire to be reasonable.

**Mr. S. Satyamurti :** May I know if my Honourable friend realises that, if these specific free allowances are laid down from time to time, and again they are subject to exemptions or additions at the discretion of individual officers doing duty at the time, it may give rise to injustice ?

**Mr. A. H. Lloyd :** I think I have already said that if we were to frame our rules so as to guard ourselves against any chance of abuse, they would have to be so extremely rigid and limited as to be unjust and unfair to many passengers.

**Mr. S. Satyamurti :** What steps do Government propose to take to protect individual passengers from injustice ? Apart from the general rules which they have laid down, do Government propose to take any safeguards to protect individuals against cases of abuse of this power ?

**Mr. A. H. Lloyd :** The safeguard is the supervision and control by superior officers.

**Prof. N. G. Ranga :** What is the present limit of free allowance, Sir ?

**Mr. A. H. Lloyd :** That I cannot answer.

**Prof. N. G. Ranga :** Is it a fact that no free allowance is fixed merely in the interest of the passengers and not in the interest of the Collectors ?

**Mr. A. H. Lloyd :** I think, Sir, one of the principal interests to be considered is that of British Indian traders.

**Mr. T. S. Avinashilingam Chettiar :** If no free allowance is fixed, how do the customs people regulate this free allowance ? Do they do it according to their own whims and caprices ?

**Mr. A. H. Lloyd :** I think, Sir, I have already answered that question. There must be an element of discretion, otherwise there will be serious abuse.

**Prof. N. G. Ranga :** Is there any minimum limit at all of this free allowance ?

**Mr. A. H. Lloyd :** Not so far as I am aware.

**Prof. N. G. Ranga :** Is it a fact then that Government do not wish to fix even a minimum of free allowance in the interests of passengers ?

**Mr. A. H. Lloyd :** We have other interests besides those of passengers to consider.

**Prof. N. G. Ranga :** In what way do Government propose to safeguard the interests of passengers also ?

**Mr. A. H. Lloyd :** By giving instructions to their officers to be reasonable and fair in the administration of their duties. If the Honourable Member will bear with me, I will read out the reply, a copy of which I have just laid on the table, but which the Honourable Member has not seen yet. It says :

"The Government of India have already decided not to prescribe any scale of free allowance in the baggage rules, as the question of what is or is not covered by



the term personal effects is one which must be decided by reference to the facts of each case. It has, however, been ascertained from the Collector of Customs, Madras, that instructions have been issued to the Inspector of Customs to be as helpful as possible to the travelling public. Also that the baggage regulations should be enforced in a liberal spirit subject to adequate safeguards to the revenue. No complaints have been received from the travelling public since the issue of these instructions."

**Prof. N. G. Ranga :** Are we to take it that the allowances which are usually granted are not in any way less than the allowances granted on the Ceylonese and Indian Railways?

**Mr. A. H. Lloyd :** I fail to understand that question.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### ALLEGATIONS AGAINST SOME RAILWAY OFFICIALS AT TUNDLA.

467. **\*Pandit Sri Krishna Datta Paliwal :** (a) With reference to the replies to question No. 871 (c), (e) and (f), dated the 12th March, 1935, are Government making enquiries from the said Deputy Controller himself or from the Superintendent, Police, Agra, who registered the lorries in the name of his wife in the year 1933 or thereabouts?

(b) Will Government please also enquire and state whether the said Deputy Controller of Tundla borrowed big sums of money for the purpose from the East Indian Railway Employees Co-operative Credit Society on false pretences in 1932 or 1933?

(c) Is it also a fact that he borrowed large sums of money from the local money-lenders of Tundla also in 1933 and is it a fact that for the payment thereof his pay is still attached and the major portion of the pay is attached for payment of these debts?

**Mr. P. R. Rau :** (a) I would invite the attention of my Honourable friend to the information laid on the table of the House on the 2nd September, 1935, in connection with parts (c) and (e) of question No. 871 asked by him on the 12th March, 1935.

(b) and (c). I am sending a copy of these parts of the question to the Agent, East Indian Railway, for any action that may be necessary.

#### VENDORS AT THE TUNDLA RAILWAY STATION.

468. **\*Pandit Sri Krishna Datta Paliwal :** (a) With reference to the reply given to question 878 (e), dated the 12th March, 1935, will Government please state the exact grounds on which it is believed that the particular outsiders selected for vendorship at Tundla in preference to old retired Railway servants can give better service?

(b) What are the exact requirements of the Railway authority and what are the criteria to judge capacity for service?

(c) Will Government kindly lay on the table a copy of the rules governing the grant of vendorships?

**Mr. P. R. Rau :** (a) and (b). The selection of vendors is largely a matter of discretion, and it rests with the appointing authority to exercise its own judgment as to which of the applicants are the most suitable.

(c) Government have issued no rules in regard to this matter. On the East Indian Railway applications are called for when occasion arises and the most suitable firm is selected by the authority empowered to appoint vendors.

#### ELECTION TO THE ALL-INDIA MEDICAL COUNCIL.

469. **\*Mr. S. Satyamurti** (on behalf of Dr. T. S. S. Rajan) : (a) Is the All-India Medical Council subject to the control of the Government of India?

(b) Who is responsible for the conduct of the elections to the All-India Medical Council?

(c) Are Government aware that a number of voters to the Council belonging to the province of Madras sent a letter protesting against the way in which the secrecy of ballot paper was not maintained in the recent election to the vacant seat?

(d) Is the local Government the final authority in deciding the method and manner of the election?

(e) If so, how does the Government of India become responsible for the body whose election and nomination is not subject to their control?

(f) How do Government justify the position taken up by the Government of Madras that they will not consider the question even after the error has been pointed out by the voters and a way out of it suggested by them?

(g) Under the conditions mentioned do Government hold that the election has been conducted fairly?

(h) If not, are Government prepared to order a fresh election to that constituency after declaring the past election null and void?

**Sir Girja Shankar Bajpai :** (a) The powers exercisable by the Governor General in Council in relation to the Indian Medical Council are defined in the Indian Medical Council Act, 1933, copies of which are available in the Library.

(b), (d) and (e). I would invite the Honourable Member's attention to section 4 of the Act.

(c), (f) and (g). The Government of India have no information regarding the manner in which the election referred to by the Honourable Member was conducted in Madras. No instructions were issued by them.

(h) I may point out that under the provisions of the Act the decision of the Local Government in matters of dispute regarding any election to the Council is final.

**Mr. S. Satyamurti :** Will Government make enquiries from the Madras Government, and find out if it is or if it is not a fact that this election was so conducted that the returning officer knew in every case who voted for which candidate, and will Government take steps or request the Local Government to take steps to ensure secrecy of the ballot, which is essential for the purity of elections?

**Sir Girja Shankar Bajpai :** The Honourable gentleman who has tabled this question has also addressed a representation to me on the subject. That is receiving consideration.

**Mr. S. Satyamurti :** Will the Government of India address the Local Government, and find out whether this particular election was so conducted as to destroy any secrecy in the voting ?

**Sir Girja Shankar Bajpai :** My Honourable friend is asking me to anticipate the result of the consideration. I got the letter only yesterday, but I can assure my friend that I shall do what I can.

**Mr. C. N. Muthuranga Mudaliar :** Are Government aware that the Surgeon-General himself took deep interest in a particular candidate in this election ?

**Sir Girja Shankar Bajpai :** I think if my Honourable friend had listened to the answer which I gave to parts (c), (f) and (g) of the question, he would have realised that the Government of India have no information regarding the manner in which the election referred to by the Honourable Member was conducted in Madras.

**Mr. C. N. Muthuranga Mudaliar :** Will Government make inquiries into this matter ?

**Sir Girja Shankar Bajpai :** I have already informed the House that I have received a separate representation from Dr. Rajan and that that is receiving consideration.

#### ADMINISTRATIVE STAFF APPOINTMENTS HELD BY INDIANS BY THE INDIAN MEDICAL SERVICE.

470. **\*Mr. S. Satyamurti** (on behalf of Dr. T. S. S. Rajan) :  
(a) Do Indians in the Indian Medical Service hold any administrative staff appointments ?

(b) Will Government be pleased to lay on the table a list of such appointments held by Indians till now ?

(c) If no such appointment is held by Indians till now, will Government explain the reason for such non-appointment ?

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

(b) I lay a statement on the table.

(c) Does not arise.

*List of Administrative Appointments held by Indian Officers of the Indian Medical Service during the period from 1921 to July 1935.*

#### CIVIL.

|                               |                                                      |
|-------------------------------|------------------------------------------------------|
| Colonel C. R. Bakhle .. ..    | I. G. C. H., Punjab.                                 |
| " K. V. Kukday, C.I.E. ..     | I. G. C. H., Central Provinces.                      |
| " D. P. Goil .. ..            | I. G. C. H., Punjab.                                 |
| Lt.-Col. K. G. Gharpurey ..   | Offg. Surgeon-General with the Government of Bombay. |
| Major-General D. P. Gell ..   | Surgeon-General with the Government of Bengal.       |
| Lt.-Col. M. S. Irani .. ..    | Offg. Surgeon-General, Bombay.                       |
| Colonel N. S. Sodhi, M.C. ..  | I. G. C. H., Burma.                                  |
| Lt.-Col. D. H. Rai, M.C. ..   | Offg. I. G. C. H., Punjab.                           |
| Lt.-Col. H. L. Batra, M.C. .. | Offg. I. G. C. H. and Prisons, Assam.                |

#### CIVIL—contd.

|                                     |                                                        |
|-------------------------------------|--------------------------------------------------------|
| Lt.-Col. P. K. Tarapore ..          | Inspector-General of Prisons, Burma.                   |
| " C. M. Ganapathy, M.C. ..          | Offg. Director of Public Health, Central Provinces.    |
| " S. L. Mitra .. ..                 | Offg. D. P. H., Bihar and Orissa.                      |
| " N. D. Puri .. ..                  | Offg. Inspector-General of Prisons, Punjab.            |
| Major R. C. Malhotra. (deceased)    | Director of Public Health, Punjab.                     |
| Lt.-Col. A. Y. Dabholkar, M.C. ..   | Offg. Director of Public Health, Bombay.               |
| " L. H. Khan. (deceased)            | Offg. Inspector-General of Prisons, Central Provinces. |
| " M. A. Singh .. ..                 | Offg. Inspector-General of Prisons, Bengal.            |
| " N. S. Jatar, D.S.O. ..            | Offg. I. G. of Prisons, Central Provinces.             |
| " M. M. Khan .. ..                  | Offg. I. G. of Prisons, Madras.                        |
| " J. C. Bharucha .. ..              | Offg. I. G. of Prisons, Bihar and Orissa.              |
| Major (Now Lt.-Col.) S. L. Mitra .. | Offg. Director of Public Health, Assam.                |
| Lt.-Col. C. M. Ganapathy, M.C. ..   | Director of Public Health, Madras.                     |
| Major H. M. Salamat Ullah ..        | Offg. I. G. of Prisons, United Provinces.              |
| " S. N. Makand .. ..                | Offg. Director of Public Health, Central Provinces.    |

#### MILITARY.

|                                     |                                                   |
|-------------------------------------|---------------------------------------------------|
| Colonel B. Nath, C.I.E. ..          | A. D. M. S., Allahabad Brigade Area.              |
| Major H. J. M. Cursetjee, D.S.O. .. | Temporary D. A. D. M. S. (Mobn.), Meerut.         |
|                                     | D. A. D. M. S. (Mobn.), Meerut.                   |
| Lt.-Col. H. J. M. Cursetjee, D.S.O. | Offg. A. D. M. S., Kohat.                         |
| " M. D. A. Kureishi ..              | Offg. A. D. M. S., Bombay.                        |
| Major S. S. Sokhey .. ..            | D. A. D. P., Waziristan District.                 |
| " N. B. Mehta .. ..                 | D. A. D. H., Rawalpindi District.                 |
| " R. N. Khosla .. ..                | D. A. D. M. S. (Mobilization), Lucknow.           |
| " J. W. F. Albuquerque ..           | D. A. D. H., Madras District.                     |
| " V. N. Agate .. ..                 | Offg. D. A. D. M. S. (Mobilization), Meerut.      |
| Captain R. C. Wats .. ..            | D. A. D. P., Waziristan.                          |
|                                     | D. A. D. P., Mhow.                                |
| Major R. C. Wats .. ..              | D. A. D. P., Maymyo.                              |
| Bt.-Major M. S. Gupta .. ..         | Offg. D. A. D. P., Presidency and Assam District. |
| " A. C. Chatterji .. ..             | D. A. D. P., Kohat.                               |
| " M. L. Bhargava .. ..              | D. A. D. M. S. (Sanitation), Razmak Field Force.  |
| " P. N. Basu .. ..                  | D. A. D. P., Bombay.                              |
| " G. Verghese .. ..                 | D. A. D. P., Burma.                               |
|                                     | D. A. D. P., Bangalore.                           |
| " J. C. Chukerbuti .. ..            | Offg. D. A. D. P., Kohat.                         |
| " P. M. Antia .. ..                 | D. A. D. P., Bombay.                              |
|                                     | Offg. D. A. D. H., Bombay.                        |
| " T. B. Pahlajani .. ..             | Offg. D. A. D. P., Waziristan.                    |
| " T. C. Puri .. ..                  | D. A. D. P., Presidency and Assam District.       |
| " J. R. Dogra .. ..                 | Offg. D. A. D. P., Waziristan.                    |
| " R. C. Dracup .. ..                | Offg. D. A. D. P., Quetta.                        |

MILITARY—*contd.*

|                                 |                                             |
|---------------------------------|---------------------------------------------|
| Captain M. K. Afridi .. ..      | Offg. D. A. D. P., Kohat.                   |
| .. S. W. H. Askari .. ..        | Offg. D. A. D. P., Lucknow.                 |
| .. E. Benjamin (T. C.) ..       | Offg. D. A. D. P., Waziristan.              |
| .. V. D. Madgavkar (T. C.) ..   | D. A. D. P., Waziristan.                    |
| .. P. S. Varadarajan (T. C.) .. | Offg. D. A. D. P., Bombay.                  |
| Major J. W. F. Albuquerque ..   | D. A. D. H., Meerut District.               |
| .. K. M. Bharucha .. ..         | D. A. D. H., Lahore District.               |
| Captain T. B. Pahlajani .. ..   | D. A. D. P., Kohat District.                |
| .. J. R. Dogra .. ..            | D. A. D. P., Waziristan District.           |
| .. M. K. Afridi .. ..           | D. A. D. P., Presidency and Assam District. |

**Mr. S. Satyamurti :** How many Indians are now holding the appointments ?

**Mr. G. R. F. Tottenham :** I have a list here of about three type-written pages. I do not know the exact number.

**Mr. S. Satyamurti :** What is the proportion of appointments held by Indians roughly ?

**Mr. G. R. F. Tottenham :** I should like to have notice of that question.

#### RACIAL DISCRIMINATION IN THE RECRUITMENT OF ASSISTANT SURGEONS IN THE INDIAN MEDICAL DEPARTMENT.

471. \***Mr. S. Satyamurti** (on behalf of Dr. T. S. S. Rajan) : (a) Is it a fact that appointments of Assistant Surgeons in the Indian Medical Department are exclusively reserved for the Anglo-Indian community ?

(b) If so, will Government be pleased to state the reasons ?

(c) Are the Pupil Candidates given a stipend for a period of five years of their training and posts given at the end of this period to successful candidates ?

(d) Will Government be pleased to state their reasons for favouring this particular community with stipends from public funds even for their professional education ?

(e) Are Government prepared to discontinue this procedure of privilege for a particular community and throw open the whole cadre to all statutory natives of India, irrespective of caste and creed ?

(f) Are Government prepared to stop, as a measure of economy of public funds, granting scholarships to particular communities on account of there being hundreds of university qualified medical men who are unemployed ?

(g) Are Government committed to the policy of racial discrimination to the recruitment of services ?

(h) If not, how do Government justify this procedure in the Indian Medical Department ?

**Mr. G. R. F. Tottenham :** (a) These appointments are open to Europeans or members of the Anglo-Indian and domiciled community.

(b) Because they are required for employment with British troops.

(c) Yes.

(d) Because assistant surgeons of the communities mentioned would not otherwise be obtainable.

(e) No.

(f) No.

(g) and (h). The present system must continue so long as the conditions of employment of British troops in India include the right to medical attendance by officers of their own race.

**Mr. S. Satyamurti :** By whom has this condition been laid down ? By the Secretary of State, or by the Government of India ?

**Mr. G. R. F. Tottenham :** The conditions are approved by the Secretary of State.

**Mr. S. Satyamurti :** May I know the reason why the Government of India have laid down this condition that British troops shall be treated only by Europeans or by Anglo-Indians and not by Indian doctors ?

**Mr. G. R. F. Tottenham :** The Government of India have not laid down that condition, Sir. It is a condition under which the War Office supply British troops for service in India.

**Mr. S. Satyamurti :** Have the Government of India no voice in the matter ?

**Mr. G. R. F. Tottenham :** The views of the Government of India in this matter are, I think, well-known ; and it would be impossible for me in reply to a supplementary question to explain at length what those views are.

**Dr. Khan Sahib :** Is it a fact that any Christian can join that service, and will the Honourable Member be pleased to state if a Christian is considered an Anglo-Indian or European for the purpose ?

**Mr. G. R. F. Tottenham :** Is the Honourable Member referring to Indian Christians ?

**Dr. Khan Sahib :** Yes.

**Mr. G. R. F. Tottenham :** Indian Christians are not allowed to join.

**Dr. N. B. Khare :** Do the Anglo-Indians belong to the British race ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. Next question.

#### INDIANS AND EUROPEANS IN THE WOMEN MEDICAL SERVICE.

472. \***Mr. S. Satyamurti** (on behalf of Dr. T. S. S. Rajan) :

(a) Will Government be pleased to state what the respective number of Indians and Europeans in the All-India Women Medical Service is ?

(b) What is the total number of Indian women drawing salaries of rupees five hundred and above, and the total number of European women drawing the same salary ?

(c) What are the qualifications required for the appointment ?

(d) Is the selection made by competitive examination or merely by personal selection by a board of members ?

(e) In the present cadre of the Indian Women Medical Service, how many of them have had their past services in the Mission Hospitals ?

(f) What is the scale of pay of the service and allowances in addition to teaching grants and presidency allowance ?

(g) Are there any restrictions with regard to married women entering the service ?

(h) Do Government still think it necessary to recruit women outside India for this service, and if so, will they be pleased to state the reasons ?

(i) What is the reason for the small percentage of Indian women in the higher grade of the service ?

(j) Do Government propose to restrict recruitment to the service from Indian women medical graduates and others who are domiciled in India ?

**Sir Girja Shankar Bajpai :** (a), (b), (c) and (f). A statement is laid on the table.

(d) The selection is initially made by Selection Committees both in India and in the United Kingdom, the final selection being made by the Executive Committee of the Central Council in India.

(e) Seven.

(g) An officer on marriage may be called on by the Executive Committee of the Countess of Dufferin's Fund to resign, but there are several married women at present in the service.

(h) and (j). The Honourable Member's attention is invited to the reply given to parts (b) and (f) of Dr. N. B. Khare's starred question No. 1316 on the 2nd April, 1935.

(i) The preponderance of Europeans amongst senior members is explained by the fact that when the service was first constituted, and for some years subsequently, Indians with adequate qualifications were not available.

*Statement.*

|             |    |
|-------------|----|
| (a) Indians | 27 |
| Europeans   | 23 |
| (b) Indians | 20 |
| Europeans   | 23 |

(v) Medical qualifications registrable in the United Kingdom under the Medical Act or the degree of a British Indian University.

(f) The scale of pay of the Women's Medical Service and allowances are as follows :

|                    | Per mensem. |
|--------------------|-------------|
|                    | Ra.         |
| (1) 1—3 years      | 450         |
| 4—6 years          | 500         |
| 7—9 years          | 550         |
| 10—12 years        | 600         |
| 13—15 years        | 650         |
| 16—18 years        | 700         |
| 19—21 years        | 750         |
| 22—24 years        | 800         |
| 24 years and after | 850         |

(2) In addition an overseas allowance is paid to officers of non-Asiatic domicile—  
Rs. 150 per mensem to those with 12 years' service and over, and Rs. 100 per mensem to those with less than 12 years' service.

**Mr. S. Satyamurti :** What is the percentage of Indians and Europeans today, according to the information available to my Honourable friend ?

**Sir Girja Shankar Bajpai :** There are in all 50 officers, of which 27 are Indians and 23 Europeans.

**Mr. S. Satyamurti :** What is the ratio in which recruitment is going on now, between Europeans and Indians ?

**Sir Girja Shankar Bajpai :** There is no fixed ratio.

**Mr. S. Satyamurti :** How does the ratio work out ? For example, what was the ratio for the last year for which figures are available ?

**Sir Girja Shankar Bajpai :** I am speaking from memory. On the last occasion, when the recruitment was made, I think it was in the proportion of four Indians to two Europeans.

**Mr. S. Satyamurti :** Is it the policy of the Government to Indianise the service at the earliest possible moment ?

**Sir Girja Shankar Bajpai :** I have explained previously that this is not a Government service, but, from the facts which I have given, my Honourable friend will be able to infer that it is the policy of the Association concerned to Indianise the service.

**Prof. N. G. Ranga :** Has the recruitment of women doctors from abroad been stopped ?

**Sir Girja Shankar Bajpai :** No. I said on the last occasion when I was questioned on the subject, that it has not been stopped.

**Prof. N. G. Ranga :** And has there been no change at all in the policy since then ?

**Sir Girja Shankar Bajpai :** If there had been no change in the policy, the number of Indians in the service would not have increased from 4 in 1913 to 27 in 1935.

(d) Is the selection made by competitive examination or merely by personal selection by a board of members ?

(e) In the present cadre of the Indian Women Medical Service, how many of them have had their past services in the Mission Hospitals ?

(f) What is the scale of pay of the service and allowances in addition to teaching grants and presidency allowance ?

(g) Are there any restrictions with regard to married women entering the service ?

(h) Do Government still think it necessary to recruit women outside India for this service, and if so, will they be pleased to state the reasons ?

(i) What is the reason for the small percentage of Indian women in the higher grade of the service ?

(j) Do Government propose to restrict recruitment to the service from Indian women medical graduates and others who are domiciled in India ?

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(d) The selection is initially made by Selection Committees both in India and in the United Kingdom, the final selection being made by the Executive Committee of the Central Council in India.

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(g) An officer on marriage may be called on by the Executive Committee of the Countess of Dufferin's Fund to resign, but there are several married women at present in the service.

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|--------------------|-------------|
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| 13—15 years        | 650         |
| 16—18 years        | 700         |
| 19—21 years        | 750         |
| 22—24 years        | 800         |
| 24 years and after | 850         |

(2) In addition an overseas allowance is paid to officers of non-Asiatic domicile—Rs. 150 per mensem to those with 12 years' service and over, and Rs. 100 per mensem to those with less than 12 years' service.

**Mr. S. Satyamurti :** What is the percentage of Indians and Europeans today, according to the information available to my Honourable friend ?

**Sir Girja Shankar Bajpai :** There are in all 50 officers, of which 27 are Indians and 23 Europeans.

**Mr. S. Satyamurti :** What is the ratio in which recruitment is going on now, between Europeans and Indians ?

**Sir Girja Shankar Bajpai :** There is no fixed ratio.

**Mr. S. Satyamurti :** How does the ratio work out ? For example, what was the ratio for the last year for which figures are available ?

**Sir Girja Shankar Bajpai :** I am speaking from memory. On the last occasion, when the recruitment was made, I think it was in the proportion of four Indians to two Europeans.

**Mr. S. Satyamurti :** Is it the policy of the Government to Indianise the service at the earliest possible moment ?

**Sir Girja Shankar Bajpai :** I have explained previously that this is not a Government service, but, from the facts which I have given, my Honourable friend will be able to infer that it is the policy of the Association concerned to Indianise the service.

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**Sir Girja Shankar Bajpai :** No. I said on the last occasion when I was questioned on the subject, that it has not been stopped.

**Prof. N. G. Ranga :** And has there been no change at all in the policy since then ?

**Sir Girja Shankar Bajpai :** If there had been no change in the policy, the number of Indians in the service would not have increased from 4 in 1913 to 27 in 1935.

## SELECTION OF CANDIDATES FOR THE INDIAN RESEARCH FUND:

473. \*Dr. T. S. S. Rajan : (a) Will Government be pleased to state the rules for selection of candidates to the Medical Research Fund ?

(b) What is the total strength of the research workers ?

(c) How many vacancies occurred in this cadre during this year ?

(d) What is the total number of candidates who applied for the vacancies and their academic qualifications ?

(e) How many applicants were there from the Indian Medical Service ?

(f) How many Indian Medical Service men were selected ?

(g) Is there any reservation for the Indian Medical Service men in the vacancies independent of their qualifications ?

(h) Will Government be pleased to state their reasons for reserving a certain number of seats for the Indian Medical Service ?

(i) Are Government prepared to remove the reservation of seats for Indian Medical Service men and hold the selection on the merits of candidates independent of their being members of a particular service ?

Sir Girja Shankar Bajpai : (a) If the Honourable Member is referring to recruitment for the Medical Research Department, I would invite his attention to paragraphs 8—10 of the Government of India, Department of Education, Health and Lands, Resolution No. F. 55-19/32-II., dated the 2nd February, 1933, a copy of which has been placed in the Library of the House.

(b) The prescribed strength of the Medical Research Department is 30.

(c) Six vacancies which were advertised last year have been filled this year.

(d) 77. The candidates possessed various qualifications some of which were obtained in India, some in Europe and some in America.

(e) 34.

(f) Four.

(g), (h) and (i). The attention of the Honourable Member is invited to the replies given by me to the supplementary questions to Mr. Samuel Aaron's starred question No. 1392 on the 3rd April, 1935.

Mr. S. Satyamurti : May I know if these four Indian Medical Service men, out of the six, were selected because of their special aptitude for research ; and, if so, what was the evidence before the selecting authority which justified the choice of these four men ?

Sir Girja Shankar Bajpai : The evidence was the evidence of the usual kind, namely, the nature of work which had been done by them before they were appointed to the I. M. S. and the work done subsequently in the service, but, as I have explained on the last occasion, apart from this, there is a really effective period of 'two years' probation, and these men are on probation still.

Mr. S. Satyamurti : Was the selecting authority satisfied that, of all the applicants who applied for these places, these four men were absolutely the best, from the point of view of carrying on research ?

Sir Girja Shankar Bajpai : I can assure my Honourable friend that if they had not been the best candidates available, the recruiting authority would not have appointed them.

Mr. S. Satyamurti : May I know if the fact that they belonged to this service had no weight at all with the selecting authority ?

Sir Girja Shankar Bajpai : The only weight that it had with the Selection Authority was that it had to observe the proportion. Four vacancies had to be filled by I. M. S. officers and two by non-I. M. S. men.

Dr. N. B. Khare : Was it not a fact that of those who presented themselves for interview, the non-I. M. S. candidates were certainly far better qualified than the I. M. S. candidates ?

Sir Girja Shankar Bajpai : My Honourable friend who, I think, was on the Selection Board, is entitled to his own opinion, but the fact nevertheless remains that the Recruitment Board has to conform to the proportions which have already been laid down.

## TRANSFERS BACK TO INDIA OF INDIANS SERVING IN ALL-INDIA SERVICES AND CADRES IN BURMA.

474. \*Dr. T. S. S. Rajan : Will Government be pleased to state :

(a) what convention or conventions, if any, exist regarding the periodical transfers back to India of Indians serving in All-India Government Services and cadres in Burma ;

(b) whether they are aware that there is a preponderance of feeling among the Indian servants of the Government of India in Burma for their transfer to India in consideration of the recent anti-Indian riots and the impending separation of Burma, and whether the Government of India have taken up the question of their re-absorption within India ;

(c) if the answer to (b) be in the affirmative, do Government propose to take into consideration the transfer to India of even such of their servants of Burma as are not liable in the ordinary course of events to be transferred out of Burma ; and

(d) if the answer to (c) be in the negative, why not ?

The Honourable Sir Henry Craik : (a) Members of the All-India Services are not transferred periodically between India and Burma. In so far as members of the Central Services are concerned such transfers are made according to the requirements of the public service and not necessarily periodically.

(b) The Government of India have taken up the question in view of the impending separation of Burma.

(c) and (d). It is not possible to transfer to India personnel recruited for service in Burma alone, since the Government of India are not in a position to offer them employment in India.

**Mr. S. Satyamurti :** May I take it that the consideration will be completed before separation becomes a fact, in so far as those services which are entitled to transfer to India are concerned ?

**The Honourable Sir Henry Craik :** I presume that is so.

OFFICERS AND SERVANTS OF THE TRUSTEES OF THE INDIAN MUSEUM,  
CALCUTTA.

475. \***Dr. P. N. Banerjea :** Will Government be pleased to refer to the answers to starred questions Nos. 1122 and 1123, dated the 28th March, 1935, in the Legislative Assembly and state :

- (a) whether there is a clause in the Preamble to Act XXII of 1876 that the Government of India should keep the Museum building in repair, pay and defray the salaries, allowances and pensions of the officers and servants and all other expenses connected with the said Museum ;
- (b) whether any change in the above financial arrangement has been contemplated in any of the subsequent Museum Acts ;
- (c) if so, the exact sections showing the change ;
- (d) whether in all the Museum Acts, the officers and servants of the Trustees of the Indian Museum have been classified as *public servants* ;
- (e) if the answer to parts (a) to (d) be in the affirmative, will Government be pleased to explain how public servants holding office in an institution built and maintained entirely at the cost of the Government of India and whose salaries, allowances and pensions are paid and defrayed by the Government of India, are not Government servants ?

**Sir Girja Shankar Bajpai :** (a) No. The words which the Honourable Member quotes are governed by the words " whereas by Act XVII of 1866 it was also enacted that ", and if he can spare the time to read the whole of the Preamble to Act XXII of 1876 he will find the further recital that it is expedient to amend the law relating to the appointment and salaries of the said officers and to repeal Act XVII of 1866.

(b) Yes. The financial arrangement in question, which was the arrangement set up by the Act of 1866, was altered by the Act of 1876.

(c) In the absence from the Acts subsequent to the Act of 1866 of provision imposing on Government the liability to keep the museum in repair and to defray the salaries of officers and servants, that liability necessarily rests with the trustees in whom the building is vested by section 6 and on whom the power to appoint officers and servants is conferred by section 9 of the existing Act (No. X of 1910).

(d) The Acts have all contained provision whereby the officers and servants appointed thereunder are deemed to be public servants within the meaning of the Indian Penal Code. The Honourable Member is mistaken if he supposes that a person so deemed to be a public servant is as such a Government servant.

(e) Does r

**Mr. B. Das :** Do Government propose to amend the Indian Museum Act, so as to give the governing body an all-India character instead of a purely Bengali character ?

**Sir Girja Shankar Bajpai :** I submit that that does not arise out of this question.

**Dr. P. N. Banerjea :** Will Government be pleased to consider the case of Mr. B. C. Batabyal with regard to pension ?

**Sir Girja Shankar Bajpai :** I don't think so.

RICE, BROKEN-RICE AND PADDY IMPORTED INTO INDIA FROM SIAM,  
INDO-CHINA AND RANGOON.

476. \***Mr. C. N. Muthuranga Mudaliar :** (a) Will Government be pleased to lay on the table a statement showing the quantity of rice, broken-rice and paddy imported from Siam and Indo-China :

- (i) from 1st December, 1934 to 31st March, 1935, and
- (ii) from 1st April, 1935 to 31st August, 1935 ?

(b) Will Government be pleased to lay on the table a statement showing the quantity of rice, broken-rice and paddy imported from Rangoon :

- (i) from 1st December, 1934 to 31st March, 1935, and
- (ii) from 1st April, 1935 to 31st August, 1935 ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). I lay on the table two statements giving the information as far as available. With regard to part (b) of the question Government have collected figures of exports from Rangoon to the other ports in India to avoid the delay involved in the collection of import figures at the various ports separately.



I. Statement showing imports into British India of rice, broken-rice and paddy from Siam and Indo-China.

|                                     | Rice.      |        | Broken-Rice. |        | Paddy.           |        |
|-------------------------------------|------------|--------|--------------|--------|------------------|--------|
|                                     | From Siam. | Total. | From Siam.   | Total. | From Indo-China. | Total. |
|                                     | Tons.      | Tons.  | Tons.        | Tons.  | Tons.            | Tons.  |
| December 1934 to March 1935 .. .. . | 8,223      | 7,997  | 63,709       | 10,580 | 24,707           | 31,548 |
| April 1935 to August 1935 .. .. .   | 2,050      | 607    | 12,953       | 600    | 5,623            | 28,384 |
|                                     |            |        |              |        |                  |        |

II. Statement showing exports to India (excluding Burma) of rice, broken-rice and paddy from Rangoon.

|                                     | Rice.             |         | Broken-Rice.      |        | Paddy.                       |        |
|-------------------------------------|-------------------|---------|-------------------|--------|------------------------------|--------|
|                                     | To British India. | Total.  | To British India. | Total. | To Non-British Indian ports. | Total. |
|                                     | Tons.             | Tons.   | Tons.             | Tons.  | Tons.                        | Tons.  |
| December 1934 to March 1935 .. .. . | 376,153           | 411,969 | 31,885            | 33,124 | 1,276                        | 4,569  |
| April 1935 to July 1935 .. .. .     | 282,853           | 315,453 | 32,363            | 33,174 | 350                          | 1,319  |
|                                     |                   |         |                   |        |                              |        |

**Mr. G. N. Muthuranga Mudaliar :** With regard to (b), may I know from the Government whether they will consider favourably the recommendations of the Director of Agriculture, Madras, to fix a quota for the imports of rice from Rangoon ?

**The Honourable Sir Muhammad Zafrullah Khan :** Burma is a part of India and no question of quota can arise between the different provinces of India.

**Mr. C. N. Muthuranga Mudaliar :** Irrespective of separation, the Director of Agriculture, Madras, has recommended the fixing of a quota. I am asking whether Government will consider that favourably.

**The Honourable Sir Muhammad Zafrullah Khan :** After separation ?

**Mr. C. N. Muthuranga Mudaliar :** Before separation.

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477. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will Government be pleased to state approximately how many bungalows and clerks' quarters have fallen vacant in New Delhi on account of the Government of India move to Simla ?

(b) Will Government lay on the table a statement showing how many private houses have been taken for the use of Government Offices in Simla during summer season 1935 and what are the rents thereof and for what offices they have been taken ?

(c) Is it not a fact that the amounts mentioned in part (b) above could be saved if those offices are kept down in Delhi during the summer ?

(d) Will Government lay a statement on the table showing the actual rent paid during the season in Simla in the years 1934 and 1933 by (i) Secretaries, (ii) Deputy Secretaries, and (iii) Under-Secretaries, for the accommodation allotted to them by Government ?

(e) Is it not a fact that accommodation for such classes of officers is comparatively cheaper in Simla than at Delhi, and if so, does this influence the decision of Government in moving up to Simla ?

**The Honourable Mr. D. G. Mitchell :** The attention of the Honourable Member is invited to the answer given on the 17th September, 1935, to starred question No. 434 asked by Sardar Sant Singh. The figures of rent for the summer season of 1933 are as follows :

|                                     | Rs.   |
|-------------------------------------|-------|
| (i) Secretaries (6) .. .. .         | 6,347 |
| (ii) Deputy Secretaries (4) .. .. . | 3,171 |
| (iii) Under Secretaries .. .. .     | N/A   |

## I. Statement showing imports into British India of rice, broken-rice and paddy from Siam and Indo-China.

|                                     | Rice.      |                  |        | Broken-Rice. |                  |        | Paddy.     |                  |        |
|-------------------------------------|------------|------------------|--------|--------------|------------------|--------|------------|------------------|--------|
|                                     | From Siam. | From Indo-China. | Total. | From Siam.   | From Indo-China. | Total. | From Siam. | From Indo-China. | Total. |
|                                     | Tons.      | Tons.            | Tons.  | Tons.        | Tons.            | Tons.  | Tons.      | Tons.            | Tons.  |
| December 1934 to March 1935 .. .. . | 8,223      | 7,997            | 16,220 | 63,709       | 10,580           | 74,289 | 6,837      | 24,707           | 31,544 |
| April 1935 to August 1935 .. .. .   | 2,050      | 607              | 2,657  | 12,953       | 600              | 13,553 | 5,923      | 22,761           | 28,384 |

## II. Statement showing exports to India (excluding Burma) of rice, broken-rice and paddy from Rangoon.

|                                     | Rice.             |                              |         | Broken-Rice.      |                              |        | Paddy.            |                              |        |
|-------------------------------------|-------------------|------------------------------|---------|-------------------|------------------------------|--------|-------------------|------------------------------|--------|
|                                     | To British India. | To Non-British Indian ports. | Total.  | To British India. | To Non-British Indian ports. | Total. | To British India. | To Non-British Indian ports. | Total. |
|                                     | Tons.             | Tons.                        | Tons.   | Tons.             | Tons.                        | Tons.  | Tons.             | Tons.                        | Tons.  |
| December 1934 to March 1935 .. .. . | 376,153           | 35,816                       | 411,969 | 31,885            | 1,239                        | 33,124 | 3,293             | 1,276                        | 4,569  |
| April 1935 to July 1935 .. .. .     | 282,853           | 32,609                       | 315,463 | 32,363            | 811                          | 33,174 | 1,329             | 350                          | 1,679  |

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(c) Is it not a fact that the amounts mentioned in part (b) above could be saved if those offices are kept down in Delhi during the summer ?

(d) Will Government lay a statement on the table showing the actual rent paid during the season in Simla in the years 1934 and 1933 by (i) Secretaries, (ii) Deputy Secretaries, and (iii) Under-Secretaries, for the accommodation allotted to them by Government ?

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|                                     | Rice.      |                  |        | Broken-Rice. |                  |        | Paddy.     |                  |        |
|-------------------------------------|------------|------------------|--------|--------------|------------------|--------|------------|------------------|--------|
|                                     | From Siam. | From Indo-China. | Total. | From Siam.   | From Indo-China. | Total. | From Siam. | From Indo-China. | Total. |
|                                     | Tons.      | Tons.            | Tons.  | Tons.        | Tons.            | Tons.  | Tons.      | Tons.            | Tons.  |
| December 1934 to March 1935 .. .. . | 8,223      | 7,997            | 16,220 | 63,709       | 10,580           | 74,289 | 6,837      | 24,707           | 31,544 |
| April 1935 to August 1935 .. .. .   | 2,050      | 607              | 2,657  | 12,953       | 600              | 13,553 | 5,623      | 22,761           | 28,384 |

## II. Statement showing exports to India (excluding Burma) of rice, broken-rice and paddy from Rangoon.

|                                     | Rice.             |                              |         | Broken-Rice.      |                              |        | Paddy.            |                              |        |
|-------------------------------------|-------------------|------------------------------|---------|-------------------|------------------------------|--------|-------------------|------------------------------|--------|
|                                     | To British India. | To Non-British Indian ports. | Total.  | To British India. | To Non-British Indian ports. | Total. | To British India. | To Non-British Indian ports. | Total. |
|                                     | Tons.             | Tons.                        | Tons.   | Tons.             | Tons.                        | Tons.  | Tons.             | Tons.                        | Tons.  |
| December 1934 to March 1935 .. .. . | 376,153           | 35,816                       | 411,969 | 31,885            | 1,239                        | 33,124 | 3,293             | 1,276                        | 4,569  |
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|                             | Rice.      |                  |        | Broken-Rice. |                  |        | Paddy.     |                  |        |
|-----------------------------|------------|------------------|--------|--------------|------------------|--------|------------|------------------|--------|
|                             | From Siam. | From Indo-China. | Total. | From Siam.   | From Indo-China. | Total. | From Siam. | From Indo-China. | Total. |
|                             | Tons.      | Tons.            | Tons.  | Tons.        | Tons.            | Tons.  | Tons.      | Tons.            | Tons.  |
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## II. Statement showing exports to India (excluding Burma) of rice, broken-rice and paddy from Rangoon.

|                             | Rice.             |                              |         | Broken-Rice.      |                              |        | Paddy.            |                              |        |
|-----------------------------|-------------------|------------------------------|---------|-------------------|------------------------------|--------|-------------------|------------------------------|--------|
|                             | To British India. | To Non-British Indian ports. | Total.  | To British India. | To Non-British Indian ports. | Total. | To British India. | To Non-British Indian ports. | Total. |
|                             | Tons.             | Tons.                        | Tons.   | Tons.             | Tons.                        | Tons.  | Tons.             | Tons.                        | Tons.  |
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|-----------------------------|------------|------------------|--------|--------------|------------------|--------|------------|------------------|--------|
|                             | From Siam. | From Indo-China. | Total. | From Siam.   | From Indo-China. | Total. | From Siam. | From Indo-China. | Total. |
|                             | Tons.      | Tons.            | Tons.  | Tons.        | Tons.            | Tons.  | Tons.      | Tons.            | Tons.  |
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## II. Statement showing exports to India (excluding Burma) of rice, broken-rice and paddy from Rangoon.

|                             | Rice.             |                              |         | Broken-Rice.      |                              |        | Paddy.            |                              |        |
|-----------------------------|-------------------|------------------------------|---------|-------------------|------------------------------|--------|-------------------|------------------------------|--------|
|                             | To British India. | To Non-British Indian ports. | Total.  | To British India. | To Non-British Indian ports. | Total. | To British India. | To Non-British Indian ports. | Total. |
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**The Honourable Mr. D. G. Mitchell :** A portion of the staff is now kept in Delhi. Certain offices are kept in Delhi.

**Prof. N. G. Ranga :** Are Government aware that considerable amount of inconvenience and loss are sustained by clerks in Simla, owing to housing congestion ?

**The Honourable Mr. D. G. Mitchell :** In Simla ?

**Prof. N. G. Ranga :** Yes.

**The Honourable Mr. D. G. Mitchell :** I admit that there is housing congestion in Simla.

**Prof. N. G. Ranga :** Sir, in view of the fact that clerks and other low-paid officers have to suffer immensely owing to housing congestion in Simla, will Government consider the advisability of keeping some of them in Delhi ?

**The Honourable Mr. D. G. Mitchell :** All clerks and all officers in Simla suffer from lack of housing accommodation.

**Prof. N. G. Ranga :** Then, why do Government come up to Simla at all ?

(No answer.)

#### PRIVATE HOUSES RENTED FOR THE OFFICE OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH AND THE REFORMS OFFICE IN SIMLA.

478. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will Government be pleased to state if it is not a fact that private houses have been taken for accommodating the Office of the Imperial Council of Agricultural Research and the Reforms Office in Simla during summer season 1935 ?

(b) Will Government be pleased to state the reasons why these Offices could not be kept down in Delhi, if they could not be accommodated in the existing Government buildings in Simla ?

(c) Will Government be pleased to state what is the cost of such accommodation taken in Simla for these two offices, and whether they are prepared to consider the question of keeping them down in Delhi throughout the year with effect from the next year at least ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) The Imperial Council of Agricultural Research Department is a regular Department of the Government of India and the Reforms Office works directly under His Excellency the Viceroy, in close co-operation with other Departments of the Government of India. It is, therefore, necessary that both these offices should move to and from Simla along with other Departments.

(c) The rent paid for office accommodation for the current season is Rs. 4,000 for the Imperial Council of Agricultural Research Department and Rs. 5,800 for the Reforms Office. The answer to the latter part of the question is in the negative.

**Prof. N. G. Ranga :** Sir, is there any proposal for keeping the Government of India itself in Delhi in view of the fact that their staff, high and low, as they themselves admit, are suffering from housing congestion and inconvenience here ?

**Mr. President (The Honourable Sir Abdur Rahim) :** That question has already been sufficiently answered. Next question.

#### OFFICE OF THE CIVIL AVIATION IN INDIA.

479. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Will Government be pleased to state if the Office of the Civil Aviation in India is an office attached to the Department of Industries and Labour ?

(b) Will Government be pleased to state what was the strength of the office at the time of its formation and what is its present strength, giving details ?

(c) Will Government be pleased to state the reasons why this office moves to Simla during the summer and what is the annual cost of the move up and down ?

(d) Is it a fact that this Office is located in Simla in two separate buildings about 2 furlongs apart ? If so, how is effective supervision exercised over the staff ?

(e) Will Government be pleased to state if it is a fact that it was decided by an Order in Council some years ago that offices, or portions of offices, which cannot be properly accommodated in Simla without hiring private houses, should be kept down in Delhi during summer ?

(f) If the answer to part (e) above be in the affirmative, will Government state why offices which have expanded since their original formation are still taken up to Simla ?

**The Honourable Mr. D. G. Mitchell :** (a), (b), (c) and (f). I would refer the Honourable Member to the reply given to Sardar Sant Singh's starred question No. 436 on the 17th September, 1935.

(d) One branch is accommodated in the Telegraph Building; the remainder of the Office is in Kennedy House. The isolated branch is in the charge of two officers who are responsible for its work.

#### OFFICERS IN THE ARCHÆOLOGICAL SURVEY WITH QUALIFICATIONS IN ARCHITECTURE AND ARCHÆOLOGY.

480. **\*Mr. C. N. Muthuranga Mudaliar :** (a) What is the number of officers in the Archæological Survey with qualifications in architecture ?

(b) What is the number of officers in the Archæological Survey with qualifications in archæology ?

(c) Are Government prepared to consider the desirability of restricting the work of officers qualified in architecture to purposes of conservation and excavation alone ?

**Sir Girja Shankar Rajpai :** (a) Three.

(b) Nine.

(c) Attention of the Honourable Member is invited to the answer to part (b) of his question No. 185 given by me on the 6th September, 1935.

**Mr. P. R. Rau :** I am aware, Sir, that on the South Indian Railway, the railway has departmental catering at certain stations. I am not aware if it is a fact that there are similar arrangements on the Madras and Southern Mahratta Railway.

**Mr. President** (The Honourable Sir Abdur Rahim) : This question relates to Bengal and North Western Railway.

**Prof. N. G. Ranga :** Sir, in view of the fact that the South Indian Railway finds it a profitable affair to run its own catering departmentally, will Government consider the advisability of suggesting to the Bengal and North Western Railway also to have their own catering department ?

**Mr. P. R. Rau :** No, Sir, this is a matter for each railway administration to consider for itself.

#### ABSENCE OF FENCING ON CERTAIN SECTIONS OF THE BENGAL AND NORTH WESTERN RAILWAY.

484. **\*Mr. B. B. Varma :** (a) Are Government aware that there are no fencing on Narkatiagang-Biknathoori and Narkatiagang-Bagha lines, Bengal and North Western Railway, to indicate the boundary of the railway lands ?

(b) Are Government aware that the cattle of the poor villagers are often impounded by Railway servants even when the cattle are nowhere near the railway land and are unnecessarily harassed ?

(c) Do Government propose to take any action ?

**Mr. P. R. Rau :** (a) Yes, but the railway boundary is clearly defined by boundary stones.

(b) The Agent of the Bengal and North Western Railway reports that so far as is known this is not the case.

(c) Does not arise.

#### LATRINES IN THIRD CLASS CARRIAGES ON THE BENGAL AND NORTH WESTERN RAILWAY.

485. **\*Mr. B. B. Varma :** Are Government aware that in spite of the assurances given by the Bengal and North Western Railway administration in reply to my starred question No. 714, asked by me on the 7th March, 1935, that the question of increasing the number of third class carriages fitted with latrines is being taken up by the railway administration, still remains unfulfilled and the third class passengers are put to great inconvenience to the detriment of their health ?

**Mr. P. R. Rau :** The Bengal and North Western Railway have since informed the Railway Board that they are shortly replacing six-wheeled carriages by full bogie carriages which contain latrine accommodation on certain trains and also propose to build 16 new bogie carriages fitted with ample latrine accommodation in replacement of four-wheeled carriages not so equipped.

**Mr. Lalchand Navalrai :** May I ask what is meant by "shortly replacing" ?

**Mr. P. R. Rau :** "Shortly" means 'in a short time', (Laughter.)

**Mr. Lalchand Navalrai :** Does "shortly" mean shortly, according to the Government dictionary ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### SUPPLY OF THE LEGISLATIVE ASSEMBLY DEBATES TO RAILWAY ADVISORY COMMITTEES.

486. **\*Mr. B. B. Varma :** (a) Will Government be pleased to state if the proceedings of the Legislative Assembly on railway matters are supplied to the different railway advisory committees ? If not, why not ?

(b) Are Government aware that in the 40th meeting of the advisory committee of the Bengal and North Western Railway held in the month of June, 1935, the Chairman of the said committee failed to give any explanation in the debate raised by Rai Bahadur Dwarkanath, M.L.C. when he drew the attention of the members, to a debate which had taken place in the Legislative Assembly on the inconveniences to which the passengers were put to, on the ground that the Rai Bahadur was unable to produce the report of the debate ?

(c) Do Government propose to supply the railway advisory committees with the proceedings on railway matters so that in future the matters may receive proper attention of the committees ?

**Mr. P. R. Rau :** (a) and (c). Government have not taken any steps to supply such proceedings to the members of the Railway Advisory Committees, as they consider that those who require such copies can at present have no difficulty in obtaining them.

(b) From the minutes of the fortieth meeting of the Committee which was held in May last, it appears that the Chairman stated that the Administration had no information regarding the debate in question and as Rai Bahadur Dwarkanath was unable to produce the report of the debate or lay any specific grievances before the meeting, there was nothing to discuss. He added that if the Rai Bahadur would furnish him with any specific cases of inconvenience to passengers which, to his personal knowledge were genuine, they would be looked into.

#### WAGONS FILLED WITH PIGS BOOKED FOR KISHANGANJ.

487. **\*Mr. B. B. Varma :** (a) Are Government aware that four wagons filled with 198 pigs booked for Kishanganj on the 17th June, 1935, from Parsarma arrived Kishanganj (Eastern Bengal Railway) Station at 1-30 A.M., on the 20th June, by 247 Up passenger and that, out of 198 pigs, 130 were dead and the station compound and its neighbourhood became filled with very foul smell which was intolerable ?

(b) Will Government be pleased to state :

(i) why were the wagons which emitted such foul smell at Barsoi station allowed to go to Kishanganj ?

(ii) why was the nuisance allowed to remain in the station premises of Kishanganj for about 16 hours, without being attended to by the railway authorities ; and



(ii) what was the cause of the death of so many pigs, and who is responsible for it?

**P. R. Rau :** (a) Not till my Honourable friend's question.

The Agent of the Eastern Bengal Railway states :

- (i) that the foul smell was not noticed at Barsoi.
- (ii) that the railway staff at Kishenganj did all in their power to get the dead pigs disposed of as early as possible. They asked the Chairman of the Municipality and the Sub-Divisional Officer for assistance, which was denied, and finally the Station Master got the Deputy Superintendent of Police to arrange for the disposal of the dead pigs.
- (iii) that the actual cause of death is not known, but it is reported to be due to heat and insufficient supply of water to the pigs *en route*. Four attendants were allowed by the Railway to travel free with the animals in order to look after them *en route*, but it transpires that the attendants did not travel with the wagons up to Katihar. The matter is under investigation.

#### SHORT NOTICE QUESTION AND ANSWER.

##### APPOINTMENT OF A SPECIAL TARIFF BOARD.

**r. M. Ananthasayanam Ayyangar :** With reference to the Resolution of the Government, dated the 10th September, 1935, appointing a special Tariff Board, will Government be good enough to state :

- (a) why the inquiry foreshadowed in Sir Joseph Bhore's speech was not made soon after the period of two years was over, and why it has been delayed so long?

**he Honourable Sir Muhammad Zafrullah Khan :** Before I give my reply to the whole question, I hope the Honourable Member will be able to make clear the point involved in part (a) of the question. A period of two years does he refer to?

**Mr. M. Ananthasayanam Ayyangar :** I refer to the period from 1932 to 1934, Sir.

**The Honourable Sir Muhammad Zafrullah Khan :** Do I understand the question to be that the inquiry should have been undertaken before the period of two years expired, and that it should not have been taken so long after the expiry of the period of two years?

**Mr. M. Ananthasayanam Ayyangar :** Yes, Sir.

**The Honourable Sir Muhammad Zafrullah Khan :** If that is so, my reply is that I am happy to be able to inform the Honourable Member that the period of two years does not expire till the 31st of September, 1935, and that his wishes are being met with regard to the time at which the inquiry should have been instituted.

#### SHORT NOTICE QUESTION AND ANSWER.

**Mr. M. Ananthasayanam Ayyangar :** (b) What the special qualifications are, if any, which the members of the Board have for the task entrusted to them?

(c) What effects the Mody-Lees Agreement had on the hand-loom industry and the textile industry during the past years; and

(d) If Government are prepared to include in the terms of reference the exploring of special means and measures to protect the cotton hand-loom industry in particular?

**The Honourable Sir Muhammad Zafrullah Khan :** (b) (i) Sir Alexander Murray is a prominent business man with great experience of business conditions both in India and the United Kingdom. He has been a member of both Houses of the Indian Legislature, has represented India at two International Conventions and served as a Member of the Retrenchment Committee in 1922, of the Royal Commission on Indian Currency and Finance 1925-26, and of the Royal Commission on Labour 1929-31.

(Interruptions by Prof. N. G. Ranga.)

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should not take any notice of these interruptions. The Chair is very sorry to observe that this particular Honourable Member (Prof. N. G. Ranga) is fond of interrupting at every step. The Chair would ask him to control himself.

**The Honourable Sir Muhammad Zafrullah Khan :** (ii) Diwan Bahadur Ramaswamy Mudaliar is a prominent public man who has, in this House and elsewhere, established a reputation for fair and independent judgment. (Ironical Cheers from the Congress Party Benches.) Possibly his only disqualification is that he is not a member of a particular political party.

(iii) Mr. Fazal Ibrahim Rahimtoola has also been a Member of this House and has since been a member of the Tariff Board. In particular, he was a member of the Tariff Board which investigated the Cotton Textile Industry in 1932.

(c) Government are not at this stage in a position to offer an opinion.

(d) No. I might add that the Government of India are of opinion that the Local Administrations through their Departments of Industries are in the best position to devise measures to foster the hand-loom industry. In this connection, I would refer the Honourable Member to Sir Joseph Bhore's speech in the course of the debate in which he announced the intention of the Government of India to make grants-in-aid to Local Administrations for that purpose. I lay on the table a statement showing the grants which have already been made. It is estimated that for the ensuing years of the period of protection, *i.e.*, up to October, 1939, the annual grants will amount to about five lakhs per annum.

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Mr. M. S. Aney.]

Legislative Rules govern motions for adjournment of the House. Rule 11 says :

"A motion for an adjournment of the business of either Chamber for the purpose of discussing a definite matter of urgent public importance may be made without the consent of the President."

Rule 12 lays down certain conditions which are by way of restriction upon this right to move adjournment motion :

"The right to move the adjournment of either Chamber for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions....."

Sir, these are the only restrictions which the House recognises in the matter of motions of this nature. Those restrictions are :

- (i) not more than one such motion shall be made at the same sitting ;
- (ii) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence ;
- (iii) the motion must not revive discussion on a matter which has been discussed in the same session ;
- (iv) the motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given ; and
- (v) the motion must not deal with a matter on which a resolution could not be moved."

The first four conditions obviously have no application in this case. The only point is whether we are entitled to move any Resolution on this point. If we can move a Resolution on the point, then we can certainly move a motion for adjournment. The matter is one of urgent importance, and it is a definite one. No matter can be of more urgent importance to the people of this country and to this House than the one which is going to decide finally the financial adjustments between the Provincial Governments and the Central Government and on which the stability of the future Provincial Governments will depend. There will be no occasion again for this House to consider this question if this opportunity is lost sight of. By that time probably everything will be so arranged and will be so decided that there would be nothing left for us with a view to making any suggestion in the matter. For these reasons, I think the motion for adjournment must be allowed.

Mr. President (The Honourable Sir Abdur Rahim) : What has the Honourable Member got to say with regard to Ruling No. 24 ?

Mr. M. S. Aney : Even as regards the ruling, the particular point on which that motion was allowed last time was one of importance. It was allowed to be discussed from the point of view of the personnel. I think, on the present motion, we can express our opinion on that point.

Mr. President (The Honourable Sir Abdur Rahim) : As regards the point of order and the objection taken by the Honourable the Finance Member, the Chair is of opinion that it is not a valid one. The House is governed in this matter by the provisions contained in Rules 11 and 12 of the Indian Legislative Rules, and there can be no

# MOTION FOR ADJOURNMENT.

doubt that this is a matter of public importance, and it is in the sense that the appointment has just now been announced. Therefore, the House is entitled to express its opinion on the question of the appointment. If the objection taken by the Honourable the Finance Member should prevail, it would preclude the House from discussing a motion for adjournment on practically any action taken by the Government which may be of very great public importance. As regards the ruling referred to, namely, Ruling No. 24, in the book "Selections from the Decisions from the Chair", as a matter of fact, the motion was allowed on another ground, and the Chair does not take it as an express ruling laying down that a matter of this character cannot be a subject for discussion on a motion for adjournment. The Chair, therefore, holds that the motion is in order. (Applause.)

As objection has been taken, the Chair would ask those Honourable Members, who are in favour of leave being granted, to rise in their places.

(More than 25 Honourable Members rose in their places.)

As not less than 25 Members have risen in their places, I declare that the Honourable Member has the leave of the House. The motion will be taken up for discussion at 4 p.m. today.

## THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (Insertion of new section 44-A).

Sir, I apologise to the House for the slight delay in presenting the report.

## THE INDIAN COFFEE CESS BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee. Sir, at this stage, I need say no further than this that I venture to hope that this will be a non-contentious Bill as it is being introduced at the desire of an overwhelming number of coffee planters in India. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That leave be granted to introduce a Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I introduce the Bill.

*Memorandum showing the distribution of the grant-in-aid for the development of hand-loom industry.*

|                                      | 1934-35. | 1935-36. |
|--------------------------------------|----------|----------|
|                                      | Rs.      | Rs.      |
| Madras .. .. .                       | 26,500   | 59,500   |
| Bombay .. .. .                       | 17,500   | 39,500   |
| Calcutta .. .. .                     | 35,500   | 80,000   |
| United Provinces .. .. .             | 32,000   | 72,000   |
| Punjab .. .. .                       | 17,000   | 38,000   |
| Bihar and Orissa .. .. .             | 23,000   | 52,500   |
| Central Provinces .. .. .            | 7,500    | 17,000   |
| Burma .. .. .                        | 7,500    | 17,000   |
| Assam .. .. .                        | 7,500    | 17,000   |
| North-West Frontier Province .. .. . | ..       | 5,500    |
| Delhi .. .. .                        | 2,000    | 5,000    |
| Total .. .. .                        | 1,76,000 | 4,03,000 |
| Grand Total .. .. .                  | 5,79,000 |          |

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member of opinion that no special tariff adjustment might be made with a view to protect the hand-loom industry in particular ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not think, Sir, I am bound to state my opinion.

**Mr. M. Ananthasayanam Ayyangar :** What is the objection to the Honourable Member referring the matter to the Tariff Board to invite their opinion, their opinion being the opinion of special officers ?

**The Honourable Sir Muhammad Zafrullah Khan :** There may not be an objection to all sorts of things, but things have got to be done in some relevant fashion.

**Mr. M. Ananthasayanam Ayyangar :** How is it not relevant ?

**Mr. President (The Honourable Sir Abdur Rahim) :** I cannot allow the Honourable Member to argue.

**Mr. M. Ananthasayanam Ayyangar :** I am only trying to give the other side of the case. What harm is there to include this industry in the Memorandum ?

#### MOTION FOR ADJOURNMENT.

#### ALLOCATION OF CERTAIN RESOURCES BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS.

**Mr. President (The Honourable Sir Abdur Rahim) :** Order, order : I have received notice of a motion for the adjournment of the business of

the House from Mr. Aney. The Honourable Member says that he proposes to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely :

“ The terms of the Communiqué, dated Simla, the 17th September, announcing the appointment of Sir Otto Niemeyer, G.B.E., K.C.B., to undertake an inquiry into the recommendations to His Majesty's Government regarding the allocation of certain resources between the Central and Provincial Governments, which shall have to be settled by Order in Council under the Government of India Act, 1935.”

I have to inquire if any Honourable Member takes objection to this ?

**The Honourable Sir James Grigg (Finance Member) :** Yes, Sir, I take objection to this motion. There is no doubt this action is being taken by the Secretary of State. If you will refer to page 26 of the Manual of Decisions of the Legislative Assembly on this matter, you will find that the question of urgency was discussed in relation to the appointment of the Royal Commission. In that decision of your predecessor, it was ruled that the fact of the appointment of the Royal Commission and the publication of the terms of reference of the Royal Commission were not open to discussion because of non-urgency. In that particular case, the personnel had not been announced and the actual representation of India on that Royal Commission was under consideration, and the President admitted that, if the motion for adjournment were confined to the question which was still open, he would admit the motion. In this case, there is no such question and the Secretary of State has arrived at his final decision which has been announced.

**Mr. M. S. Aney (Bengal Representative) :** Sir, I have not been able to follow what the Honourable Member said.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable the Finance Member has raised the question whether the motion refers to an urgent matter, and he has referred to the ruling on page 26 of the Selection from the Decisions of the Chair. I think the Honourable Member had better come nearer, so that he may be able to follow the discussion better.

(Mr. M. S. Aney was still in doubt about the point raised by the Honourable the Finance Member.)

The point raised by the Honourable the Finance Member is that the final decision has been taken, and there is nothing left to be done, and, therefore, the matter cannot be said to be an urgent matter of public importance.

**Mr. M. S. Aney :** My point is this, whether a matter, which has been finally settled, is or is not a fit subject for an adjournment motion can only be decided by the Rules of this House, viz., the rules laid down on this point in the Assembly Manual. We are to be governed by the Standing Orders and the Legislative Rules on this point, and, unless this motion is debarred by any one of the considerations mentioned here, I do not think the fact that the matter has been finally decided by any other Government will affect our right of moving a motion for adjournment on this point here. Rules 11 and 12 of the

## THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Abdur Rahim) : Further consideration of the following motion moved by the Honourable Sir Henry Craik on the 16th September, 1935 :

"That the Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes, be taken into consideration."

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, there is an amendment in my name. If you allow me, I shall move it.

**Mr. President** (The Honourable Sir Abdur Rahim) : Has the Honourable Member spoken already on the Bill ?

**Mr. Lalchand Navalrai** : Yes, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then the Honourable Member cannot be allowed to speak again.

**Mr. Lalchand Navalrai** : I will simply move my motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Rules do not permit a second speech to be made by the same Member.

**Mr. Lalchand Navalrai** : I will not make a second speech, but move my amendment.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is not permitted by the rules. This identical motion has been given notice of by other Members. Mr. Asaf Ali.

**Mr. M. Asaf Ali** (Delhi : General) : Sir, I have given notice of a similar motion. I beg to move :

"That the Bill be referred to a Select Committee, consisting of the Honourable Nripendra Sircar, the Honourable Sir Henry Craik, Mr. Bhulabhai J. Desai, Mr. Suryya Kumar Som, Mr. Sri Prakasa, Mr. R. S. Sarma, Maulana Shaikat Ali, Huseinbhai Abdullahai Laljee, Mr. Lalchand Navalrai, Mr. M. Ananthasayanam Iyengar 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. President** (The Honourable Sir Abdur Rahim) : The Chair understands the Honourable Member did not supply the Assembly office with the names of members for the Select Committee. The usual practice is to hand over a list of names to the office. However, in this case, the Chair will accept the list. In future, the list should be handed over to the office beforehand.

**Mr. M. Asaf Ali** : Sir, it was stated in the motion, notice of which I have given, that the names of the members would be mentioned at the time of making the motion. I was misled by that form.

Sir, this Bill appears to be a perfectly innocent measure, and, if I had not sought to introduce some innovations which are unknown to the juristic world, I do not think there would have been any objection taken by any one on this side of the House. We have to recognise the fact that, owing to the existence of automobiles in India and the natural conditions of modern life which require an increase of speed from day to day and the means of transportation, laws of this nature are absolutely essential. I do not take objection to any part of this Bill on any political grounds ; it has no political colour about it. It is merely a matter of law which has moved me to point out certain defects, as I may call them, to which objection can easily be taken on purely legal grounds.

Now, Sir, in the Statement of Objects and Reasons, it has been stated that this measure has been necessitated by the report of a Committee that was appointed by the Government of the United Provinces which Committee considered it desirable that certain offences under the Motor Vehicles Act should be made compoundable. In so far as the recommendation of that Committee is concerned, I am in absolute agreement with it because certain offences under the Motor Vehicles Act are of a perfectly venial nature. I should not call them exactly technical offences ; they are offences right enough but they are of a venial nature and they are the pettiest misdemeanours, and if they were not made compoundable it would be an act of injustice. But unfortunately, I find, that in this Bill, as I was saying before, certain principles have been adopted which are not known to the juristic world. For instance, if you turn to sub-clause (2) of clause 3, it reads as follows :

"The composition of an offence under this section shall have the effect of a conviction of the accused with whom the offence has been compounded."

It is a perfectly ridiculous proposition.

**The Honourable Sir Henry Craik** (Home Member) : Sir, the Honourable Member will forgive me for interrupting him but it may save his time if I say that I am prepared to accept an amendment to this clause. I agree that it is wrong in principle and if the clause can be so amended as to provide that the fact of composition should be endorsed on the licence, I am quite prepared to accept that.

**Mr. M. Asaf Ali** : I am very glad to hear that the Honourable the Home Member is prepared to accept an amendment of this clause which certainly is nothing else but a subversion of all the principles known to law. A composition has always had the effect of an acquittal under the existing law and this is the first time that I find that a composition is proposed to have the effect of a conviction. What would be the incentive for an accused person to agree to a composition if it did not mean also the washing out of his offence ? But I am very glad that the Home Member has agreed to accept an amendment to that effect. But that is not the only point to which objection has been taken or can be taken. Let us refer again to sub-clause (1) of clause 3 which reads as follows :

"Offences punishable under this Act (other than offences under sections 3, 5, 6 and 7) and such offences"—

and I particularly draw the attention of the Home Member and the Honourable the Law Member to this point—

"and such offences against rules made under this Act as the Local Government may, by notification in the local official Gazette, have declared to be non-compoundable", etc.

Now that gives the discretion to the Local Governments to create new offences as it were, and not only to create new offences but to make certain offences compoundable or non-compoundable. This means that you are increasing the power of the Local Governments, you are increasing the power of the executive, to which we have always taken exception and to which we shall continue to take exception because we want the judiciary to be separated from the executive as far as possible. And here you are intensifying the powers which the Local Governments already enjoy. Further still it goes on to say :

"shall, with the permission of the court, be compoundable, either before or after the appearance of the accused," etc.

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[Mr. M. Asaf Ali.]

Now, I should like to know under what conditions it can be possible for an accused person to agree to a composition before his appearance. Can we imagine those circumstances. The accused has not even appeared.....

**The Honourable Sir Henry Craik :** He can appear by Counsel.

**Mr. M. Asaf Ali :** I was not thinking merely of his appearance by Counsel because it has no reference to appearance by Counsel.

**Mr. Lalchand Navalrai :** And he may not be able to pay for a Counsel.

**Mr. M. Asaf Ali :** It is quite possible, in those circumstances, for the accused person not to compound the offence and not to agree to the composition of the offence but actually to grease the palm of the gentleman who holds him up and quietly say to him, "Let me go". So it opens the door to peculation and to corruption, and I very strongly object to it.

**The Honourable Sir Henry Craik :** He can grease the palm of the constable even now.

**Mr. M. Asaf Ali :** I quite recognise that and I am glad that the Home Member recognises the fact that the police are not like Caesar's wife. But in any case this is a wrong principle of law altogether. Composition before appearance in court is certainly possible but only in individual cases, in cases in which the Crown is not the complainant. I am not suggesting for a single second that any criminal case can possibly be instituted without the Crown being the complainant. But in individual cases, for instance, in cases of simple hurt or adultery or defamation, and so on, composition would be a perfectly reasonable and exceptionable thing even before the accused has appeared before the court. But in these cases allowing the accused or rather allowing the constable or allowing any police officer or any person who holds up a driver to compound the offence behind the Crown is I think open to every serious objection.

**The Honourable Sir Henry Craik :** That is not the object of the Bill. The constable has no power to compound.

**Mr. M. Asaf Ali :** I have not the slightest doubt that a constable has no power to do so, but how does this Bill read? It says :

"Such offences shall, with the permission of the Court, be compoundable, either before or after the appearance of the accused."

**The Honourable Sir Henry Craik :** "With the permission of the Court."

**Mr. M. Asaf Ali :** Quite so : but I am just suggesting that a police constable or any other person on traffic duty might be there and might say to the person, "You are held up : I shall obtain permission of the court right enough, will you compound the case?" He may never go to the Court at all. Therefore, I think, it is a wrong principle altogether.

Now, Sir, I do not desire to detain the House any longer because it is not a matter which requires any dissertation on law or otherwise. These are the two relevant objectionable points in this Bill and it is on these grounds that I suggest that the Bill be referred to a Select Committee.

I should like to say one word more and then I shall resume my seat. The Motor Vehicles Act is unfortunately, to my mind, not an exhaustive measure at all. The offences which are made compoundable or which are sought to be made compoundable under the proposed legislation would be confined, I think, after excluding sections 5, 6, and 7, to section 8 and such rules as may be made by Local Governments under section 11.....

**The Honourable Sir Henry Craik :** Also section 4.

**Mr. M. Asaf Ali :** Now, let us turn to section 8 and see how unreasonable that section is : section 8 says :

"The driver of a motor vehicle shall produce his licence upon demand by any police officer."

In cases which are almost countless this section has been interpreted to mean that the driver of a motor vehicle shall produce his licence on demand by any police officer on the spot. For instance, I am driving my car and I am hauled up somewhere in the middle of a street and just by chance I have forgotten to carry my licence in my pocket, although I possess that licence—probably it was left at home. But I am hauled up and brought before the court, and the court has no discretion in the matter whatsoever. These are cases which must be made compoundable. I have not the slightest doubt about that.....

**The Honourable Sir Henry Craik :** There is a way here.

**Mr. M. Asaf Ali :** It is made compoundable under this Bill, I agree. But the point I am driving at is slightly different. What I was saying was this, that section 8 is far too conclusive, far too drastic : it allows no discretion to the court whatsoever : it ought to be made a little more exhaustive and it ought to give a little more discretion to the court : this is only by way of illustration....

**The Honourable Sir Henry Craik :** The law in England is exactly the same, where there are many more thousands of motor cars : the driver must produce his licence on the spot.

**Mr. M. Asaf Ali :** I should not be surprised if the law in England was just the same but I should like to know if the interpretation upon this law is also the same....

**The Honourable Sir Henry Craik :** Yes.

**Mr. M. Asaf Ali :** I doubt it : I very seriously doubt it. What should it not be possible for me to say : "Oh, yes : I have my licence only I did not happen to have it on the occasion...."

**The Honourable Sir Henry Craik :** I happen to know from personal knowledge that no magistrate ever accepts that excuse : he insists on the driver producing his licence on the spot.

**Mr. M. Asaf Ali :** Even if that is so, I think it is a most unreasonable position. It is not as if I did not possess a licence : I have got the licence : it is merely a question of my having committed a very venial kind of omission which would be sufficiently punished if I am brought up before the court any time subsequently and I have to waste my time by going to the court and waiting there, probably the whole day, before my case is called up : is that no sufficient punishment for me? I am only just illustrating the fact that the Motor Vehicles Act is susceptible of many amendments which might be considered if this Bill is referred

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[Mr. M. Asaf Ali.]

to a Select Committee. It ought not to take us very long there: if it goes to the Select Committee, it will probably take us about an hour or two hours and the whole thing can be finished within that time. But as it stands it certainly is not and cannot be acceptable for the reasons which I have stated.

May I be permitted, Sir, to add one more name to the number of persons in the Committee—the name of Mr. James? That is all I have got to say.

**Mr. President** (The Honourable Sir Abdur Rahim): Amendment moved:

“That the Bill be referred to a Select Committee, consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Henry Craik, Mr. Bhulabhai J. Desai, Mr. Suryya Kumar Som, Mr. Sri Prakasa, Mr. R. S. Sarma, Maulana Shaukat Ali, Mr. Husenbhai Abdullahai Laljee, Mr. Lalchand Navalrai, Mr. M. Ananthasayanam Ayyangar, Mr. F. E. James and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, the objects of this Bill are that greater latitude may be given to Courts in treating offences punishable under this Act. It is intended to enable persons charged with offences under this Act to compound offences. Far from enabling that purpose to be achieved, the phraseology of this Bill makes the noose against the accused tighter. I, therefore, object both to the form of the Bill and to the substance of the various clauses of this Bill. It is, on this ground that I support the motion for reference to a Select Committee. I will take the last clause first. No doubt it is the last clause that makes composition also a conviction under this Act. Mr. Asaf Ali and Mr. Lalchand Navalrai have both taken objection to this, and the Honourable the Mover has said that he has since discovered that the composition ought not to be placed on the same footing as a conviction and, therefore, if a suitable amendment is brought he is prepared to accept it. But I heard him say—subject to correction, I did not hear him quite audibly—that the facts might be endorsed on the licence: am I correct? Yes. The mischief of this clause is still there. If my Honourable friend the Mover wants that the facts leading to the charge and the further composition of the offence should be endorsed on the licence, the Honourable the Mover forgets the further consequences of such an endorsement. Under section 18, facts have to be endorsed on a licence so that those facts may constitute a first offence and disqualify the owner of a licence from obtaining a licence for a period to be stated, or to be fixed under the rules to be framed by the Local Governments or disqualify him for ever otherwise, the endorsement does not serve any purpose. Composition, by the very nature of it, implies that neither the prosecutor nor the accused can definitely say that an offence has been committed, in that, while it is still undetermined the parties do not go into the evidence and come to terms. The very object of the composition will be frustrated if my friend agrees to have it amended to a statement that it amounts to conviction, which will be the meaning if the facts are endorsed on the licence. Unless there is a conviction under section 18, even if the facts are endorsed on the licence, it may not disqualify a man from obtaining a licence for the future.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Therefore, after the admission by the Honourable the Home Member that he is prepared to have a suitable amendment, he must also not insist upon the facts being endorsed on the licence. Sir, this is a very important matter, and, if the endorsement of these facts is insisted upon, it will frustrate the very object of acceding to the amendment.

I would also point out, Sir, that the Honourable the Home Member has not considered another aspect of this case. If under clause 2, a composition amounts to conviction, it will entail a further amendment of the Act, because once a conviction is made there is a right of appeal. If there is only a composition, there is no right of appeal. In one breath the Honourable the Home Member allows the accused to enter into a composition and takes away the right of appeal, while in another breath makes him a convict or a person convicted under an offence, which is more or less the same. I would, therefore, say, that this clause requires radical modification, and a mere amendment on the floor of this House will not do.

We shall then go to the substantial portion in clause 16, clause (a) (i) dealing with the enabling powers or the privileges that are given to an accused to enter into a composition. The remedy, Sir, is worse than the evil. There is no option left either to the prosecutor or even to the Court to allow a composition except on payment of a sum, howsoever small it may be. I take objection to this. Under the Criminal Procedure Code, even with respect to very grave offences, it is open to the Court to absolve or to leave alone a first offender. The Honourable the Mover may himself,—though I have not been able to learn driving and I have had to engage a driver,—the Honourable the Home Member may himself have the chance of driving a car many a time and he may be an accused under this Act if he should commit a small offence for driving his car on the wrong side of the road, or if he does not take care to see that the Number Plate is properly kept up or at the back the tail lamp is lit properly. There is no similar provision here, whatever might be the anxiety with which the Report of the Committee of the United Provinces is sought to be followed in this Bill, and, I would, therefore, say that to insist upon payment of some amount of money, whatever might be the magnitude of that sum, is very wrong, and I take serious objection to it. Option must be allowed to the Court or to the Prosecutor to allow a composition, even without payment, in proper cases. There is such a provision in section 562 of the Criminal Procedure Code.

Then, Sir, with respect to the payment, it does not appear that my Honourable friend has taken notice of the fact that once there is a conviction and subsequently the same man is charged under section 16 of the Act, the amount of fine that may be inflicted on him is twice the original amount. Thus if the amount of fine to be inflicted for a first conviction is Rs. 100, the amount of fine for a subsequent conviction may go up to Rs. 200, because, Sir, “on payment by the accused of such sum, not exceeding the maximum amount of fine with which the offences are made punishable by this Act”, would mean twice the amount in the case of a second offence. It is also necessary here to point out that it



[Mr. M. Ananthasayanam Ayyangar.]

has not been shown as to who is the person that is competent to enter into a composition or compound these offences. In Local Acts such as the Abkari Act and the Forest Act, I find that provision is made for particular officers of Government above a particular rank to enter into a composition. Even a head constable can charge a man with having committed an offence under this section, and it is the head constable who attends the Magistrate's Court. And should it be left to him, Sir, to compound this offence? I shall just read a section, section 67 of the Madras Abkari Act, 1886, where power is given to Abkari Officers specially empowered to enter into a composition. I have not been able to get the Forest Act where also such compositions are allowed even though the Government or the Forest Officer is the prosecutor. "Any Abkari Officer specially empowered....." If the Honourable the Home Member will kindly read the clause in the Bill, he will observe that no provision is made for prescribing the procedure or the qualifications of a person who is entitled to enter into a composition. It is stated in the Bill that in sub-clause (b) after clause (h), the following clause shall be inserted, namely "(hh) prescribing the procedure to be observed by Courts in permitting offences to be compounded under section 16A", and under this particular clause, a sub-clause is added by which power is given to the Local Government to prescribe the procedure to be followed by Courts in permitting offences to be compounded. Therefore, it regulates only the procedure that is to be adopted in Courts, but it does not refer to the qualifications of the person or the status of the officer who is empowered to enter into a composition. Therefore, Sir, when these things are not mentioned in the Bill itself, I submit, that at least rules must be framed to empower particular classes of officers to enter into a composition. It is not a private offence in which the prosecutor and the accused can enter into a composition of this kind. When the Government itself under the Indian Motor Vehicles Act is the officer that enters into the composition, I submit that the rank of the officer of the Government who is empowered to enter into a composition must be specified in the Act itself or otherwise, rules must be framed to empower particular classes of officers to enter into a composition. Therefore, Sir, it is very necessary that the whole Bill should be referred to a Select Committee.

Lastly, Sir, I would submit that under the main Criminal Procedure Code, section 345, offences which could be compounded have been divided into two categories,—those that could be compounded without the leave of the Court and those that could be compounded only with the leave of the Court where the offences are graver. If a person who wants to compound had already committed two previous offences he may be considered to have committed a more serious offence, and he can compound only with the leave of the Court. If really the benefit of the composition is sought to be given to a person who is charged under the Indian Motor Vehicles Act, it ought to be made easy for him to compound an offence with a superior officer of the police or with the prosecutor even before he comes to a Court of law. No doubt, it is stated in clause 3 that even before the accused puts in his appearance in Court, it might be open to him to enter into a composition, but then, even though the accused does not appear before the Court, this clause insists that the composition should be made only with the leave of the Court. There does not seem to be

much meaning in insisting upon the composition being made only with the leave of the Court. I think a distinction of that kind can be made by rules framed under the Act to decide as to what class of cases can be compounded without the leave of the Court and what class of cases can be compounded only with the leave of the Court. Therefore, in these three respects I suggest that this Bill requires a radical modification so as to really carry out the objects for which it has been introduced. It is not by an amendment here or an amendment there on the floor of the House that the object of this Bill can be carried out. I would, therefore, strongly support the motion for reference to the Select Committee that has been made by my friend, Mr. Asaf Ali.

**Mr. J. D. Boyle** (Bombay : European) : In rising to speak on the motion before the House, I should like to make it clear that I do not wish to oppose the reference of this Bill to a Select Committee. But I hope I shall have the indulgence of the House if I make a few observations on the Motor Vehicles Act and the advantages to be gained from its amendment. When the Act of 1914 was passed it was of a general character. The Local Governments were given power to make rules to deal with conditions that were peculiar to their provinces and also with the enormous and inevitable increase in the use of motor cars in their provinces. The Local Governments have made full use of those powers, and now it can be said that there is no uniformity whatever between the provinces on those matters of major importance on which I think the House will agree that it is both possible and desirable to have uniformity. I should like to take three examples from those matters which I think should, in their application, be general to the whole of India. The first of those points is the question of driving test. That a universal test is eminently desirable I think the House will agree with me. Such a test has recently been introduced in England. The Deputy Commissioner of Police in Bombay, whose special duty it is to control traffic, has given it as his opinion within the last few days that 70 per cent. of the total number of accidents that occurred within his jurisdiction could have been avoided if drivers had had more ability and more road sense. I hope the House will agree with me that this is one of those matters in which there should be a universal test laid down in the body of the Act. The second point is one of fees and their application. I do not refer to taxation, by which I mean tolls, municipal wheel tax and that sort of thing. Even on that there is a considerable volume of doubt in the country. By fees I mean simply registration and renewal registration fees and the issue of driving licence, and, if I may refer once more to Bombay, I may say that the Bombay Government have recently been faced with a very difficult situation on the question of fees. The subject of fees and their enhancement and the possibility of their application to provincial revenues was a matter of considerable doubt both in the non-official and official mind. This is a matter of such importance that I think the House will agree with me it is one on which there should be all-India legislation. The third point which I wish to make is in reference to the question of third party insurance. I shall not waste the time of the House by going into this matter in detail, but I would go so far as to say that it is a matter of such vital importance, having in view the number of accidents that take place every year throughout India, that I do not think it should be a matter governed by rules only, but it should be a matter embodied in the Act and made a statutory obligation. Finally, if I may just very



[Mr. J. D. Boyle.]

briefly summarise, I hold that this 1914 Act is now enforced in the provinces only by rules, and I have always understood that it is a fundamental principle of legislation that where an Act itself has fallen into the background and important provisions are governed by rules, it is high time that those important provisions were incorporated in the body of the Act itself. I would suggest, therefore, that, if it is at all possible, the Government should produce a consolidated amending Bill and not indulge in piecemeal legislation. (Applause.)

**Mr. N. M. Joshi** (Nominated Non-Official) : I wish to make a few remarks from the layman's point of view regarding the provisions of this Bill. I also wish to place before the House the apprehensions which I am feeling as a pedestrian from the speeches which I heard this morning and yesterday. I feel that in India the restrictions for regulating motor driving are not sufficiently stringent, and my own experience is, whatever may be the restrictions laid down by the rules, those restrictions are not properly observed. My further experience is that, even though accidents take place on the streets, sufficient steps are not taken against the people who cause those accidents. I shall give you one or two instances that I have come across in my own experience. I was once sitting in a car and an accident took place. It was not my car, nor was I the driver. The accident took place, a man was hurt, and I felt that there would be a case made against the driver and that I would be called as a witness. Nothing happened. I will give you another instance. I thought, after that accident, that it is my duty to tell the police that I was willing to give evidence. I was once standing on the terrace of the Bombay Municipal Corporation and I saw an accident taking place. The driver was obviously going by the wrong side of the tramway. I saw that a man was hurt. I wrote to the police that I had seen the accident and that I would like to give evidence in the case. After having written, the police once called me, but I think the case was not taken up that day or something happened. After that, nothing was heard of the case.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : You are too innocent, Mr. Joshi !

**Mr. N. M. Joshi** : I feel that there is very little protection in India to the pedestrian against the rashness of the motor drivers. From a cursory reading of the Bill, I feel that the Government of India are relaxing the restrictions which are laid down by the Motor Vehicles Act, and I think it is a wrong thing altogether to relax those restrictions. I do not wish to oppose the motion for reference to a Select Committee, but I think that, when a Select Committee is being formed, it should be so formed that there should be some representative of pedestrians on that Committee. I have heard the speeches from the Congress side, from the Nationalist side, and from the European Group,....

**Mr. Lalchand Navalrai** : I am a pedestrian.

**Mr. N. M. Joshi** : .....and, from their speeches, it appears to me that they generally represent either the owners of cars or the drivers of cars. I would, therefore, suggest to the gentleman, who made the motion for the appointment of a Select Committee, to appoint on the

Select Committee some people who would make it their business to represent the cause of pedestrians.

**Mr. M. Asaf Ali** : With your permission, Sir, if Mr. Joshi would only allow me to add his name, I should only be too glad to do so.

**Mr. N. M. Joshi** : I do not mind serving on the Select Committee if the House is willing to appoint me on the Select Committee. But let me assure you, Mr. Deputy President, that that was not the object of my rising to speak. My object in rising was to show that this Bill has another side than the side which has been placed before the Legislature. Some Members said that compounding an offence should not be regarded as a conviction. I do not know why. A rich man may break the rule, and he may be liable to a fine of Rs. 500. The rich man may say : "Here is a five hundred-rupee note, you may take it." But, by doing so, he should not be made to escape the conviction.

**An Honourable Member** : But the pedestrian will get it.

**Mr. N. M. Joshi** : I do not want the pedestrian to get it, but I want these people who own cars and who drive cars on roads to be very careful, and, when they break the rules, I want them to be severely punished. I hope the Select Committee will look into the question from the point of view of the pedestrian also.

**The Honourable Mr. D. G. Mitchell** (Member for Industries and Labour) : I would like to make a few remarks in answer to the points raised by Mr. Boyle which seemed to receive a certain amount of approbation from the House. As a result of recent discussions with the Transport Advisory Council, the Government of India have decided to take into consideration some fairly extensive amendments of the Motor Vehicles Act, and they have addressed Local Governments concerning these matters. They cover most of the points raised by Mr. Boyle, particularly questions relating to all-India registration of vehicles, the all-India validity of driving licences and insurance against third party risks. It is probable that, if the proposals of the Government of India receive any degree of agreement from Local Governments, the necessary amendments to the Act will be fairly extensive and it will then be for consideration whether instead of bringing in an amending Bill it will be desirable to redraft the whole Act in order to include these new provisions and other matters mentioned by Mr. Boyle, and also to make provision for what certainly will happen, namely, further development in the control of motor traffic.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, from the aims and objects  
1 P.M. of the Bill, I conclude that the Honourable the Home Member, in this small Simla Session, is trying to ride rough-shod and to do his best to trample the rights of the people as much as he can. To me it appears that the real objects of this Bill are a bit concealed. There seem to be two objects, one is to increase the number of offenders in India and the other seems to be to raise more money by means of prosecutions. Now, Sir, in spite of the fact that the matter may be compoundable and the parties may agree to compound the offence, still the Government leave some sort of loophole for raising money by means of fines. It is an ordinary dictum of criminal law that no punishment will be inflicted on an offender unless he is proved guilty. Now, don't

[Mr. Muhammad Azhar Ali.]

we find in this Act, that in spite of the fact that the parties are prepared to compromise, still without any evidence and procedure prescribed by law for the production of evidence and witnesses, you force the parties to admit that they are offenders? I have never seen or heard of a law like this. The motion before the House is that this Bill may be sent to a Select Committee. I think this point struck Mr. Lalchand Navalrai very early and I hope that Government will agree to send this Bill to the Select Committee, so as to purge it of all the stupid things which this Bill contains, which are really against humanity and which ought to be really repulsive to every good Government and to the good sense of the people of this country. With these words, I support the motion for Select Committee.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The question is :

"That the Bill be referred to a Select Committee, consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Henry Craik, Mr. Bhulabhai J. Desai, Mr. Suryya Kumar Som, Mr. Sri Prakasa, Mr. R. S. Sarma, Maulana Shaukat Ali, Mr. Huseinbhai Abdullahai Laljee, Mr. Lalchand Navalrai, Mr. M. Ananthasayanam Ayyangar, Mr. F. E. James, Mr. N. M. Joshi, 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 REPEALING AND AMENDING BILL.

**The Honourable Sir Nripendra Sircar (Law Member) :** Sir, I beg to move :

"That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

I need hardly say anything on this motion but for the fact that I find a notice of a motion for referring the matter to a Select Committee. I do not know whether that is going to be moved but the matter, as I explained to the House the other day, is purely formal and nothing can be done before any Select Committee. In fact, similar Repealing Acts have been passed from time to time and they have never been referred to a Select Committee. May I explain to the House four or five points which are involved in this Bill, which are intended to get rid of enactments which have expired by efflux of time and correct certain accidental slips.

Now, as regards the Income-tax Act, if Honourable Members will turn to the Statement of Objects and Reasons, they will find that the substance of sub-sections (2) and (3) of section 57 of the Act was, by Act XVIII of 1933, incorporated in sub-sections (3C) and (3D) of section 18. What has happened is that by inadvertence sub-section (9) of section 18 ignores the fact that the sub-sections (3C) and (3D) refer to payment of dividends, not of interest. I do not think that the department has taken any advantage of the slip but that slip has got to be corrected. That is the whole object. Then, Sir, as regards the Cantonments Act, clause (ix) is alphabetically out of place amongst the definitions. That is to say the definition of 'Officer Commanding the station' is in the wrong place alphabetically and that is going to be corrected. Then with regard to

the Repealing and Amending Act, 1920, with the repeal of the Indian Aircraft Act, 1911, by Act XXII of 1934, the reference to the former Act in the Schedule to Act XXXI of 1920 has become obsolete and is being removed. As regards the Indian Merchant Shipping Act, 1923, while other references in the Act to "native passenger ships" were, by Act XXV of 1933, altered to "unberthed passenger ships", the words "native passenger ships" in section 146 (1) (e) of the parent Act were inadvertently left unaltered. This was corrected in all other places but this one mistake was made inadvertently. This is now being rectified. Then in sub-sections (1) and (2) of section 209A of the Act the word "the" was, in two places, inadvertently retained by the amending Act, XI of 1933, before the words "His Majesty's Representative"; that is, the word "the" has been mentioned twice, and it is now being excised, because one of the "the"s has got to be struck out. Next, with regard to the Mechanical Lighters (Excise Duty) Act, 1934, with the repeal by Act XXXII of 1934 of Act VIII of 1894, section 16 of Act XXIII of 1934 becomes otiose and is now repealed. That is, that is necessary by reason of the repeal by Act XXXII of 1934 of Act VIII of 1894. Then with regard to the Repealing and Amending Act, 1934, we have followed the ordinary rules and according to precedent, the repealing provisions of this Act are now themselves repealed, that is, the whole Act has been repealed. As regards the Iron and Steel Duties Act, 1934, the references in this Act to Act VIII of 1894, now repealed, have become redundant and are here repealed. Section 10 is itself a repealing provision, and this has also, according to precedent, been repealed. Then there are six Regulations which are called Manipur Regulations. They are now of no use, because they have become spent as the result of the cession, on the 15th of August, 1932, of Manipur to His Highness Maharaja Holkar, and, therefore, they have now got to be formally repealed as they have spent their force. Then there are seven Regulations applicable to the North-West Frontier Province and British Baluchistan. They are all time-expired, but they are still on the Statute-book, and we want to repeal them. I submit, Sir, this is all extremely formal business, and that there is nothing which really need be seriously considered by any Select Committee or even by the Members of this House. Sir, I move.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** Motion moved :

"That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

The Honourable Member, Mr. Ananthasayanam Ayyangar, has sent in notice of an amendment to this motion. Does the Honourable Member propose to move his amendment?

**Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) :** Sir, in view of the statement made by the Honourable the Law Member, I do not move the amendment.

**Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) :** Sir, I want one point to be explained. I find that the Honourable the Law Member said that there are several Regulations applicable to the North-West Frontier Province and British Baluchistan which are now time-expired, and are, therefore, hereby repealed. My difficulty is this. I do not know if these several Regulations were to remain in existence for certain times. If it was so, where is the necessity of repealing

[Mr. Lalchand Navalrai.]

them by this Act? They have "repealed" themselves by the time-expiry itself, and I would like that point to be explained.

**The Honourable Sir Nripendra Sircar :** Sir, they have spent their force; they were for a certain number of years, they have now expired, they have no operative value now; but they will not now come off the Statute-book unless they are formally removed.

**Mr. Lalchand Navalrai :** What is the rule which says that they will not be non-existent until they are repealed and removed from the Statute-book?

**The Honourable Sir Nripendra Sircar :** There is no rule except the rule of practice and common sense.

**Mr. Lalchand Navalrai :** The common sense of the Honourable the Law Member, I believe? But my common sense says that when a Bill repeals itself by time, this further thing is not necessary, and I do not think such a practice is a good practice.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The question is :

"That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

The First Schedule and the Second Schedule 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 Nripendra Sircar :** Sir, I move :

"That the Bill be passed."

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The question is :

"That the Bill to amend certain enactments and to repeal certain other enactments 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. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

#### THE FACTORIES (AMENDMENT) BILL.

**The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) :** Sir, I move :

"That the Bill to amend the Factories Act, 1934, for a certain purpose, be taken into consideration."

Honourable Members may remember that on the 2nd of September last this House adopted a Resolution recommending to the Governor

General in Council that he should ratify the Geneva Convention of 1934 which relates to the employment of women during the night.

**Dr. N. B. Khare (Nagpur Division : Non-Muhammadian) :** Is there a quorum, Sir?

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** (After a count was taken.) There is a quorum.

**The Honourable Mr. D. G. Mitchell :** In moving that Resolution, I mentioned that in order to clear the way for the ratification of the Convention, it would be necessary to make a small amendment in the Factories Act of 1934. I also mentioned that it was the intention of the Government not to take advantage of the exemption contained in Article 8 of that Convention which allows the exemption of women holding higher positions of supervision in factories. I introduced a Bill immediately after the House had adopted the Resolution, which I now ask the House to take into consideration. As I have said, the passage of this Bill will clear the way towards the ratification of the Convention. Apart from that, the Bill is of very little practical importance under the existing conditions in India. I do not, therefore, propose to take up the time of Members any longer as I know they are longing to sniff the spicy breezes of Zanzibar.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The question is :

"That the Bill to amend the Factories Act, 1934, for a certain purpose, be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Preamble and the Title were added to the Bill.

**Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadian Rural) :** Sir, I fear there is a technical omission. The Honourable Mr. Mitchell has only moved that the Bill be taken into consideration. He has not yet moved that the Bill be passed.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** That he will do now.

**The Honourable Mr. D. G. Mitchell :** Sir, I move :

"That the Bill be passed."

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** The question is :

"That the Bill be passed."

The motion was adopted.

#### RESOLUTION RE POSITION OF INDIAN NATIONALS SETTLED IN ZANZIBAR.

**Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) :** Sir, I move :

"That this Assembly recommends to the Governor General in Council to take all effective steps in the interests and to vindicate the position of Indian nationals settled in Zanzibar."

Sir, I owe this opportunity to the courtesy of the Honourable the Leader of the House and the Education Secretary, and I offer them my

[Pandit Govind Ballabh Pant.]

thanks for enabling the House to discuss a matter of supreme importance. The history of Indians overseas is a dismal tale of unrelieved agony, harassment and humiliation. Strange though it may look, it is none the less a fact that the difficulties of Indians have been particularly marked in countries which are included in that pretentious euphemism, the British Commonwealth of Nations, and they have grown worse with the tightening of the British grip and the extension of the British influence. It is an irony, it is a matter for regret, and it is a tragedy, but it is all the same the truth, the naked truth. Even in the matter of Zanzibar, the situation was much better in pre-British days, and it was only because of the interests of Indians in Zanzibar and of the avowed solicitude for Indian traders there that the first British Consulate was established there about 125 years ago, though the present regency was established there on the adjustment of the differences and the apportionment of the areas of influence between Germany and England in that zone only about 50 years ago. The position of Indians was much better then than it is today. What is true of Zanzibar is also true of other countries. We know that the position of Indians in South Africa and in a number of States included in the Union of South Africa today was much better before 1904 and 1905 and, in fact, the grievances of Indians in South Africa was a very strong reason, as was then mentioned by Lord Lansdowne and Earl of Selborne, for the controversy and the actual war that ultimately ensued between England and the then occupants of South Africa. Sir, these are matters of history. I will be saving time if I concentrate on the facts of the present situation. Before doing so and before taking up the questions appertaining to Indians in Zanzibar, I should like to make a few observations of a general character, observations which I very much wish may be borne in mind by the Secretary for the Colonies, Mr. Malcolm Macdonald or Sir Cunliffe-Lister whoever he might be.

The first thing that I would like to impress upon those interested in the destinies of Indians overseas is this that Indians were never carried away by any greed or avarice or by any desire to grab or exploit, and they never thrust themselves upon any country or State with a view to extending their sphere of political influence or economic control. They were, in fact, invited by the countries concerned. The initiative was taken by the Governments and the peoples of needy countries and they appealed to the then Government of India and to the Indian people for man power in order to develop and utilise their resources so as to enrich them and to better the lot of the residents of those countries. The Indians were never intruders. They went always as the invited and honoured guests. That is what I would like to burn into the hearts of those who have to deal with this question, lest they should forget its moral implications and the manifest obligations of the country which had invited Indians to her shores in her hour of need. The migration of Indians to Zanzibar was not due to any predatory instincts, but to their response to the earnest invitations coupled with assurances of the Sultans of Zanzibar. What I am saying is supported by historians, mainly British historians. I need not mention their names. In these circumstances, it is atrocious that the descendants of those very people who were invited in this manner should be treated in such an invidious way with a deliberate design to squeeze them out of the islands, which is the real objective of the decrees that were introduced by

the Resident of Zanzibar in June, 1934. Sir, that is one fact that I wish to impress with all the emphasis that I am capable of on the people who are now concerned in or connected with these affairs.

There is another fact which I would like to impress upon the Government of India, and it is this that they were active agents in sending Indians abroad to these foreign countries. It was with their active assistance, with their co-operation, at their instance and on the basis of the guarantees given by them that Indians migrated to these foreign States. In the circumstances, there is a special responsibility attaching to the Government of India and they will be guilty of breach of faith if they do not do their utmost to save Indians from this bad predicament. I do not suggest that they are not doing the best they can situated as they are. If there is any question over which the differences between the Government and the Opposition narrow down, it is this question pertaining to Indians overseas. Otherwise, the gulf seems to me to be wide and deep so far as domestic issues are concerned. But the Government of India can never be too careful in these matters. There is another point which also I want all concerned to have prominently before their minds' eye. The Indians do not want in any country any reservations or safeguards. The Indian does not like to be spoon-fed nor does he want to be kept within glass cases. In fact, Sir, the hardships and the difficulties of the Indian today are due to his superior moral quality. It is because of his enterprise, grit, perseverance, industry, thrift and plain and simple living that the Indian is the target of all sorts of invidious discriminations because in open field the Indian is invincible. Therefore artificial hurdles have to be devised in order to handicap him. I concede to every country the right of self-determination, economic as well as political, but that is subject to the canons of international morality and it should not be open to any country to forge any fetters to the disadvantage of people invited to and settled in those countries who have contributed towards the well-being and progress of those countries and who have been mainly responsible for their uplift and enrichment. Sir, the Indian wants no more than fair field. He does not want any commercial safeguards. He does not want to prevent the people of any country from developing the coastal traffic. He does not want to stand in their way. In other ways too, he claims, specially those of them who have been settled there for generations, who are as good Zanzibarians as the old inhabitants of Zanzibar themselves are, that no sort of penal legislation should be allowed which tends to annihilate the Indian or the Indian interests. Sir, the Indian stands on a moral footing and he will continue to stand on that alone. If on the basis of fair competition, he is wiped out, he will have no grievance, but where measures are adopted definitely, designedly with the intention of handicapping the Indian in such a competition, we have a legitimate right to complain. Sir, what happened when Zanzibar was first brought under Indian influence 100 years ago? The clove industry practically did not exist. If it did exist, it was not more than a parochial industry. It is the Indian who has given it the position that it occupies in the world today. If it has expanded, if it has developed, it is because of the contribution made by the Indian, it is because of the sacrifices of the Indian, it is because of the risk that the Indian took in migrating to a foreign land with a view to develop it. Sir, I want these facts to be borne in mind. I may as well state here that the Indians are nowhere anything but a minority in these strange lands,

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and unless their interests are watched and protected by the Home Government there is no hope for them. The world today is in a very dubious if not in a depraved mood. Intensive nationalism of a very condensed and oppressive character has taken grip of the souls of people, if people are still having any souls in those countries. And unless the nationals of a country are effectively protected by the motherland the difficulties are sure to be aggravated and increased. Sir, it is painful that the Indian should be treated in the British Dominions, Colonies, Protectorates and Mandated Territories as a Jew is hunted in the Nazi land of Germany. That is almost the fate of the Indian today in the British Dominions, and he finds himself in the net everywhere.

Now, Sir, having stated a few of the general and salient aspects of the question of Indians overseas, which, according to me, are entitled to a great deal of consideration, attention, and even respect, I will now mention a few facts bearing on the question of Indians settled in Zanzibar. Sir, six decrees were introduced by the Resident in June 1934. They were put on the Statute-book with indecent precipitancy. If I remember the words of Mr. Menon all right, within an interval of 12 days. There were thus two days for each decree. Sir, the Indian has been subjected to unprecedented oppression by means of these decrees. As though they were not enough, other things have since been heaped upon the disabilities then imposed. Then a moratorium was prescribed for 12 months. Now the period of the moratorium has been extended for another six months with the probability that it may still be prolonged further. Sir, in fact the extension of six months means the prolongation at least by one year, for the only crop that people have in Zanzibar is that of cloves, and the harvest is reaped in the month of July. If the debtors are given the option not to pay their creditors at the time when they happen to have their crop, then they will not be able to pay anything till the whole of that year is out and the next crop is reaped and garnered. So, I submit that in fact it means postponement of all debts and decrees at least for one more year. Then, Sir, the report of the Agricultural Commission that was then appointed to inquire into the state of indebtedness in the island has not yet been published. Grave charges were made against Indians, scandals and stigmas were circulated against them, and their hope was concentrated on this inquiry, but to this day that report has not been published. I have a shrewd suspicion, Sir, that that report is in favour of Indians and that all the insinuations and charges that were recklessly made against them have been disproved to the hilt. That seems to me to be the reason why that report has been held back, so long.

Now, as to the decrees of the last year I do not intend to refer to the minor ones; it is only the three major decrees to which I wish to invite the attention of the House. First in order comes the Land Alienation Decree, then we had the Clove Growers' Association Decree, and the third was the Clove Exporters' Decree. Sir, the Land Alienation Decree is a racial decree and it was admitted by the Attorney General that in fact it had a racial object before it. It imposes a bar on Indians in the matter of acquisition of land by them. It allows not only the Arabs and the Africans settled in Zanzibar, but any Arabs or any Africans who may happen to go there at any time, to acquire and purchase land; but it prohibits and forbids Indians whose ancestors had been in the Protectorate

for more than three or four generations and who have lost all touch with India from acquiring any land there. The fact that one might be allowed to acquire land with the special grace of the Resident makes no difference; none can acquire it by virtue of his right. Sir, is the acquisition of land an illegitimate aspiration? Is there any justification for this sort of invidious distinction? The Indian who has been there for generations, the Indian to whom the Protectorate owes its prosperity, is subjected to a ban from which the new-comer from Arabia or from the rest of Africa is exempted. Can there be any justification, can a word be said, in support of such an invidious and penal discrimination? Sir, the Indians have invested as much as eight millions of rupees in land alone there and the Indian has done his best to promote the growth of clove industry. In these circumstances there is absolutely no justification for this sort of invidious treatment of Indians. Sir, it is said that the Indians are not all of them agriculturists. I do not know what is exactly meant by agriculture there, for we have in fact in Zanzibar no agriculture and no husbandry of the real type. What we have there is merely the plantation of clove trees and coconut trees, and all that is done, so far as I am aware, by swahili labour. In these circumstances, what is there to distinguish the agricultural class from others? I submit, Sir, no self-respecting country can tolerate such treatment. I am reminded that there was a treaty between Zanzibar and the Government of India when Indians migrated to that island. It was guaranteed by that treaty that there would be freedom in the matter of acquisition of land and in the matter of trade and that the Government would never be a party to any monopoly, whether by itself or by any other association, in the matter of trade. I do not know if that treaty has been since modified. What I am concerned with is this that the Indians settled there under the guarantees which were held out to them by these positive, solemn clauses of a mutually agreed upon treaty; and any deviation therefrom today should be regarded as a breach of faith.

Then, Sir, that is the story about the Land Alienation Decree. Now we have got the Clove Growers' Association Decree. It is a curious decree. By virtue of this decree an association was established consisting of seven members none of whom is a clove grower himself. None of them has himself been at any time interested in the plantation or the cultivation of clove trees. Of these seven persons one is Mr. Bartlett who had not been able to compete with Indians when he was carrying this trade independently but is now in fact bossing the whole show. I will read out to you what we have been told by Mr. Menon about the constitution of this association:

"It is hardly even an association in the ordinary sense of the word; for, apart from the Board of management, it has no members. At present 3 P.M. the Board is composed of 3 officials, the Manager of the National Bank of India—(the National Bank of India is as truly Indian as the Indian Civil Service used to be in olden days or the Indian Army until very recently)—and the Secretary, Manager, Mr. C. A. Bartlett, formerly a partner of Messrs. Grazebrook-Bartlett and Company, which used to compete, not too successfully, with Indian exporters in the clove trade. There is not a single clove grower in the Clove Growers' Association, nor is the body of clove growers directly or indirectly represented on the Board of management. It is, however, claimed that its name is justified, because it genuinely represents the interests of the clove growers. The Zanzibar Government might as well call themselves the Zanzibar People's Association!"

That is the comment of Mr. Menon.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got one minute more.

**Pandit Govind Ballabh Pant :** I am entitled to 30 minutes, and I started, I think, about 2-40 or so.

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** At 2-35. He can have a few minutes more.

**Pandit Govind Ballabh Pant :** Thank you, Sir. I want just a little more time as I do not want to tire the House. The Zanzibar Clove Growers Association is anything except an association, or an association of any class of growers of any produce, much less of the growers of cloves. Nothing could be a greater travesty of facts than to call such an organisation an association. Now, this Clove Growers Association is free from all duties that are otherwise leviable under the law, and it is besides entitled to a commission of seven annas on every frasila, (i.e., 35 lbs.) of cloves exported from the island. The natural consequence is that the clove industry is placed under the direct sway and absolute control of Mr. Bartlett, who had not succeeded in competing too well with Indians, as Mr. Menon observes : and obviously the Clove Growers Association will be always able to under-sell Indians at least to the tune of seven annas per frasila, besides enjoying other advantages. Tacked on to that is the Clove Exporters' Decree, under which nobody can export cloves from Zanzibar except by virtue of a licence for which the fee may go up to Rs. 5,000. When the House bears in mind that the clove exporters have mostly been Indians, that the clove trade in the island has always been in the hands of Indians and whether it be the small traders in villages scattered here and there who collected the cloves or the big firms who exported cloves, they were all Indians, one can easily understand the natural consequences that must follow from such a decree, and that is what Mr. Menon has emphasised in his report in his own inimitable style. He says :

“Legislative ingenuity can go no further than the measures which have been devised for the elimination of Indian traders from the clove industry. Armed with such powers, privileges and immunities as those noted above, the Clove Growers Association strikes Indian traders as a Leviathan, brushing them aside, casting them adrift and trampling upon that freedom of trade which they have enjoyed for generations.”

I cannot improve upon this language. I will not take more time. I will only read out what was said by one who cannot be accused of any partisanship for Indians, one whom we have known only as the arch-enemy of Indian political aspirations continuously during the last five years—the great Mr. Winston Churchill : this is what he said :

“It is the Indian banker who supplied perhaps the larger part of the capital yet available for business and to whom even the white settlers have not hesitated to go for financial aid. The Indian was here long before the first British officer. Is it possible for any Government with a scrap of respect for honest dealing between man and man to embark on a policy of deliberately squeezing out the native of India from regions in which he has established himself under every security of public faith ?”

I will not say more : there I close the chapter and I shall wait to hear what the Government of India is going to do. We are told that it has made representations. Presumably it has made representations with all the earnestness it can command. I need not doubt the good faith of the Government of India in the matter of Indians overseas, I realise that so long as they hold that *de facto* position, albeit against our will and in the teeth of our opposition, they happen to be the only constitutional

machinery and agency through whom our claims or demands can reach appropriate quarters, we can make an effort to vindicate our position. May I ask the Government of India what have they done ? They told us some time back that they were doing their utmost ; I have before me the report of the questions and answers in the House of Commons that were answered by Mr. Malcolm Macdonald and Mr. Butler in June last. Mr. Butler said then that the matter was still under consideration. Sir Ounliffe-Lister has since the introduction of the new decrees been replaced by Mr. Malcolm Macdonald. I do not know whether there is much difference between the two : but one happens to be the bearer of a name which at one time at least was reputed for its far-sightedness if not for wide sympathies. Well, Sir, I ask what is the Government of India going to do ? They will repeat their best and utmost, but what is that utmost going to be now ? Mr. Andrews than whom we have not got a greater protector of Indians overseas, that selfless, sublime soul who has made the cause of Indians overseas his own cause (Cheers), has warned us again and again that the time had come when we should proceed further and not rest on diplomatic negotiations alone. Sir, the Indian National Association of Zanzibar, whose President is one of the members of the Zanzibar Legislative Council, has earnestly asked us to adopt measures of a retaliatory character. Sir, the public who take an interest in these affairs have pressed the Government to do likewise. Sir Purshotumdas Thakurdas, the President of the Imperial Citizenship Association, has endorsed that appeal. Now, what is the Government of India going to do ? I submit, Sir, that the stage is past when we could rely on mere persuasion, on the moral strength of our claim and on our appeal. Sir, the Zanzibar Government cannot exist unless they have the goodwill of the Government of India. As I told you, Sir, the clove industry supplemented by copra is the sole industry of Zanzibar. Zanzibar supplies 80 per cent. of the cloves, and the major portion of these cloves are purchased by Indians, and for those which we purchase, we pay the highest value, so that, if the Government of India were to put a complete ban, if they were to put even a prohibitive duty on the imports from Zanzibar into this country, the problem would be solved. The Government of Zanzibar cannot possibly flout the wishes of the Government of India ; they are not in a position to do so. Already Zanzibar cloves are being ousted by Madagascar cloves, and so far as America is concerned, Americans have prepared a synthetic substitute for Zanzibar cloves. Then, Sir, is all the solicitude for the indigenous clove grower really honest ? The other day, I think it was Mr. Joshi, who put the question as to whether a company had been formed in England for dealing in cloves, and I find that a company has actually been formed.—I have got the names of the constituents, of the manager and of all those who are going to control and run the distillery for cloves in Zanzibar. Sir, I repeat that Zanzibar cannot afford to defy the wishes of the Indians. Even if it did, Sir, so far as I am concerned, as an oriental, I care more for the soul than for the bread. I care more for the self-respect of the nation than for the few francs or dollars that one might be able to import from countries outside. Even where our requests and means have been completely legitimate, I would not be a party to anything that might cast the least reflection on my honour, on my national pride and on the self-respect of my country. I may remind Honourable Members of what one of the Viceroys, Lord Hardinge, said, when Mahatma Gandhi was con-



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ducting the Satyagraha campaign in South Africa. We have heard much in this House, lately, Sir, about Satyagraha being finally abandoned. I was reminded here, when I recalled that passage, of what one of the Viceroy's of India in office had himself stated in unequivocal terms when he applauded Mahatma Gandhi for launching the campaign of civil disobedience in South Africa with a view to publicly associate the Government of India with the struggle of Indian settlers in South Africa for the vindication of the self-respect of India. That is what they did in days gone by. Will not the Government of India take courage in both hands, specially here when they have to deal with a somewhat negligible State, and not with Italy or Mussolini? I think the Government of India can easily take courage and do the right thing.

One word more, Sir, and I have done. I have looked up the exports and imports from Zanzibar. I cannot vouch for the accuracy of these statistics, because, Sir, I have not been keeping well, and I could not check these figures, but I believe they are correct. I find, Sir, that the exports from India to Zanzibar have gone down considerably during the last three years, while the imports have gone down in a much lesser proportion. The exports have gone down from 56 lakhs to 20 lakhs, while the imports which were 45 lakhs in 1929 are only 35 lakhs today, so that at present there is an adverse balance against India in the matter of trade between Zanzibar and India to the tune of 15 lakhs. If Zanzibar adopts a policy of retaliation, I would welcome it, because, Sir, today we are giving more to Zanzibar than we are taking from Zanzibar. So why should we continue to subject ourselves voluntarily to this insult in addition to ceaseless injury? I hope, Sir, the House will with one emphatic and unanimous voice ask the Government to adopt retaliatory measures without delay for the vindication of the interests and rights and self-respect of Indians and India in relation to Zanzibar. (Applause.)

**Mr. Deputy President (Mr. Akhil Chandra Dutta) :** Motion moved :

“That this Assembly recommends to the Governor General in Council to take all effective steps in the interests and to vindicate the position of Indian nationals settled in Zanzibar.”

**Mr. Husenbhai Abdullabhai Laljee** (Bombay Central Division : Muhammadan Rural) : Sir, I am very much obliged to you for giving me this early opportunity to speak on a subject with which I am very familiar. I am sorry, Sir, it has fallen to my lot to speak on this subject, and, if I speak, Sir, with a certain amount of feeling, if I exhibit any feeling in the course of my observations, I hope the House will forgive me. Sir, my family has been connected with the Colonial Administration for now well nigh 135 years. (Hear, hear.) We had our business in East Africa, in Zanzibar, in Somaliland, and in Arabia. We, together with our Indian brethren, from all parts of India, went to these places as common traders. We went there, Sir, in our country crafts; we never went there by steamers or by warships. We did there honest business. We had no police to protect us. We had no Government to protect us, and we had not a single Indian on the judiciary to help us even in case of litigation. This was the position, Sir. In that position, right up to the time that the Colonial Government of the British Empire came in, not only the people of those countries, but the rulers of those countries loved us and liked us. Therefore, we have to take into consideration one of the most import-

ant questions as to why and who is responsible for our present condition in the colonies. My Honourable friend has spoken about the Zanzibar people. I am prepared to prove that even today the people of Zanzibar, as well as His Highness the Sultan of Zanzibar, do not wish any strained relationship being exhibited between Indians and the people of the soil. Sir, this policy of squeezing out the Indian has come in after the South African war. In that war, we fought for Great Britain, for the rights of the British Empire in South Africa. It is the Boer policy that has really, I honestly believe, influenced the British Government—the use of that policy against Asiatics generally and against Indians in particular. (*Voices* : “Shame.”) We have had lands in East Africa and as I told you, we maintained our trade relationship and our lands, not with any force, but with love, with business-like dealings. And when we have got now our own Government in charge of those colonies which were under the Sultans of those times, how are we treated? We are the first persons who are required to go out.

It is a fact that we were there first, it is a fact that the British people followed us. We welcomed them, and it is a fact that after them came the European Group. My Honourable friend, Mr. James, desires to call himself of a European Group although I must say that the space in this House is for British subjects only, but this seems to be the result of a policy adopted by certain people who would like to do anything for Europeans, but not for Indians or any Asiatics. If my Honourable friend will deny that, I am prepared to prove this and something more. Go to South Africa or East Africa, go to Zanzibar, and you will find that in acquiring lands or in doing any business there is no differentiation made between an Englishman and any other European whether he be an Italian or otherwise the gentleman under whom my Honourable friend, Mr. James, asked an Honourable Member of this House whether he would like to be. Under the protection of the British flag any European whether he be an Italian can get better treatment than a British Indian subject. (*Cries of* “Shame.”) This is the real position, and that is due to the fact that our Government here is a subordinate Government to the British Cabinet. It is a fact, and I do beg of my Government to press upon the British Cabinet (if they are not still aware of the fact), that Indians, when they return from those colonies to their country here will ask a straight question. “We went out from our country to earn a living, to help our countrymen with what little saving we can make. We are thrown out, and we have come back to our own country and we go on starving.” Why did we go out? Why are my countrymen going out to the colonies? To save ourselves when we could not find sufficient employment in our own country. What is going to be the effect when 3, 4 or 5 lakhs of our people are slowly going to be turned out from their honest livelihood in countries far off from their motherland and are coming back to this country? What will be the effect? Will they tolerate anybody else in this country? It is a safety valve. I specially warn my Honourable friend, Mr. James, and his friends, to remember that this is the safety valve. I also warn those Honourable friends of mine who are not taking that interest in their brethren in other countries and who have lived a life of denigration outside their own country. When they come back here, they will ask that clear question and it is for the British Government to calculate the result of that very carefully, very seriously. We stand by the British Empire. We owe allegiance to His Majesty the King Emperor, and we demand



[Mr. Husenbhai Abdullabhai Laljee.]

equal treatment wherever the British flag flies. Let them prove that we have not behaved properly in foreign countries. We have never tried by force or by some insidious method to do anything ill to the people of foreign countries. But what do we find? On the one hand, we are asked to leave those countries and come back to our own country, (miserable as we are here). And on the other hand, we find in this Italo-Abyssinian business that the British statesmen in Europe say, "We must find some outlet for Italians". Even the Leader of the Labour Party, Mr. Lansbury, said the other day, "Oh, we ought to be very careful. The Italians are growing and we must find out some avenues for them. We have got a big Empire and we ought to consider that as well". This is the feeling that they have got for all Europeans including the Italians. And what is the feeling that is exhibited for my countrymen? "You are not required there!" (*Cries of "Shame."*) See what happens in my own country. Not only the British people,—they are with us, they have been with us, they have got some vested interests, I admit, but the safeguards that have been provided recently are for all Europeans.

**An Honourable Member :** Is that so?

**Mr. Husenbhai Abdullabhai Laljee :** Yes. Let them deny. Well, Sir, we have got in our own country many European firms, who have captured lot of our business, not British, I make a clear distinction between—not like my Honourable friend, Mr. James. He is a British European, but he still wants to call himself a European. A European Group has no space in this House, it is only for the British Europeans, but for reasons best known to himself my Honourable friend calls himself European and not a British European. (Laughter.) We have got here large business firms, big European concerns, and in season and out of season for years together we have asked our Government to restrict their activities. But what has been done? Nothing. On the other hand, we are told, keep our doors open for anybody and everybody. Remember, Sir, those who will come back from the colonies will demand their rightful place in their own country. I once again ask the Government of India to tell the British Cabinet clearly that people in India have fully realised that it is the act of the British Colonial Government and of nobody else that is responsible for the Indians having to leave the colonies,—the colonies which they built, the colonies to which they invited the British flag, the colonies in which they helped the British Government in season and out of season, and in the Great War. I just remember one instance over which I cannot speak without some feeling. I happen to be an unfortunate Indian who possesses some land, some building in the British Somaliland and in the port of Zeila. Sir, that port of Zeila in Somaliland was under the care of British Indians. We paid for it. It was transferred to the Colonial Government. Sir, we were told during the great struggle about the Abyssinian question one morning that the Foreign Minister to the British Government was proposing to transfer this port and a port of Somaliland to the tender mercies of Abyssinians. Will any Englishman tolerate such a thing. What has our Government done? Nothing. I owe allegiance to my country and to the King Emperor. What right have they to transfer me to the Abyssinians. That is the thing that is going on. It is no use telling us that it is for this reason and that. Let me, there-

fore, appeal to the Treasury Benches and point out that you are going to create great trouble if this sort of thing goes on. We know how we have been treated and we shall not tolerate it, if we are not given sufficient scope. With these words, I support the Resolution that has been moved.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands) : Mr. Deputy President, the Honourable the Deputy Leader of the Opposition has already established a reputation in this House for robust and vigorous eloquence. That is appropriate; as a French critic Buffon said long ago, the style is the man, and it is only appropriate that the robust and vigorous Pandit Govind Ballabh Pant should move his Resolution in vigorous and eloquent language. But, although he had spoken with characteristic eloquence, I am happy to say that he has not spoken with quite his customary disapproval, because he did say that in this matter of Indians overseas Honourable Members opposite and the Government of India think alike and I am very glad of that admission. But I must say that my Honourable friend from Bombay, Mr. Husenbhai Laljee, has actually excelled the Honourable Pandit, if not in the logic or relevance of his argument, at any rate in the vigour, because while we are discussing today the question of Zanzibar, my Honourable friend has roamed over all the Colonies and fastened on Abyssinia.

**An Honourable Member :** Quite justified.

**Sir Girja Shankar Bajpai :** Sir, my Honourable friend seems to assume that on any conceivable question the subject of world policy can be raised. After he has been in this House some time longer, I hope, he will change his views.

**An Honourable Member :** He knows where the shoe pinches.

**Sir Girja Shankar Bajpai :** I stand corrected, but I do not think it is worth while, in the time available to me, to pursue hares, shall we say, in Abyssinia or elsewhere. I had better limit myself to Zanzibar. The House has taken keen and continuous interest in the question of Zanzibar. The number of questions which I have answered last Session and this Session bears testimony to it. But it has not been possible, in the course of replies to interpellations, to unfold all the aspects of this problem and also to indicate the limitations within which action is circumscribed. And for that, if for no other reason, we welcome the discussion that has been raised today, because it gives one an opportunity of explaining exactly what the problem is and how and to what extent it can be dealt with by action on the part of the Government of India.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The Honourable Member will allow the Chair to make an announcement. Mr. Aney has sent intimation that he does not propose to move his adjournment motion. Therefore, the discussion on this Resolution will proceed up to the usual hour.

**Sir Girja Shankar Bajpai :** I wish I had known that earlier, because, in that case, I would have reserved my remarks to a later stage, but that does not matter.

[Sir Girja Shankar Bajpai.]

Now, Sir, I was saying that we are glad of this opportunity. We can now state to the House all the aspects and implications of this problem. It may be that, in whatever I have to say in regard to it, I shall be indulging in something very elementary to those Honourable Members who have studied this subject deeply but, then, I shall ask them to bear with me for the sake of those who have not been able to bestow upon it an equal measure of time and attention.

The territories with which we are dealing today comprise the islands of Pemba and Zanzibar. The population is 235 thousand. Six per cent. of these are Indians. The producers of cloves—80 per cent. of the world's output of this commodity comes from these islands—are in the majority of cases Africans or Arabs—small men who according to a report which was submitted by Mr. Strickland some time ago, are singularly unorganised and pathetically unable to regulate the very difficult and important business of marketing. (Interruption by Prof. Ranga.) I am very glad that Prof. Ranga agrees with Mr. Strickland and his colleagues. The reports of Mr. Strickland, who was a Registrar of Co-operative Societies in this country, and Sir Allan Pim corroborate the contention of the Government of Zanzibar that the problem of marketing in Zanzibar is of the utmost importance, because of the complete dependence for the price that the Zanzibari gets for his cloves upon the operations of dealers and of exporters. Now, the economic position of Zanzibar is this. The Arab is the producer of cloves, the Indian is the dealer in cloves and is the exporter of cloves. Here again the peasant, I hope my friend, Prof. Ranga, will corroborate me, deep in indebtedness, has been particularly hit by the depression that has come over this clove trade along with trades in other primary commodities since 1930 and the legislation to which my Honourable friend, Mr. Pant, referred represents the attempt of the Government of Zanzibar to find a solution for the two-fold problem of alleviating the burden of indebtedness and of improving the marketing of cloves. Now my Honourable friend mentioned three decrees, the Land Alienation Decree, the Clove Growers' Association Decree and the Clove Exporters' Decree. Really the two major documents are the Land Alienation Decree and the Clove Growers' Association Decree and those are the decrees with which I propose to deal. The Land Alienation Decree, Sir, has two provisions which are of interest to us, one which restricts the sale of land by an Arab or an African to an Arab or an African unless the Resident directs otherwise. That provision, Sir, has been described as racial and, further, in the report which Mr. Menon submitted, he pointed out that in conjunction with another section of the decree, section 19, by which the moratorium to which my Honourable friend referred was declared, section 4, by reason of its retrospective character would have the effect of preventing the Indian, although he held a mortgage on the land, from bidding for it at an auction. To that extent the legislation has been described as confiscatory by reason of the fact that it reduces the value of the security. But, Mr. Menon also pointed out that the main object of this particular legislation, I am talking of the Land Alienation Decree, was economic. He further pointed out that the Government of Zanzibar had appointed a commission to go into the question of agricultural indebtedness and that for that reason his opinion was that we could not object either to the

moratorium, nor we could at this stage suitably make representations in regard to the provision of the decree which restricts the transfer of land in the manner I have described. He wanted us, Sir, to wait for the report of that Commission. The report of that Commission became available to the Government of Zanzibar in April. It was received by us, I think, some time in the month of May. We at once represented to the Secretary of State for India that action should be taken to publish this report. We were informed that the Resident in Zanzibar wanted time to consider this report, and that it would be desirable to defer publication until the recommendations of the Resident in Zanzibar were available to the Secretary of State for the Colonies.

Now, Sir, in this country, during the last few years, as Honourable Members are aware, a great deal has been done in order to tackle this question of agricultural indebtedness. Those Honourable Members who have interested themselves in this question will appreciate the fact that a solution which is fair and equitable to both parties is not easy to evolve. I am not for a moment suggesting that the Government of India have no duty in this matter. I am not for a moment suggesting that the Government of India propose to relax in any way their efforts to ensure that, when a solution is finally reached of this problem of agricultural indebtedness, the Indians' interests will not be safeguarded. Equally I am not suggesting that the Government of India have given up their intention—indeed it is more than their intention, it is their duty—of pressing that the racial character of the provisions to which I have referred, namely, section 4 of the Land Alienation Decree, should be altered. But I am, all the time, simply contending that, considering the complexity of this question, it would not be right for us to be impatient and say, “no matter what happens, you have got to undertake, here and now, legislation to amend this particular decree”. My Honourable friend, Pandit Govind Ballabh Pant, Sir, referred to the hardship of the Indian by reason of the moratorium which was declared first by the provision of section 19 and which has since been extended until the end of the year. That is perfectly true, Sir; I recognize that there is hardship involved in that, and when you are dealing with a matter of this kind, a certain element of hardship has to be suffered by some people. But I think it is only fair to draw the attention of Honourable Members to the assurance which the Resident in Zanzibar gave when he was dealing with this question in November 1934. He said :

“It should be distinctly understood that in any measures which the Government may find it necessary to take the legitimate claims of creditors are as much its concern as those of the debtors, and that every effort will be made to ensure that these legitimate claims are satisfied as circumstances permit.”

Now, Sir I, think we may at any rate give some measure of credit to this statement, reflecting as it does the policy of the Government of Zanzibar in this respect.

Sir, having dealt with the question of the Land Alienation Decree, I pass on to the Clove Growers' Association Decree. My Honourable friend, Pandit Govind Ballabh Pant, said that, that Association was set up by the decree which was passed last year. The facts, Sir, are slightly different. The Association actually came into being in 1927.....

**Pandit Govind Ballabh Pant :** This Association ?  
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**Sir Girja Shankar Bajpai :** .....the Clove Growers' Association not as constituted now but the Clove Growers' Association with functions which I am now going to describe. Its functions were then to make advances and to store cloves. In 1931, Mr. Strickland, went into this question. He recommended, and Sir Alan Pim, who reported next year, also recommended that the Clove Growers' Association should be strengthened. The recommendation of both was that the strengthening should be in the interest of the producer. It was further recommended that the functions of the old Association, in so far as the storage of cloves and the making of advances were concerned, should be continued. Mr. Strickland was, in respect of the matter of the strengthening of the Association, concentrating upon propaganda as a means of educating the clove grower to improve the methods of marketing. Sir Alan Pim went one stage further and said that the Association should take a direct hand in marketing cloves. The Zanzibar Government, in the decree which they ultimately brought in, went one stage further and said that the Association should deal in agricultural produce and actually export it. And, with regard to finance, the Government of Zanzibar improved, according to their lights, on the recommendation made by Mr. Strickland : for the two-anna commission per frasila of cloves sold which Mr. Strickland had recommended, they said there should be a levy of seven annas per frasila of cloves exported from the country and the proceeds of it should be credited to the Clove Growers' Association. My Honourable friend, Pandit Govind Ballabh Pant, has referred to what Mr. Menon had to say with regard to the probable effect of this legislation upon Indians engaged in the clove trade in Zanzibar. When Mr. Menon visited Zanzibar, the Clove Growers' Association Decree had not been in operation even for a period of one month. It will be admitted, therefore, Sir, that he was not in a position to pronounce any judgment on the basis of any experience actually gained of the operation of the legislation. What he expressed was reasonable apprehensions as to the effect of this legislation upon Indian interests in Zanzibar. Now what did the Government of India do ? The Government of India did not say : " what you have said represents merely a stage of apprehension ; therefore, we shall do nothing until experience has actually been gained of the operation of this legislation ". The Government of India, on the contrary, proceeded at once to represent to the Secretary of State that the apprehensions expressed, that the apprehensions voiced, were reasonable apprehensions and that action should be taken in order to modify that legislation. Well, the answer that we got was : " it is not possible, when you are discussing a measure of this kind, to pronounce in favour of apprehensions as against an unascertained fact. You have got to wait until that fact becomes available ". Now, Sir, as I have already said, the decree became operative in July, 1934. One clove season has gone, a second clove season is in progress now. The problem with which we are confronted now is one of ascertaining the facts. If the Indian, be he the middleman, be he the exporter, has actually suffered from the operation of the decree, it should not be difficult to supply the facts : inasmuch as for our purposes, if the facts establish a widespread hardship, we do not merely want individual relief, we want really a modification of the decree itself, and because, Sir, the ascertainment, shall we say, of facts on a

comprehensive scale and in a convincing measure may take time, it is because of that that the other day I announced to the House the decision of the Secretary of State for the Colonies that cases of individual hardship could be represented to the Government of Zanzibar and, if necessary, to him. That, Sir, is the position as it stands today in regard to the Clove Growers' Association.

Now, Sir, it is possible that the trend of my remarks may give Honourable Members to think that what I have been indulging in is an apologia on behalf of the Government of Zanzibar (*Ironical Cries of "Hear, hear" from the Opposition Benches*). Nothing, Sir, is further from the truth. I am not indulging in an apologia on behalf of the Government of Zanzibar. All I am trying to do is to state the problem as we visualize it and to persuade the House to realize that it is not quite so simple an affair as Honourable Members may have thought. After all, the question of agricultural indebtedness or the question of marketing are not the questions which are peculiar to Zanzibar. They are questions in which we are profoundly interested in this country. It so happens that in Zanzibar the producer, as I have already said, and the exporter, happen to belong to different nationalities. It also happens that in Zanzibar the debtor and the creditor happen to belong to different nationalities. But I maintain that this House is a fair-minded House and my Honourable friend, Pandit Govind Ballabh Pant, himself said that the Indian wishes to take his stand on moral considerations. I do not think that any Honourable Member in the House will say that we should insist on the application of principles to the solution of these problems in Zanzibar which we shall not apply in this country ourselves. That is the basis on which I put the whole problem and I say this to the House. They have done Government the compliment of saying that in this matter they think with Indian opinion and they feel with Indian opinion. I can assure them that because I have pleaded for time for the solution of this problem it does not follow that any fair, any feasible method of protecting Indian interests, of vindicating Indian honour, will not be adopted by the Governor General in Council should an occasion arise. All that I plead for is that we should follow what my Honourable friend, the Leader of the Opposition, has been constantly reminding us of. Do unto others as you wish that they should do unto you. Sir, in the confidence that the House will wish us to proceed on that basis, I accept the Resolution moved by my Honourable friend, Pandit Govind Ballabh Pant.

**Maulana Shaukat Ali** (Cities of the United Provinces : Muhammadan Urban) : Sir, in my wanderings round the world, I had the opportunity of visiting Zanzibar twice. I had the honour of meeting the very pathetic figure, the Sultan of Zanzibar, and I was right royally entertained by my Indian brethren who are trading there and also by the Arabs and the Swahilis. My Arab and Indian friends there told me that the former Sultan wanted his country to be independent, but the British said that his administration was bad and the British nationals suffered, and, therefore, he was robbed of his property. Now, he is a pensioner on a few thousand rupees a month and keeps a very poor sort of a Court and has nothing to do with the administration of Zanzibar. The British Resident has the control of the purse. Sir, very few Arabs and Swahilis are educated in modern ways, with the result that all the higher

[Maulana Shaukat Ali.]

appointments in various departments have gone to Europeans, be they Britishers, Italians or Germans. That I saw myself. The country is a wonderful country, and the people have got nothing but agriculture. I asked my Honourable friend, Sir Girja Shankar Bajpai, how the action that he wanted to take would affect the original people of Zanzibar, who have lived in the land for centuries? He said that he was not interested in them. The Zanzibar administration will look after them. He has got to look after the interests of the Indians who have settled there. Our complaint is that when we were weak and demoralised ourselves in India, exploiters came in and took advantage of our position. I am sure, I will have the support of this House when I say that any legislation, which hurts the Arab and Swahili and the cultivator of Zanzibar, will be to our great shame, and I for one would not support it. If any discrimination is made in the Zanzibar administration, that a European can get land while an Indian cannot get it, then, certainly, I will support fully the case of the Indian. But if anybody wants something at the expense of the Zanzibar Arab and Swahili, then I will fight tooth and nail for them, because they have got no voice here nor in the British Parliament. It is a small country and a wonderful country. The people are very fine, and I have been to their clove gardens, and they have entertained me. The depression has hurt them. Sir, I am not an expert in matters financial. The first time I heard about the moratorium was when I was in America; where I could not get money from banks, because there was moratorium. Luckily, I had some dollars in my pocket, and I could reach London. I do not know how this financial arrangement will affect the people of Zanzibar. I do not want to take advantage of these people. I have got the whole world where I can go. Zanzibar is a small island, and I do not want to rob these people of their money, hearth and home. My country is big enough for me. Please do not rob these poor people. Sir, there is an Urdu proverb which says :

“*Mare ko mare Shah Madar.*”

“The Saint Shah Madar further kills him who was already dead.”

I do not want that India should have any hand in this dirty work. Will my Honourable friend, Sir Girja Shankar Bajpai, or my brother, Mr. Hussenbhai Laljee, or Pandit Govind Ballabh Pant, tell me honestly as to how this Act is going to act on the Arabs and Swahilis? If it is going to hurt them, I for one will oppose it tooth and nail.

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, it is very regrettable that time after time we have to come to this House and pass adjournment motions or Resolutions to the effect that the Indian nationals in the Colonies should be protected. It is really a matter of shame that there should be need for such Resolutions.

**Mr. Muhammad Yamin Khan** : We cannot hear you. Please speak louder.

**Mr. T. S. Avinashilingam Chettiar** : When Sir James Grigg speaks, you do not hear him which is much more important and yet you do not mind it. But now you are asking me to speak louder.

Sir, it is really a matter of shame that we have to come time and again to this House with motions of adjournment or  
4 P.M. Resolution in the matter of Indians who are settled in Colonies. Sir, we have read history, nay, we were forced to read British history, and time and again we have seen that simply because a few British nationals were insulted or ill-treated, wars were declared. England has fought with them and has vindicated the claims of her nationals. Here we are helpless and can only pass Resolutions. Only the other day a Bill was introduced in the Bombay Legislative Council asking that only an Indian may be appointed as the President of the Port Trust. It was disallowed by the Governor General. And on what grounds? It was said that it is racial to ask for the appointment of an Indian in his own country! Sir, we boast in this country of such altruistic and universal ideas. How can we help Indians in other countries when Indians are being deprived of their rights in their own country. Nobody could have heard the speech of Mr. Husenbhai Laljee without some feeling. They are trying to oust Indians from their own country. They are trying to deprive the Indians of their trade and of the ownership of the wealth that they have built up. Sir, we ask for nothing but justice. We do not ask that the natives of the country should go away, we only ask that the rights that we have built up there, the rights that our colonials have built up there should not be jeopardised and wiped away. In whose interests are they sought to be wiped out? Not in the interests of the Arabs, not in the interests of the natives of the soil, but in the interests of the very Britisher who claims universalism in this country. It is a damn shame that such things should occur. I am glad in this connection of the full mouthed expression which my Honourable friend, Sir Girja Shankar Bajpai, has given expression to as he is usually accustomed to. Nothing unexpected has happened in his supporting the Resolution. We all expected that he would support it. The other day we heard from the lips of Sir Fazli-Hussain that India being in a helpless position, she can only make representations, and do nothing more. I suggest to them that they are men; let them be a little more manly. Instead of meekly saying, we will make representations, let them show their mettle. It is not as if we are up against Kenya or any other country where we cannot retaliate. As regards Zanzibar we are in a very good position to retaliate. In this case, with a little strong-mindedness, with a little grit and with a strong arm and sound judgment, we can bring the Government of Zanzibar to its knees. I am told—I cannot vouch for the accuracy of the figures—that India is purchasing cloves from Zanzibar to the extent of 40 per cent. of her output. Are we not then in an advantageous position to bargain for our rights being maintained and honoured? We are not so helpless as my Honourable friend, Sir Girja Shankar Bajpai, would make us think. We have some means by which we can retaliate against Zanzibar, if our rights are trampled under. So far as the question of suffering is concerned, we are willing to take any step to vindicate our position as the nationals of this country. We do not want to shirk if it comes to a question of suffering. The explanations of Sir Girja Shankar Bajpai, some of them at least, were very ingenious. He said that Mr. Menon went there and he found that the decree had worked only for one month and so he was not in a position to know how the Ordinance will work now. He advised us to wait for one year to see the real effect of the Ordinance. He also assured us that exceptional cases in which the decree has worked hardship, if they are brought to the notice of the authorities

[Mr. T. S. Avinashilingam Chettiar.]

in the meantime, will be attended to. So he asked us to wait for one year before taking any action to get the decree annulled. Sir, I am always afraid of the word 'exceptional', because when you concede the exception, you also concede the rule. When you say exceptional cases where hardships occur, you agree to the generality of cases do not cause hardship. That is the mischief which I would not like to tolerate.

**Sir Girja Shankar Bajpai** : I never used the expression, "exceptional cases". I said cases of hardship.

**Mr. T. S. Avinashilingam Chettiar** : Very well, I am content with the expression "cases of hardship". Our complaint is that your own officer, whom you deputed to enquire into the matter, has reported that cases of hardship are bound to occur very often. So, instead of being the exception it will be the rule. In this connection, I am reminded of a story told about Napoleon. He wanted to make an experiment as to through how many people a bullet would pass. So he got hold of his brothers and sisters and made them stand in a row and told them : "well, my brothers and sisters, I am going to send a bullet through all of you to see through how many people it would pass". Immediately his brothers and sisters rushed to their mother and complained about the behaviour of Napoleon. His mother asked Napoleon as to what he was doing when he said that he was trying to see as to through how many people would a bullet pass and he took his brothers and sisters for that experiment. Similarly, Sir, our Government is trying to see as to how many people this decree of the Resident of Zanzibar will affect. Just as a single bullet if it passes through the body of any man will instantaneously kill him, similarly this decree if applied even to a man but once will immediately kill him and his trade. The Honourable Member, Sir Girja Shankar Bajpai, has no doubts about the effect of these decrees in his mind. He is sure that the decrees will ruin the Indians. He only wants to postpone taking action to see how much hardship will be caused. By this postponement, after some time, the eyes of people will be shifted to other things and if the decrees should be allowed to operate even for a single year, then they will become a settled fact and the Indians will ever be under the subjection of these hardships caused by the decrees.

The Honourable Member also made another statement that the Indian honour will be vindicated should occasion arise. In his own eloquent language he said that he would always be ready to vindicate India's honour. I submit that the occasion will not come hereafter, the occasion has already come and I want that the Government should rise to the occasion to vindicate India's honour. I have nothing more to add except this, that merely assenting to Resolutions will not do. Mere acceptance is no good, explanations to this Assembly are not necessary. All these excuses are not wanted. What we want is action. What we want is vindication of India's honour and the honour of the Indian nationals. (Applause.)

**Mr. Mohan Lal Saksena** (Lucknow Division : Non-Muhammadan Rural) : Sir, I rise to support the Resolution before the House. After the very eloquent and comprehensive speech of my Honourable friend, Pandit Govind Ballabh Pant, and the frank speech of my Honourable friend, Mr. Husenbhai Laljee, based on his first-hand knowledge of the conditions obtaining in Zanzibar, I had thought the Secretary to the

Education, Health and Lands Department will be taking a different attitude and would welcome these speeches as they would strengthen his hands in taking effective action to bring redress to the grievances of our countrymen in Zanzibar. But that was not to be. I, therefore, rise to bring to the notice of the House a few facts and to impress upon the Government and this House the necessity of taking effective steps to bring redress to our countrymen in Zanzibar. Our friend has told us that new facts had been ascertained. He says that when Mr. Menon went to Zanzibar, the Ordinance had worked only for one month. On the other hand, let us see what the report of Mr. Menon says in regard to this decree about cloves. He says definitely that :

"The Clove Growers Association Decree of 1934 and the Clove Exporters decree of 1934 are in my opinion calculated to cause irretrievable damage to Indian interests and will practically oust the Indian trader from Zanzibar. I would therefore urge that the strongest possible representation may be made for their removal from the statute-book."

This report was written on the 10th September, 1934. One year has passed since then. Mr. Menon did not make any conditional recommendation that the Ordinance had worked only for one month and so he could not say what effect it would ultimately have. He was positive that the Ordinances would work great hardship. He did not say that other facts might come to light thereafter, and the recommendation might be examined in the light of those ascertained facts. There is no such condition attached to Mr. Menon's report. After having slept over the report for nearly a year, after having allowed one full year to lapse, the Honourable Member, Sir Girja Shankar Bajpai, now comes up and says that certain facts have come to his knowledge which show that no action was necessary. This is how he brushes aside the report of his own Deputy. The Honourable the Education Secretary also has given the assurance that individual cases of hardship could be brought to the notice of the Colonial Secretary and suitable action would be taken to bring redress in such cases. In this connection, I would say that not only the report of Mr. Menon is there, but there is also the letter of the Imperial Citizenship Association which I want to read to the House. We know that the Imperial Citizenship Association is the one Association which takes active interest in the welfare of Indians abroad and I should say greater interest in the position of Indians outside India than even the Government. What does that Association say? The Association particularly calls attention to Mr. Menon's report and says :

"That the cumulative effect of these decrees is to squeeze out all the natives of India from regions in which they have established themselves under every security of public faith. In view of the uncompromising attitude adopted by the British Resident in support of these decrees and in view of the absence so far of any indication of the views of His Majesty's Government, the Council feels that no further time should be lost by the Government of India in taking a definite stand for the protection of Indian interests. One clove season has passed and the next will begin in July. After careful consideration and with a full sense of responsibility the Council is obliged to request that the Government should take an early opportunity of intimating to the Colonial Office in London and of announcing to the Indian public here and in Zanzibar that it would have no alternative but to consider the imposition of prohibitive duties on Zanzibar cloves so long as the grievances of Indians in that Protectorate remain unredressed."

So this is the considered opinion of the Council of the Imperial Citizenship Association. What are the views of the Indians in Zanzibar themselves? The other day I put a question to the Education Secretary



[Mr. Mohan Lal Saksena.]

between the Indian agriculturists and the Arab agriculturists. After whether he had received any Resolution passed by the Indians in Zanzibar and the reply was in the affirmative. And this Resolution was passed in June, 1935, after the decree had been in force for one year and not after one month as was the case when Mr. Menon went to Zanzibar. The Resolution says :

"That this meeting puts on record its feelings of great dismay and disappointment at the studied and continued indifference of the Local Government of the interests of the Indian community and its legitimate grievances relating to the recent group of legislations and respectfully urges the Government of India to immediately take drastic measures including imposition of prohibitive import duty on cloves if deemed expedient to obtain redress of the Indian community's grievances."

So, certainly one would have expected that after this Resolution, after the representation by the Council of the Imperial Citizenship Association, after the unqualified recommendation by Mr. Menon, the Education Secretary should have placed before the House facts which would show that the fears of these associations and of Mr. Menon have been falsified ; but he has done nothing of the kind. He has only said something about this Clove Growers' Association. He said that it had existed, and had been formed in the interests of the agriculturists themselves and to help the clove trade. On that I will refer him only to one passage in Mr. Menon's report. In paragraph 23 of Mr. Menon's report, after giving the history of the Clove Growers' Association, he said that it is a misnomer to call it a Clove Growers' Association and it should not be so called. Then he says that it was recommended by Mr. Strickland that the Clove Growers' Association should be formed for helping the clove growers in the development of this trade and the growth of cloves ; but he says that this Association does not satisfy the conditions laid down by Mr. Strickland. Then in paragraph 24, Mr. Menon says :

"The Association, however never really became a living institution, because as Mr. Strickland remarks in his 'Report on co-operation and certain aspects of the economic condition of agriculture in Zanzibar', it was 'a function of Government without the authority of Government'; and the proper task of Government was 'to create but not to conduct the Association'."

But we find that this Association is not at all looking to the interests of the clove growers. On the other hand it has entered into competition with the clove traders and we find that this Association will be competing with those very exporters of cloves who will be getting their licences from it. This Association will be deriving a duty, as has been pointed out by Pandit Govind Ballabh Pant, of seven annas per frasila of clove, and this will not be used for the benefit of clove growers or for the development of the clove industry but it will be used for the purposes of the Association itself. Then there is one thing more which was said by the Education Secretary about agriculturists, taking the word from Prof. Ranga. He said that this Association has been formed and also that the Land Alienation Decree has been enacted, in the interests of agriculturists. In reply to this I have nothing else to say but to quote a passage from the speech of Mr. Ghulam Ali Kaderbhoy, an Advocate of Zanzibar and a prominent public man of that place. He said that it is not proper to say that these decrees have been enacted in the interests of agriculturists. He says that if they were in the interests of agriculturists, as certain Acts have been enacted in India in the interests of agriculturists, then there should not have been made any difference

between the Indian agriculturists and the Arab agriculturists. After all these Arab clove growers also live in the cities. Clove trees are just like mango trees. It is only at the time of the harvest that these people go from the towns and reap the harvest. It is not like agriculture here, as has been pointed out before, that cloves are grown.

Sir, in the end I have only to say that even if no case of hardship has been brought to its notice, it is for the Government to see whether the decree itself has got provisions which will cause hardship to Indians in the future. It is no question of hardship for the time being ; what steps did the Education Secretary take to find out from those engaged in the trade in Zanzibar as to whether or not they have been hit hard ? The very fact that they may have to pay a licence fee upto Rs. 5,000 is itself something which may cause hardship later on. It is another thing that no fee has been charged or a smaller fee has been charged just now ; but when by this decree they are authorised to levy a licence fee to the extent of Rs. 5,000 on every exporter of cloves, it is implied that they can charge a fee to that extent any time they consider necessary. It will not be then for the Government of India to say that because in the first year they did not realise a fee to the extent of Rs. 5,000, therefore, they could not realise a licence fee higher than what they have realised in the first year. Then there is this duty of seven annas per frasila which this Association is getting and to that extent this Association is having an advantage over other dealers in clove.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Lastly, Sir, I want to point out that so far as India is concerned, we are importing cloves worth about 33 lakhs of rupees ; in addition to that we are getting only about Rs. 40,000 worth of cloves. As has been pointed out by my Honourable friend, Pandit Govind Ballabh Pant, even if the Zanzibar Government were to adopt counter retaliatory measures, we shall not stand to lose but, on the other hand, as has been pointed out, we shall not be only vindicating the position of countrymen there but shall also be giving protection to them who went there under assurances of the British Government. Sir, the other day I put a question whether there was a treaty of trade and friendship between the British Government and the Zanzibar Government, and the reply was that that the treaty had been abrogated. The treaty might have been abrogated, but there were its provisions and the Education Secretary will admit that these decrees are directly in contravention of its provisions. The treaty provided that no citizen of the British Empire will be treated differently from any resident of Zanzibar, that there shall be no monopoly in any trade either in the hands of any Government or of any individual or association, and that the Indians and the British subjects shall have the right to acquire land in Zanzibar. And since they are being deprived of this very valuable right, I think it is for the Government of India to take at the earliest possible date effective steps to see that these cherished rights of our countrymen are not jeopardised. There has been considerable delay in this direction.

Mr. N. M. Joshi (Nominated Non-Official) : Mr. President, the question of Indians abroad is a very difficult one. Indians either were taken to some British colonies in order to develop them, or were encouraged to go to them in order to carry on some useful occupations. There

[Mr. N. M. Joshi.]

is no doubt that, in the case of Zanzibar, the Indians have played a very important part in its development. Unfortunately, as has happened in other colonies, when Indians by their efforts developed those colonies, the same thing has happened in Zanzibar. The Indians, by their peaceful methods and business habits, have developed that colony, and I have no doubt in my mind that the effect of some of the measures, which the Colonial Government propose to take, will be greatly harmful to the interests of Indians in that colony. The difficulty of the solution of this question, in the first place, arises out of the fact that the Government of India are a subordinate Government, and when anything has to be done for the protection of Indians abroad, the Government of India have to depend upon the British Government, and the British Government, when they are asked to protect the interests of Indians in Zanzibar, the Europeans in Zanzibar and the natives of Zanzibar, have their own tests of deciding the comparative merits of the cases of the Indians, the natives and the Europeans. The Government of India, on account of this subordinate position of theirs, and, on account of the differences of values which the Government of India and the British Government place upon the merits of the cases of the different people, have been unable to protect the interests of the Indians as we want them to do. But there is another difficulty, and that difficulty is the real one. That difficulty was mentioned by my Honourable friend, Moulana Shaukat Ali. We Indians go to colonies which were not our original homes : there were people in those colonies who had gone there, even if they were not the inhabitants of those colonies, before us ; and, when any measures are taken to protect the interests of the inhabitants of those colonies and when those measures are likely to affect us injuriously, the problem does become complicated and difficult of solution. I would, therefore, like this Assembly to consider this question very seriously and carefully, not only looking to the interests of ourselves, but to the interests also of those people who are the natives of those colonies.

This question of the Indians in Zanzibar and the report made by Mr. Menon on this subject was carefully considered by the Standing Emigration Committee. Before I speak about what the Standing Emigration Committee did, I would like to pay a word of tribute to Mr. Menon on the excellent report which he has made. The Standing Emigration Committee considered this report, and we requested the Government of India to make very strong representations to the Colonial Government and to the British Government to see that justice was done to Indians. The questions which are dealt with in Mr. Menon's report and which have caused Indians some anxiety as to the protection of their interests are mainly two : first, the question of the Land Alienation legislation. I am glad to hear from my Honourable friend, Sir Girja Shankar Bajpai, that the Government of India strongly feels as we do that there should be no racial discrimination in this matter. Legislation to restrict the alienation of land is not unknown to India. We have this kind of legislation ; but we object to legislation which is based upon racial grounds. So far as I am concerned I would like the land belonging to any country to remain only in the hands of people who would cultivate the land. There should be no consideration of any other kind, much less a racial consideration. Although therefore I am in favour of

some legislation which will prevent alienation of land from the hands of agriculturists into the hands of those who never cultivate the land, I feel that it is wrong to make any racial discrimination in this matter. So far as the Clove Growers' Association is concerned, we must also consider whether it is not the right of any Government to make arrangements for the marketing of produce of that country. So far as I am concerned, again, I feel that it is not only the right of a Government but it is the duty of a Government to see that the trade of a country does not suffer. I, therefore, feel that we cannot take any objection on the ground of principle to the Government in Zanzibar taking control over the trade in cloves. But I equally feel that if the Government in Zanzibar is taking control of the trade in cloves in Zanzibar, it is the duty of that Government to see that the Indians who were engaged in that trade do not suffer any losses. May I say a word to our friends in Zanzibar—I mean Indian friends in Zanzibar ? There are some occupations and some kinds of business which are not very popular, and, in my humble judgment, which ought not to be very popular, and one is the business of a middleman. A middleman is not always popular anywhere. I would, therefore, suggest to the Indians in Zanzibar that, whatever they may have done so long, they should now try to become the real citizens of Zanzibar, begin to cultivate themselves the land which they own at present, which will give them a right and a very good right to complain and demand that they should have a right to own more land. I would like the Indians.....

**Mr. Husenbhai Abdullabhai Laljee :** You can address this to every human being and not merely to Indians.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : You don't want Indian middlemen, yet you want European middlemen.

**Mr. N. M. Joshi :** Well, Sir, I should like Indians to be, in the first place, primary producers ; I would like them to engage themselves in agriculture and industry. I would also like them to engage themselves in the work of distributing the produce.....

**Mr. Husenbhai Abdullabhai Laljee :** You just said that you did not want middlemen ?

**Mr. N. M. Joshi :** I do want the middlemen. On the whole, Indians in Zanzibar are, to a very large extent, middlemen, but I would like them, as I said just now, to be primary producers of land and to engage themselves in industry.

I don't wish to say more on this subject, but I would like to say a word to our British Government. Sir, Indians abroad have suffered a great deal, and although I feel that we should depend upon our own efforts to protect ourselves under our present political conditions, I would warn the British Government that for the present we are willing and even sometimes proud to become Members of the British Commonwealth of Nations. But, Sir, if the interests of Indians abroad are not adequately protected, not only shall we cease to feel proud of our position as Members of the British Commonwealth, but we shall have to think very seriously whether we should remain members of that Commonwealth.

**Mr. B. Das :** Very good, very good.



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**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadian Rural) : Sir, I am not one of those who believe either in the advisability or in the utility for India of our membership in the British Commonwealth of Nations ("Hear, hear" from the Congress Party Benches), but, in spite of ourselves, we happen to be a part and parcel of this British Empire, and as long as we remain a member of this British Empire, I claim that we should be privileged, we should be helped, and we should be enabled to enjoy the same privileges within its scope as are permitted for anybody else in the whole of this British Empire.

Then, Sir, I wish to state just one other fact, that none of us here on this side, at least in the Congress Party, like to associate ourselves with Imperialism. We are all opposed to Imperialism, whether it is religious Imperialism, economic or political Imperialism, and we are opposed to the British Empire and all that it stands for, because, we know, Sir, that it stands for political as well as economic exploitation all over the Empire and also in the rest of the world. I find Sir Girja Shankar Bajpai saying and growing eloquent about the needs and disabilities of the poor peasant in Zanzibar. I can sincerely assure him, Sir, that my heart also goes out in sympathy for the sufferings of the peasants in Zanzibar. I would certainly have been the very first to ask my Indian friends and Indian traders there to come away from that country if a demand had come from the Zanzibar clove growers themselves for the removal of Indians from their own country, but the fact, Sir, is entirely different. The clove growers in Zanzibar have not made any such irrational demand, they have not made any such revolutionary demand, they have not asked for the removal of Indian traders from their own country.

As my friend, Mr. Husenbhai Laljee, said so clearly, Indian growers had not gone there at the point of the bayonet, nor had they gone there at the instigation of a Christian Cross, nor had they gone there with the power and the strength and prestige of a great Empire as the British Empire. They had gone there as regular traders, as regular businessmen. Their only weapon, their only strength, has always been their integrity, their willingness to deal with others on a par. They have never tried to steal a trade from others as Mussolini is trying to do. They have never tried to find a place for themselves under the sun as Japan had done in Manchukuo only the other day. They had not gone there because the Hindu Rajas or the Nawabs were behind them, but they have gone there because of their own efficiency, and they stand there and they will continue to stand there only so long as they continue to be efficient traders as well as cultivators. My friend, Maulana Shaukat Ali, is very anxious that nothing should be said or done in this House which might in any way jeopardise the interests of the clove growers in Zanzibar. I am in complete agreement with my friend, that nothing should be said and nothing should be done to jeopardise their interests, but who is it who really is harming the interests of the Zanzibar clove growers? It is not Indians who do it. It has not been stated so by anybody, not even by the Clove Growers' Association of that country, but it is the Britishers, it is the British traders who are really at the bottom of all this mischief. Who is interested in this Clove Growers' Association which was rejuvenated only the other day? It is the Europeans or their nominees, and not one Indian is really represented

on this Association. And, therefore, in whose interest does this Association claim to have been established there? Not in the interest of clove growers, but in the interests of Britishers themselves. Well, Sir, Honourable Members may wonder how it is that the Britishers come in here. Britishers come in here in an extraordinarily mischievous fashion. They come in first of all as guardians of clove growers and save them from the clutches of the Indian moneylenders and Indian traders, and yet what is it that they want to do? They want to have the right for themselves to deal in the clove marketing trade, and they want for themselves the right to license or not to license any Indian trader and it is up to them to say whether the licence fee should be Rs. 400 or Rs. 5,000 .....

**Sir Girja Shankar Bajpai** : I do not wish to interrupt my friend in his speech, but I think it is just as well to point out that the licence fee is not fixed by the Clove Growers' Association but by His Highness the Sultan of Zanzibar.

**Prof. N. G. Ranga** : By whom is it fixed, Sir?

**Sir Girja Shankar Bajpai** : By the Government of Zanzibar.

**Prof. N. G. Ranga** : Well, the licence fee is fixed by the Government of Zanzibar, but the Government of Zanzibar does not seem to be the real representative of the clove growers. It seems to be an interested party. It is this Government which has thought it fit to pass six decrees within a short period of 12 days; it is this Government which almost dares for its own purposes even the Colonial Secretary, if not the Secretary of State for India, and how can the interests of the Indian traders be safe in the hands of a Government like this? And this is a Government, Sir, which is entirely a tool in the hands of the Colonial Government,—the Colonial Government which has become notorious in the recent past for having broken that excellent, fine and impartial declaration of Lord Passfield embodied in that White Paper. And, Sir, I find that my friend, Sir Girja Shankar, will have no objection to Indians becoming cultivators. There are some Indian cultivators today, but how can they remain cultivators hereafter? If any one of those Indians finds it necessary to sell away his land he can sell it, not to any other Indian, but to a non-Indian. And if he wants to save the clove growers of Zanzibar, how can they be saved if they are at liberty to sell away their lands to everybody else in this world except Indians? What provision is there to prevent the Clove Growers' Association itself from taking usufruct mortgages of the clove growers' lands and even from purchasing the lands of clove growers? If the Clove Growers' Association can purchase those lands from clove growers and afterwards sell out those lands to Europeans and everybody else except an Indian, how can the clove growers be saved? Again, how can the Indians improve their land holdings? Can they purchase from anybody else except an Arab, except a Negro? No. They cannot purchase from anybody. They cannot purchase even from amongst themselves, and, therefore, in course of time, the only result would be that all Indians there will become landless and they will be obliged to ply the trade which my Honourable friend, Mr. Joshi, abhors, the middleman's trade.

I do not want a middleman, I am opposed to him, but the best way to avoid a middleman is for the State itself to undertake the marketing

[Prof. N. G. Ranga.]

of those cloves. Does the State propose to do that? No, never. What the State proposes to do is to hand over the business to a private organisation. And what is this organisation? It only came into existence the other day. My Honourable friend, Sir Girja Shankar, said, that it has been in existence since 1927, but it was far from the truth. What was in existence in 1927 is entirely different from what has come into existence today. Mr. Strickland who has become famous for his very valuable reports on Co-operation in other countries as well as in India had not in his mind a Clove Growers' Association like the present. The present Clove Growers' Association has been brought into existence by interested parties in order to assist European businessmen and not the clove growers. I, therefore, suggest, that it is better for my Honourable friend to address his swan song and the motto, "do unto others what you would wish others to do unto you", more to his masters, the Britishers, than to us. When the question of separation of Burma was mooted, as soon as it was mooted, the Indians at the Round Table Conference accepted it at once. That shows that Indians are not at heart imperialistic. When this question of protecting the clove growers was mooted on the floor of the House, everybody got up and said, we do not want these people to be harmed. But at the same time, to the extent to which our Indian traders can be protected and helped in the plying of their legitimate trade the Government should certainly come to their rescue. And what is the answer we get? "We cannot retaliate." Yes, we cannot retaliate, we know that, because this Government is a subordinate Government,—it has been said *ad nauseum*. True, but what is it that we are to do in the meanwhile? We cannot do anything to force the hands of the Secretary of State for the Colonies, we happen to be a subordinate Government. That is why, this is an additional reason why we should do our best to achieve Swaraj in this country. One of the Leaders of the European Group was mocking at us whenever we said Swaraj. Yes, he does not want us to gain Swaraj because he knows once we get Swaraj we won't allow such indignities to continue. He does not want us to get Swaraj because once we get Swaraj he cannot remain a European and go on enjoying all those special privileges while refusing to grant even the ordinary legitimate trade facilities for us in any part of the British Empire. He does not want us to get Swaraj in this country because he knows that the British Empire, the very next day, will shatter to pieces. Therefore, I stand here, not to ask this Government for a paltry benefit for the time being, because I know whatever they can do subject to the disabilities that they are in today, will not go anywhere near to helping my countrymen in Zanzibar or in any other part of the world. I do not want this Government to go down on their bended knees and with a begging bowl to the Secretary of State for the Colonies. He was my junior at Oxford. He was a socialist and now he may not be a socialist. I am still a socialist and I became a socialist very much earlier than he. I was one of the founders of the Oxford Labour Club. And I claim here better treatment for my fellowmen in other countries in the name of socialism, and I do not want any imperialist privilege for me. But, at the same time, I want my national honour to be safeguarded—not by this Government, I know this Government cannot safeguard our honour, but by the Govern-

ment that we are trying our best to achieve. And I want those of us here who are Indians—I want them—at least in words of mouth—to associate themselves with us vigorously and declare that they are prepared to take every possible constitutional step to safeguard the interests of India, and India's honour and India's name and prestige. (Applause.)

**Pandit Govind Ballabh Pant :** I appreciate the intricacy of the task which the Honourable the Education Secretary had to perform here this afternoon. But all the same I cannot disguise from myself the feeling that his speech, in spite of the generosity which he showed in accepting my Resolution, was rather disappointing. As I just said, I am not unaware of the difficulties of the position in which he is placed, but there are occasions when too much of caution is as undesirable as too much of daring. I submit that when Indian interests had been clamouring for relief for the last one year and a half and there had been no response whatever in a concrete shape it was high time for the Government of India to make an unambiguous and unequivocal declaration of their determination not only to uphold the interests of Indians in Zanzibar, but also to vindicate Indian self-respect and national pride here. I am sorry that, as on so many other occasions, they have again been found wanting on this. I am not surprised, for the history of Great Britain has the words "Too late" written in it in the boldest letters, from page to page and from line to line. Sir, the position has been clearly placed before the House. The Honourable the Education Secretary gave us the other side of the picture, if I may say so. Yet he cannot blame us very much if we cannot give preference to his *ipse dixit* as against the report of Mr. Menon who studied the question on the spot, devoting ample time and all his resources to it in order to arrive at the truth as to the correct state of affairs in Zanzibar. His statements have been mostly in variance, wherever they have not been in agreement with me, with Mr. Menon, and in so far as Mr. Menon had first hand knowledge, I would rather be guided by him than by the Education Secretary to the Government of India. My Honourable friend pointed out the difference which he noticed in my tone. I may repeat that I am one of the realists in this House who will not be a party to anything that would in the least tend to prejudice the Indians who are settled abroad even if we fail to achieve anything effective to help them. I am aware of the helplessness of the present situation, but I would suffer agony in silence rather than be provoked into blurting anything. That may recoil upon my people abroad. That is the explanation, if one were needed, for the appeal that I made to the Government of India, but I would also like the Government of India to bear in mind what I believe Lord Amptill once observed that if the Government failed in protecting the rights of Indians abroad, it would lead to grave consequences. Do they even now not realise to what enormous extent the friction and the bitterness in this country is due to the treatment accorded to Indians in British dominions and British protectorates? I would just like them to take their minds back a little and to think of the history of this country since the return of Komagata Maru. I will not say more. I will ask them to remember what has been happening since the Sikhs returned from Canada and they may yet learn a lesson, if the Government of India can ever learn one. We were told that the steps that had been taken in Zanzibar were almost on a par with what had been done in our own country recently. I would like to know if the Government of this country

[Pandit Govind Ballabh Pant.]

is prepared to enact a measure to the effect that the jute growers of this land will be given relief in the matter of their debts but will not be allowed to sell their stock to the British merchants who export jute from this country to other countries. I would like to know if the British Government or the Secretary of State for the Colonies is prepared to make a law by which the labourers in rubber estates, the Federated Malay States, will be relieved of their debts and will not remain under any obligation to those who use them in methods, cruel and atrocious, for exploitation and for self-advantage. I will not multiply the instances, but the British Empire, howsoever we may regret it, and I am one of those who do, stands for exploitation and one could enumerate such instances not only in scores but in hundreds, if one were to apply oneself to this pastime. May I know when did this light dawn upon the Resident of the Zanzibar Government that this sort of protection was needed for the clove growers in that land. How is this decree to bear upon and affect the Zanzibar Distilleries, Limited, which has been registered in Zanzibar with the object of acquiring from the Zanzibar Government a licence to distil clove oil in the Protectorate?

“The capital of the company is £14,020 divided into 20 Founder's shares of £1 each and 140 ordinary shares of £100 each. The Directors of the Company are Mr. E. W. Bowill, Mr. D. A. J. Buxton, Mr. W. Jenkins and Mr. F. G. Pentecost, while the Manager in Zanzibar is Mr. J. Vincent.”

I would ask the Education Secretary to kindly enlighten us as to how many of these people are clove growers, to enlighten us how many of these are the native inhabitants of Zanzibar itself and how this monopoly of the Zanzibar Clove Growers' Association is to work hereafter. Sir, the Education Secretary told us that the Zanzibar Clove Growers' Association was not at all different from the association that was founded in 1927. Does he not know that that association was founded on a co-operative basis and that it had as many as 7,000 members while this association has not a single clove grower? I may also tell him that I am not unaware of the recommendations made by Sir Allan Pim or Mr. Strickland but they had suggested that all activities for the protection of the clove growers should be organised on a co-operative basis and they had definitely given their opinion against the creation of a monopoly. They had advised the Government not to do exactly what they have done! Sir, I should like to know from the Government of India what they have done in the matter of the appointment of a Trade Commissioner at Mombasa. The proposal was made to them long ago. Had such a Trade Commissioner been appointed in time, things would not have taken the course they have and the injury to Indian interests would not have been as grave as it has actually been. The Education Secretary asked us to wait and see how these decrees work and what effect they have on Indian interests and Indian trade. It is just like asking us to wait and see how the poison works in the system, until the body is dead and buried but we cannot afford to wait till that disastrous end. You cannot afford to see the man die under the influence of poison, even to enable a doctor to study the disease with a view to arrive at a correct diagnosis. Sir, in these circumstances, the Government of India should authoritatively declare that they stand for retaliatory measures and that they will introduce such measures without delay. I want them just to give an ultimatum to the Secretary of State for the Colonies and to the Zanzibar Government and if things

are not set right, then to behave at least for once as a Government whose duty it is to safeguard the interests of Indians. I may tell the Education Secretary that I fully subscribe to the principle “Do unto others as you would be done by”. I would be ashamed if I stood for anything except equity, justice and fairplay but the gravamen of the charge as I have placed it before the House is this, that the Zanzibar Government has forged and framed these decrees, especially with a view to insult and to prejudice and injure the interests of Indians. In fact, the Attorney General admitted that the decrees had a racial purpose. My friend talked of the protection of the clove growers. He spoke of the relief of indebtedness. That is rather a strange method. Are the debtors to be completely absolved? There is to be a moratorium and it is admitted by the Zanzibar Government that the Africans and Arabs have no money to pay. The Indians who alone could liquidate the debts cannot purchase the property. What is the natural, logical corollary? The only means by which the debts could be liquidated and settled would be through transfer of land in part; but it cannot be transferred to Indians and others have no money to purchase. What is the consequence? Those to whom money is due will neither get the land nor the money and yet we are told that it is a just and a fair measure by one who, in theory at least, represents the interests of the overseas Indians in this matter. Sir, I have nothing much more to say.

**Sir Girja Shankar Bajpai:** On a point of information, Sir. My

5 P.M.

Honourable friend is speaking now of the Land Alienation Decree. I never said that the Land Alienation Decree, to the extent that it is racial, is a fair measure; in fact, I tried to make it clear that the Government of India adhere to the recommendation of Mr. Menon that they shall contest that decree.

**Pandit Govind Ballabh Pant:** Well, Sir, I am thankful even for small mercies, and I hope that as the Honourable the Education Secretary accepts the proposition that the Land Alienation Decree is unjust, unfair and insulting to Indians as such, some remedy will be found; but, as we also know that he has not succeeded so far in his efforts to get even this decree reversed or amended by the Zanzibar Government or the Secretary for the Colonies, let us trust that he will now adopt retaliatory measures, if not on any other ground then on the basis of the unfairness and the iniquitous character of this Land Alienation Decree and on account of the racial arrogance and racial insolence which is involved in it and is its integral and inseparable part. In fact that carries a greater sting than anything else. So, having failed in his endeavours in that direction, I hope he will now press for the enforcement of retaliatory measures. Sir, I am one of those who know that no nation, no country, no individual can assert and vindicate his or her position unless the nation or the Government is a part and parcel of a free and unfettered organism and organization. We are determined to concentrate upon that one objective and upon that panacea, but so long as we do not attain that position, it is our misfortune to appeal to the Government of India for the protection of the rights of Indians abroad, as there is no other way open before us. I hope, Sir, if not for anything else, we will have their sympathy for the agony which this process involves to us. (Loud and Prolonged Applause.)

**Mr. President** (The Honourable Sir Abdur Rahim): **Sir Girja Shankar Bajpai.**

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**Sir Girja Shankar Bajpai :** I suppose, Sir, I really have not a right of reply without your permission ?

**Mr. President** (The Honourable Sir Abdur Rahim) : As the subject is rather important, the Honourable Member may reply.

**Sir Girja Shankar Bajpai :** I have just two points I should like to speak about, Sir, and nothing more. My Honourable friend, Pandit Govind Ballabh Pant, said that there has been established a certain firm in Zanzibar for the purpose of distilling cloves, and he seemed to see in that some move to link up the Clove Growers' Association with the company itself. I think, Sir, that the two are entirely unconnected, because, even if there had been no Clove Growers' Association in existence at all, that would not stand in the way of a company establishing itself in Zanzibar to purchase cloves in order to distill cloves. There is nothing of a monopolistic character in that. And, as regards my Honourable friend saying that he had expected me to make a more categorical statement than I made, from explanation I gave earlier, I think my Honourable friend could not expect the Government of India to say more than what I said at this stage.

**Pandit Govind Ballabh Pant :** Well, I am sorry I had a better estimate of the Government of India. That is all.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That this Assembly recommends to the Governor General in Council to take all effective steps in the interests and to vindicate the position of Indian nationals settled in Zanzibar."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th September, 1935.

## LEGISLATIVE ASSEMBLY.

Thursday, 19th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## MEMBER SWORN.

Mr. Gurunath Venkatesh Bewoor, C.I.E., M.L.A. (Director General of Posts and Telegraphs).

## QUESTIONS AND ANSWERS.

## LIGHTING ARRANGEMENTS AT STATIONS OF THE BENGAL AND NORTH WESTERN RAILWAY.

488. **\*Mr. B. B. Varma :** Are Government aware that passengers are put to great inconveniences for having no lighting arrangements at most of the stations of the Bengal and North Western Railway, till just before the arrival of the train when a few dim lights are put up ?

**Mr. P. R. Rau :** On most railways, the practice on all except the more important stations is to light the platform lamps a little while before a passenger train is due in, but the lamps in waiting halls and sheds are kept burning so long as there are passengers waiting for a night train. Government are not aware that the practice on the Bengal and North Western Railway is different in this respect, but I am bringing the Honourable Member's question and my answer to the notice of the administration.

## SUPPLY OF WATER AT STATIONS OF THE BENGAL AND NORTH WESTERN RAILWAY.

489. **\*Mr. B. B. Varma :** Are Government aware that arrangements for supply of water are not made on most of the railway stations on the Bengal and North Western Railway and the passengers are put to great inconvenience especially during the summer season ?

**Mr. P. R. Rau :** The Agent, Bengal and North Western Railway, states that there are 94 stations on the system at which the total number of watermen permanently employed is 128. In addition, during the hot weather months, 106 temporary additional watermen are engaged.

At the larger stations, there are also hydrants at suitable places on the station platforms and water is supplied to passengers in trains by watermen provided with wheeled water tanks and buckets.

At the smaller stations, an adequate supply of fresh water is kept in buckets in the station verandahs and watermen or other staff specially deputed for the purpose carry water in buckets to passengers in trains. At stations at which engines take water, hydrants are also provided for the supply of fresh water to passengers.

The Agent reports that these arrangements have been found to be adequate.

**Prof. N. G. Ranga :** Is the Honourable Member aware that sufficient water is not kept at those stations ?

**Mr. P. R. Rau :** Is my Honourable friend talking from personal experience of the Bengal and North Western Railway ?

**Prof. N. G. Ranga :** Yes, Sir.

**Mr. P. R. Rau :** I have no personal experience of that Railway.

**Prof. N. G. Ranga :** Will the Honourable Member try to ascertain the facts ?

**Mr. P. R. Rau :** The facts have been ascertained and have been stated in reply to the question.

**Dr. Ziauddin Ahmad :** Is it not a fact that because Government are going to acquire this particular line in two years' time, they are not prepared to spend money on the administration of the Railway ?

**Mr. P. R. Rau :** The assumption of my Honourable friend is not quite correct. Government have not yet made up their mind as to whether this line should be acquired. It is correct to say that the option to acquire it arises two years hence.

**Dr. Ziauddin Ahmad :** When we discussed this question in 1931, Government clearly stated that they extended the privilege only for five years, and no more.

**Mr. P. R. Rau :** Two options were given by the Company—one in 1937, and one in 1942.

**Dr. Ziauddin Ahmad :** In view of the fact that money is very cheap now and it may not be so cheap in 1941, will Government seriously consider to acquire this line as early as possible ?

**Mr. P. R. Rau :** This is a point which will have to be considered next year.

#### OPENING OF BOOKING OFFICE AT MUZAFFARPORE.

490. **\*Mr. B. B. Varma :** (a) Are Government aware that booking office at Muzaffarpore, Bengal and North Western Railway, is not open for 24 hours to the third class passengers and hence the public are put to inconveniences ?

(b) Are Government aware that in the morning, afternoon, and evening, several trains leave Muzaffarpore and there is one booking clerk to attend to all the windows ?

(c) Will Government be pleased to state how many booking clerks are provided to attend to first, second and intermediate class passengers ?

**Mr. P. R. Rau :** The Agent, Bengal and North Western Railway, states :

“(a) that the third class booking office is open for 24 hours, and he has had no complaint either from the public or from members of his Local Advisory Committee on this point ;

(b) that during the busy periods of the day there are two booking clerks on duty ;

(c) that there are eight booking and parcel clerks, but only one is detailed to work in the upper class booking office and this is considered to be sufficient.”

#### EMPLOYEES OF THE INDIAN TEA CESS COMMITTEE.

491. **\*Mr. B. B. Varma :** Will Government be pleased to state the number of Europeans, Anglo-Indians and Indian employees of the Indian Tea Cess Committee, with their salaries and length of service ?

**The Honourable Sir Muhammad Zafrullah Khan :** I lay on the table a statement furnishing the information asked for.

*Statement showing the number of Europeans, Anglo-Indians and Indian employees of the Indian Tea Cess Committee with their salaries and length of service.*

| Names.                  | Designation.             | Date of appointment. | Present salary. | Remarks. |
|-------------------------|--------------------------|----------------------|-----------------|----------|
| EUROPEANS.              |                          |                      |                 |          |
| Mr. W. H. Miles ..      | Commissioner ..          | 1-11-33              | 2,000           |          |
| „ B. G. McHatton ..     | Insp. Superintendent     | 21-7-24              | 1,250           |          |
| „ J. S. Solly ..        | Stores Superintendent    | 9-4-25               | 575             |          |
| „ E. Turnock ..         | Superintendent ..        | 16-9-19              | 800             |          |
| „ W. M. Orton ..        | Do. ..                   | 1-4-28               | 750             |          |
| „ G. W. Holland ..      | Do. ..                   | 25-7-32              | 650             |          |
| „ C. E. Kearney ..      | Do. ..                   | 5-10-28              | 700             |          |
| „ R. Bentley ..         | Do. ..                   | 8-6-34               | 600             |          |
| „ R. Macdonald ..       | Do. ..                   | 15-7-34              | 500             |          |
| „ A. L. V. Underwood .. | Do. ..                   | 4-4-25               | 500             |          |
| „ R. A. Farrell ..      | Do. ..                   | 1-4-26               | 500             |          |
| „ W. H. Barrett ..      | Inspector ..             | 22-10-23             | 265             |          |
| „ D. V. Rose ..         | Do. ..                   | 17-1-31              | 240             |          |
| „ M. G. Mansfield ..    | Do. ..                   | 1-8-32               | 200             |          |
| „ J. Hyland ..          | Do. ..                   | 15-6-35              | 300             |          |
| „ D. McDermott ..       | Assistant Superintendent | 24-4-23              | 450             |          |
| „ E. C. Oates ..        | Do. ..                   | 4-9-29               | 350             |          |
|                         |                          |                      | 10,630          |          |
| „ C. G. Kirkhan ..      | Do. ..                   | 15-7-35              | 350             |          |
|                         |                          |                      | 10,980          |          |

| Names.               | Designation.              | Date of appointment. | Present salary. | Remarks. |
|----------------------|---------------------------|----------------------|-----------------|----------|
| ANGLO-INDIANS.       |                           |                      |                 |          |
| Mr. B. E. Kelman ..  | Assistant ..              | 28-4-29              | 300             |          |
| „ M. J. Connolly ..  | Assistant Superintendent. | 24-4-23              | 350             |          |
| „ S. E. Hottinger .. | Do. ..                    | 13-12-34             | 400             |          |
| „ A. B. Rosser ..    | Inspector ..              | 29-4-32              | 300             |          |
| „ S. M. Ellis ..     | Do. ..                    | 1-8-32               | 200             |          |
| Mrs. V. Owers ..     | Do. ..                    | 16-7-34              | 135             |          |
| Miss L. Morris ..    | Do. ..                    | 15-7-34              | 135             |          |
| Mr. V. Joseph ..     | Sub-Inspector ..          | 15-6-22              | 90              |          |
| „ T. P. Hearn ..     | Do. ..                    | 1-6-35               | 150             |          |
| „ T. Roderick ..     | Do. ..                    | 24-6-35              | 75              |          |
| „ E. V. Holmes ..    | Do. ..                    | 24-6-35              | 75              |          |
| „ I. A. Millar ..    | Do. ..                    | 24-6-35              | 75              |          |
| „ E. Teasdale ..     | Do. ..                    | 24-6-35              | 75              |          |
| „ C. H. La Vale ..   | Do. ..                    | 15-7-35              | 75              |          |
| „ D. C. Cotter ..    | Do. ..                    | 17-7-35              | 75              |          |
| Miss E. Robinson ..  | Do. ..                    | 1-9-33               | 75              |          |
| Mr. J. George ..     | Driver ..                 | 1-5-34               | 35              |          |
| „ G. W. Arnold ..    | Do. ..                    | 13-6-34              | 35              |          |
| „ M. Ellis ..        | Do. ..                    | 1-3-35               | 35              |          |
| „ S. Fleming ..      | Do. ..                    | 29-6-35              | 50              |          |
| Miss P. Wilkinson .. | Steno-Typist ..           | 20-6-35              | 250             |          |
| „ V. Baxter ..       | Do. ..                    | 11-1-35              | 100             |          |
| Mr. E. S. D'Costa .. | Divisional Office Clerk   | 1-7-35               | 50              |          |
|                      |                           |                      | 3,140           |          |

| Names.                  | Designation.                 | Date of appointment. | Present salary. | Remarks. |
|-------------------------|------------------------------|----------------------|-----------------|----------|
| INDIANS.                |                              |                      |                 |          |
| Mr. P. Guha Thakurta .. | Publicity Officer ..         | 1-8-34               | 550             |          |
| „ B. C. Mondal ..       | Cashier ..                   | 20-6-29              | 285             |          |
| „ N. C. Pakrasy ..      | Head Clerk ..                | 1-11-16              | 240             |          |
| „ F. C. Nath ..         | Book Keeper ..               | 1-8-18               | 150             |          |
| „ L. N. Juggish ..      | Clerk ..                     | 22-12-21             | 85              |          |
| „ J. B. Dey ..          | Do. ..                       | 12-11-23             | 70              |          |
| „ N. L. Pershad ..      | Despatch Clerk ..            | 23-4-30              | 75              |          |
| „ R. N. Dass ..         | Filing Clerk ..              | 1-11-32              | 40              |          |
| „ Mahadev Nundy ..      | Store Clerk ..               | 27-5-24              | 60              |          |
| „ P. N. Mullick ..      | Do. ..                       | 24-9-31              | 50              |          |
| „ B. N. Banerjee ..     | Do. ..                       | 1-1-33               | 45              |          |
| „ S. K. Sanyal ..       | General Assistant ..         | 10-1-33              | 85              |          |
| „ N. N. Dass ..         | Filing Clerk ..              | 10-12-34             | 45              |          |
| „ N. N. Dey ..          | Accounts Clerk ..            | 17-5-35              | 40              |          |
| „ S. N. Kar ..          | Clerk, Publicity Department. | 15-7-35              | 100             |          |
| „ H. D. Mullick ..      | Clerk ..                     | 1-7-35               | 40              |          |
| „ A. B. Chowdhory ..    | Divisional Office Clerk      | 30-4-20              | 100             |          |
| „ G. B. Deo ..          | Do. ..                       | 13-11-32             | 55              |          |
| „ K. N. Misra ..        | Do. ..                       | 18-9-28              | 60              |          |
| „ B. L. Sukla ..        | Do. ..                       | 17-6-33              | 45              |          |
| „ I. Shanker Rao ..     | Do. ..                       | 19-7-32              | 60              |          |
| „ K. Sen Roy ..         | Do. ..                       | 1-8-34               | 40              |          |
| „ C. P. Singh ..        | Do. ..                       | 1-10-34              | 50              |          |
| „ B. C. Chatterjee ..   | Do. ..                       | 1-1-35               | 30              |          |
| „ S. P. Gour ..         | Do. ..                       | 1-3-35               | 35              |          |

| Names.                   | Designation.              | Date of appointment. | Present salary. | Remarks. |
|--------------------------|---------------------------|----------------------|-----------------|----------|
| Mr. B. K. Ghose ..       | Divisional Office Clerk   | 1-5-35               | 45              |          |
| „ B. Ramchandram Sharma. | Do. ..                    | 4-6-35               | 35              |          |
| „ P. S. Varma ..         | Do. ..                    | 24-6-35              | 35              |          |
| „ Sapuran Singh ..       | Assistant Superintendent. | 1-7-20               | 350             |          |
| „ N. C. Gupta ..         | Do. ..                    | 2-12-20              | 350             |          |
| „ K. Venkatachary ..     | Inspector ..              | 1-6-29               | 125             |          |
| „ M. R. Gupta ..         | Do. ..                    | 19-5-33              | 125             |          |
| „ B. K. Baruah ..        | Do. ..                    | 1-1-35               | 125             |          |
| „ D. Prosad ..           | Do. ..                    | 15-6-35              | 150             |          |
| „ B. N. Sarkara ..       | Do. ..                    | 1-8-35               | 150             |          |
| „ Amir Bux ..            | Sub-Inspector ..          | 27-7-25              | 85              |          |
| „ Baldeo Narain ..       | Do. ..                    | 3-12-25              | 85              |          |
| „ M. R. Nayar ..         | Do. ..                    | 7-8-30               | 85              |          |
| „ Nooruddin ..           | Do. ..                    | 1-8-32               | 85              |          |
| „ Sobaran Singh ..       | Do. ..                    | 30-8-22              | 80              |          |
| „ D. D. Kosle ..         | Do. ..                    | 15-10-23             | 75              |          |
| „ V. P. Singh ..         | Do. ..                    | 5-2-29               | 75              |          |
| „ Chander Dip ..         | Do. ..                    | 11-7-31              | 75              |          |
| „ N. N. Murthy ..        | Do. ..                    | 15-9-31              | 75              |          |
| „ P. R. Sen Gupta ..     | Do. ..                    | 17-5-32              | 40              |          |
| „ R. K. Dutta ..         | Do. ..                    | 1-5-34               | 35              |          |
| „ A. R. Dutta Gupta ..   | Do. ..                    | 17-5-34              | 40              |          |
| „ B. N. Mathur ..        | Do. ..                    | 15-7-34              | 75              |          |
| „ M. L. Bhatia ..        | Do. ..                    | 15-7-34              | 75              |          |

| Names.                | Designation.     | Date of appointment. | Present salary. | Remarks. |
|-----------------------|------------------|----------------------|-----------------|----------|
| Mr. N. C. Sharma ..   | Sub-Inspector .. | 1-7-34               | 40              |          |
| „ P. C. Roy ..        | Do. ..           | 1-7-34               | 35              |          |
| „ A. H. Bhuiya ..     | Do. ..           | 1-7-34               | 35              |          |
| „ Kundon Lall ..      | Do. ..           | 24-2-28              | 75              |          |
| „ Radhey Shiam ..     | Do. ..           | 27-12-28             | 75              |          |
| „ Sunder Singh ..     | Do. ..           | 1-2-31               | 75              |          |
| „ S. M. Habib ..      | Do. ..           | 19-8-32              | 75              |          |
| „ Ranbir Singh ..     | Do. ..           | 26-8-32              | 75              |          |
| „ Rama Shanker ..     | Do. ..           | 6-1-33               | 60              |          |
| „ A. V. Nanjandiah .. | Do. ..           | 26-7-31              | 75              |          |
| „ S. S. Bhatia ..     | Do. ..           | 1-8-34               | 75              |          |
| „ N. C. Baruah ..     | Do. ..           | 20-11-32             | 85              |          |
| „ B. N. Sen Gupta ..  | Do. ..           | 21-4-32              | 50              |          |
| „ S. R. Sen Gupta ..  | Do. ..           | 23-7-28              | 55              |          |
| „ A. K. Sen Gupta ..  | Do. ..           | 19-2-29              | 50              |          |
| „ P. B. Banerjee ..   | Do. ..           | 7-6-32               | 45              |          |
| „ K. C. Sen ..        | Do. ..           | 21-10-32             | 40              |          |
| „ E. Seymour ..       | Do. ..           | 1-10-32              | 45              |          |
| „ U. Raye ..          | Do. ..           | 8-5-33               | 45              |          |
| „ A. G. Dutta ..      | Do. ..           | 6-7-33               | 45              |          |
| „ H. L. Dass Gupta .. | Do. ..           | 1-10-33              | 40              |          |
| „ J. Chakrabutty ..   | Do. ..           | 1-10-33              | 45              |          |
| „ Suranjan Ghose ..   | Do. ..           | 1-9-34               | 35              |          |
| „ Mohon Krishna ..    | Do. ..           | 15-9-34              | 80              |          |
| „ Saligram ..         | Do. ..           | 20-11-34             | 75              |          |



| Names.                   | Designation.     | Date of appointment. | Present salary. | Remarks. |
|--------------------------|------------------|----------------------|-----------------|----------|
| Mr. Sukhdham Sarup ..    | Sub-Inspector .. | 20-11-34             | 75              |          |
| „ V. D. Kapila ..        | Do. ..           | 20-11-34             | 75              |          |
| „ V. S. Bhatnagar ..     | Do. ..           | 20-11-34             | 75              |          |
| „ P. C. Rajpal ..        | Do. ..           | 1-12-34              | 75              |          |
| „ P. C. Jaitley ..       | Do. ..           | 1-12-34              | 75              |          |
| „ T. N. Gupta ..         | Do. ..           | 20-11-34             | 75              |          |
| „ Jivanand ..            | Do. ..           | 1-12-34              | 75              |          |
| „ R. K. Rai ..           | Do. ..           | 1-12-34              | 75              |          |
| „ J. P. Saxena ..        | Do. ..           | 1-12-34              | 75              |          |
| „ R. N. Mukerjee ..      | Do. ..           | 1-12-34              | 75              |          |
| „ Nardeo Varma ..        | Do. ..           | 1-12-34              | 75              |          |
| „ Bhagat Saran ..        | Do. ..           | 30-10-34             | 75              |          |
| „ Dwarka Dass ..         | Do. ..           | 4-1-35               | 75              |          |
| „ I. D. Sharma ..        | Do. ..           | 9-1-35               | 75              |          |
| „ S. B. L. Srivastava .. | Do. ..           | 10-1-35              | 75              |          |
| „ D. C. Srivastava ..    | Do. ..           | 10-1-35              | 75              |          |
| „ C. D. Bajpai ..        | Do. ..           | 17-1-35              | 75              |          |
| „ J. S. Mathur ..        | Do. ..           | 15-1-35              | 75              |          |
| „ G. P. Srivastava ..    | Do. ..           | 19-2-35              | 75              |          |
| „ K. S. Dassania ..      | Do. ..           | 20-2-35              | 75              |          |
| „ S. A. M. Kazimi ..     | Do. ..           | 26-3-35              | 75              |          |
| „ P. K. Sen Gupta ..     | Do. ..           | 9-7-30               | 55              |          |
| „ Mohd. Wasi Khan ..     | Do. ..           | 20-5-35              | 75              |          |
| „ B. C. Banerjee ..      | Do. ..           | 16-5-35              | 40              |          |
| „ Mohd. Nazir Hussain .. | Do. ..           | 30-8-32              | 75              |          |

| Names.                     | Designation.     | Date of appointment. | Present salary. | Remarks. |
|----------------------------|------------------|----------------------|-----------------|----------|
| Mr. B. S. Karmaker ..      | Sub-Inspector .. | 4-5-35               | 75              |          |
| „ S. B. Dutta ..           | Do. ..           | 1-6-35               | 125             |          |
| „ B. Chakradhar Prosad ..  | Do. ..           | 1-6-35               | 75              |          |
| „ R. B. L. Mathur ..       | Do. ..           | 24-6-35              | 75              |          |
| „ M. A. J. Faridi ..       | Do. ..           | 24-6-35              | 75              |          |
| „ S. M. Gupta ..           | Do. ..           | 24-6-35              | 75              |          |
| „ R. A. Quraishie ..       | Do. ..           | 24-6-35              | 75              |          |
| „ U. S. Randhawa ..        | Do. ..           | 24-6-35              | 75              |          |
| „ S. B. Lall ..            | Do. ..           | 24-6-35              | 75              |          |
| „ Wahajuddin ..            | Do. ..           | 24-6-35              | 75              |          |
| „ Har Narain Srivastava .. | Do. ..           | 24-6-35              | 75              |          |
| „ S. S. Roy ..             | Do. ..           | 15-7-35              | 125             |          |
| „ J. N. Ganguli ..         | Do. ..           | 15-7-35              | 75              |          |
| „ N. V. R. Iyre ..         | Do. ..           | 1-7-35               | 75              |          |
| „ S. P. Sarathi ..         | Do. ..           | 1-7-35               | 75              |          |
| „ S. N. Chatterjee ..      | Do. ..           | 15-7-35              | 75              |          |
| „ Gian Ch. Murgai ..       | Do. ..           | 10-7-35              | 75              |          |
| „ Benjamin Lyall ..        | Do. ..           | 17-7-35              | 75              |          |
| „ H. N. Srivastava ..      | Do. ..           | 16-7-35              | 75              |          |
| „ M. G. Gour ..            | Do. ..           | 16-7-35              | 75              |          |
| „ Krishna Kumar ..         | Do. ..           | 16-7-35              | 75              |          |
| „ Purshotam Singh ..       | Do. ..           | 16-7-35              | 75              |          |
| „ R. S. Gupta ..           | Do. ..           | 16-7-35              | 75              |          |
| „ K. L. Chatterjee ..      | Do. ..           | 28-7-35              | 75              |          |
| „ Syed Ali Aktar Naqui ..  | Do. ..           | 15-7-35              | 75              |          |

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| Names.                  | Designation.     | Date of appointment. | Present salary. | Remarks. |
|-------------------------|------------------|----------------------|-----------------|----------|
| Mr. N. N. Mukerjee ..   | Sub-Inspector .. | 15-7-35              | 75              |          |
| „ U. P. Varma ..        | Do. ..           | 15-7-35              | 75              |          |
| „ J. R. Chatterjee ..   | Do. ..           | 15-7-35              | 75              |          |
| „ R. B. P. Jaiswal ..   | Do. ..           | 19-7-35              | 75              |          |
| „ H. N. Singh ..        | Do. ..           | 1-8-35               | 75              |          |
| „ H. P. Moitra ..       | Do. ..           | 15-7-35              | 75              |          |
| „ A. K. Majumdar ..     | Do. ..           | 22-7-35              | 75              |          |
| „ S. C. Chakravartty .. | Do. ..           | 24-7-35              | 75              |          |
| „ M. Yakub Khan ..      | Do. ..           | 1-8-35               | 75              |          |
| „ P. K. Romeo ..        | Do. ..           | 29-7-35              | 75              |          |
| „ S. Ramaswamy ..       | Do. ..           | 1-8-35               | 75              |          |
| „ S. H. Row ..          | Do. ..           | 1-8-35               | 75              |          |
| „ Abani Mukerjee ..     | Do. ..           | 28-8-35              | 75              |          |
| „ Mohd. Issa ..         | Do. ..           | 23-6-33              | 60              |          |
| „ P. V. Raman ..        | Do. ..           | 10-8-35              | 75              |          |
| „ S. N. Dass ..         | Cinema Staff ..  | 18-7-32              | 75              |          |
| „ Sk. Mohd. Abbas ..    | Do. ..           | 30-6-32              | 80              |          |
| „ D. K. Lillamwala ..   | Do. ..           | 16-1-35              | 75              |          |
| „ Aziz Nawaz Khan ..    | Do. ..           | 28-12-31             | 65              |          |
| „ Nobi Mohammed ..      | Do. ..           | 19-3-35              | 60              |          |
| „ P. K. Dass ..         | Do. ..           | 28-3-35              | 55              |          |
| „ B. P. Dutta ..        | Do. ..           | 1-4-35               | 55              |          |
| „ J. N. Dass ..         | Do. ..           | 1-5-35               | 60              |          |
| „ Hari Chand ..         | Driver ..        | 1-7-31               | 50              |          |
| „ Narsingh Pershad ..   | Do. ..           | 13-7-31              | 50              |          |

| Names.                 | Designation. | Date of appointment. | Present salary. | Remarks. |
|------------------------|--------------|----------------------|-----------------|----------|
| Mr. Ahmed Bux ..       | Driver ..    | 18-7-31              | 50              |          |
| „ Babu Lall ..         | Do. ..       | 28-7-31              | 50              |          |
| „ Bodiruddin ..        | Do. ..       | 8-1-31               | 50              |          |
| „ Sardar Mansingh ..   | Do. ..       | 8-1-31               | 50              |          |
| „ T. Naidu ..          | Do. ..       | 26-8-31              | 50              |          |
| „ Faiz Ali Khan ..     | Do. ..       | 11-10-31             | 50              |          |
| „ Mohd. Siddiq ..      | Do. ..       | 9-12-31              | 50              |          |
| „ Duleep Singh ..      | Do. ..       | 13-2-32              | 50              |          |
| „ Syed Gulab ..        | Do. ..       | 21-8-31              | 50              |          |
| „ H. R. Qandhari ..    | Do. ..       | 5-3-32               | 45              |          |
| „ G. P. Singh ..       | Do. ..       | 16-7-34              | 50              |          |
| „ Shaik Abban ..       | Do. ..       | 24-7-34              | 50              |          |
| „ P. V. Ramanathan ..  | Do. ..       | 13-6-34              | 35              |          |
| „ Abdul Razak ..       | Do. ..       | 15-8-34              | 35              |          |
| „ Radha Krishnan ..    | Do. ..       | 1-8-34               | 35              |          |
| „ Abdul Latiff ..      | Do. ..       | 2-1-35               | 45              |          |
| „ Azim Buksh ..        | Do. ..       | 22-2-35              | 50              |          |
| „ Sk. Iqbal Hussain .. | Do. ..       | 15-2-35              | 50              |          |
| „ Abdul Rasid ..       | Do. ..       | 19-3-35              | 50              |          |
| „ Gajjan Singh ..      | Do. ..       | 19-3-35              | 50              |          |
| „ Mohd. Golam ..       | Do. ..       | 19-3-35              | 50              |          |
| „ Sita Ram ..          | Do. ..       | 19-3-35              | 50              |          |
| „ Ramaswamy Raju ..    | Do. ..       | 1-3-35               | 35              |          |
| „ Bhopal Singh ..      | Do. ..       | 26-3-35              | 50              |          |
| „ S. Hasmat Ali ..     | Do. ..       | 28-5-35              | 50              |          |

| Names.                   | Designation. | Date of appointment. | Present salary. | Remarks. |
|--------------------------|--------------|----------------------|-----------------|----------|
| Mr. Ram Narain Singh ..  | Driver ..    | 25-5-35              | 50              |          |
| „ Kalu Dubay ..          | Do. ..       | 7-6-35               | 50              |          |
| „ Summer Singh ..        | Do. ..       | 16-5-35              | 50              |          |
| „ Brisspathi ..          | Do. ..       | 17-6-35              | 50              |          |
| „ Suraj Narain Tewari .. | Do. ..       | 17-6-35              | 50              |          |
| „ Suvan Khan ..          | Do. ..       | 18-6-35              | 50              |          |
| „ Mohamed Shah ..        | Do. ..       | 18-6-35              | 50              |          |
| „ Abdul Razak ..         | Do. ..       | 1-7-35               | 35              |          |
| „ Farman Khan ..         | Do. ..       | 13-8-35              | 50              |          |

| Names.                  | Date of appointment. | Designation.    | Present salary.     |
|-------------------------|----------------------|-----------------|---------------------|
| Hifzul Hussain .. ..    | INDIANS.<br>2-7-33   | Demonstrator .. | Rs. a. p.<br>55 0 0 |
| P. N. Chatterjee .. ..  | 4-6-32               | Do. ..          | 45 0 0              |
| S. P. Banerjee .. ..    | 20-4-32              | Do. ..          | 45 0 0              |
| H. C. Mukerjee .. ..    | 13-3-33              | Do. ..          | 45 0 0              |
| R. N. Dass .. ..        | 6-6-33               | Do. ..          | 45 0 0              |
| Naraian Shanker .. ..   | 7-12-28              | Do. ..          | 35 0 0              |
| Nur Muhammud .. ..      | 8-1-29               | Do. ..          | 38 0 0              |
| Nageswar Pershad .. ..  | 26-3-32              | Do. ..          | 30 0 0              |
| Ayodhya Pershad .. ..   | 26-8-32              | Do. ..          | 30 0 0              |
| Reyait Hussain .. ..    | 26-8-32              | Do. ..          | 30 0 0              |
| Baidya Nath Singh .. .. | 26-8-32              | Do. ..          | 30 0 0              |

| Names.                 | Date of appointment. | Designation.    | Present salary. |
|------------------------|----------------------|-----------------|-----------------|
|                        |                      |                 | Rs. a. p.       |
| J. P. Upodhaya .. ..   | 29-9-32              | Demonstrator .. | 30 0 0          |
| Narsingh Bahadur .. .. | 29-9-32              | Do. ..          | 33 0 0          |
| Hari Kristo .. ..      | 1-3-34               | Do. ..          | 33 0 0          |
| Chaudrika Panday .. .. | 1-3-34               | Do. ..          | 33 0 0          |
| C. P. Singh .. ..      | 9-10-32              | Do. ..          | 33 0 0          |
| Zaki Nawab .. ..       | 23-11-32             | Do. ..          | 30 0 0          |
| B. L. Vashisht .. ..   | 1-12-32              | Do. ..          | 33 0 0          |
| Jan Muhamed .. ..      | 1-11-32              | Do. ..          | 33 0 0          |
| Hari N. Pershad .. ..  | 1-12-32              | Do. ..          | 30 0 0          |
| Birbal Singh .. ..     | 15-2-33              | Do. ..          | 33 0 0          |
| Tikam Singh .. ..      | 16-4-33              | Do. ..          | 33 0 0          |
| Budh Sen Sarma .. ..   | 27-12-28             | Do. ..          | 35 0 0          |
| Badhu Ram .. ..        | 1-8-28               | Do. ..          | 35 0 0          |
| Abdul Gani Khan .. ..  | 24-3-31              | Do. ..          | 30 0 0          |
| J. N. Pershad .. ..    | 13-3-31              | Do. ..          | 33 0 0          |
| Shaيدا Hussain .. ..   | 26-4-32              | Do. ..          | 30 0 0          |
| P. D. Puraug .. ..     | 30-8-32              | Do. ..          | 33 0 0          |
| A. L. Panday .. ..     | 12-10-32             | Do. ..          | 35 0 0          |
| Saklir Hussain .. ..   | 4-1-33               | Do. ..          | 30 0 0          |
| Monohar Singh .. ..    | 1-2-33               | Do. ..          | 33 0 0          |
| Puran Chand .. ..      | 5-1-33               | Do. ..          | 33 0 0          |
| Istiaq Hussain .. ..   | 21-2-33              | Do. ..          | 30 0 0          |
| Inder Doyal .. ..      | 21-2-33              | Do. ..          | 30 0 0          |
| Ram Sarup .. ..        | 1-3-33               | Do. ..          | 33 0 0          |
| Pearey Lall .. ..      | 1-4-33               | Do. ..          | 33 0 0          |

| Names.                  | Date of appointment. | Designation.    | Present salary. |
|-------------------------|----------------------|-----------------|-----------------|
|                         |                      |                 | Rs. a. p.       |
| S. L. Sharma .. ..      | 4-5-33               | Demonstrator .. | 30 0 0          |
| R. A. Sharma .. ..      | 10-5-33              | Do. ..          | 30 0 0          |
| Raiz Hussain .. ..      | 1-6-33               | Do. ..          | 30 0 0          |
| K. C. Sukhla .. ..      | 14-8-33              | Do. ..          | 30 0 0          |
| Mohd. Issa .. ..        | 23-6-33              | Do. ..          | 30 0 0          |
| Nageshwar P. Sharma ..  | 4-8-33               | Do. ..          | 30 0 0          |
| L. N. Misser .. ..      | 4-9-33               | Do. ..          | 33 0 0          |
| Lingayya M. .. ..       | 1-9-33               | Do. ..          | 33 0 0          |
| Gopal Pershad .. ..     | 17-9-33              | Do. ..          | 33 0 0          |
| I. H. Qureshi .. ..     | 21-1-29              | Do. ..          | 36 0 0          |
| Mohd. Ahmed .. ..       | 9-12-33              | Do. ..          | 30 0 0          |
| Ram Chander .. ..       | 26-1-34              | Do. ..          | 30 0 0          |
| L. N. Trividi .. ..     | 29-1-34              | Do. ..          | 35 0 0          |
| Hukam Singh .. ..       | 1-2-34               | Do. ..          | 30 0 0          |
| Kishori Lall .. ..      | 1-2-34               | Do. ..          | 33 0 0          |
| K. P. S. Menon .. ..    | 5-2-34               | Do. ..          | 33 0 0          |
| S. M. Nataranjan .. ..  | 5-3-34               | Do. ..          | 35 0 0          |
| Afzal Hussain .. ..     | 20-3-34              | Do. ..          | 33 0 0          |
| Mrs. Rani Devi .. ..    | 6-7-33               | Do. ..          | 33 0 0          |
| Miss Freer .. ..        | 1-9-33               | Do. ..          | 30 0 0          |
| Mrs. Anpurna Devi .. .. | 14-3-34              | Do. ..          | 30 0 0          |
| Mrs. Patia Kurmin .. .. | 1-10-33              | Do. ..          | 33 0 0          |
| A. R. Sanjeevi .. ..    | 3-4-34               | Do. ..          | 33 0 0          |
| K. K. Nambiyar .. ..    | 1-7-34               | Do. ..          | 30 0 0          |
| T. Veeraraghavan .. ..  | 16-7-34              | Do. ..          | 30 0 0          |

| Names.                   | Date of appointment. | Designation.    | Present salary. |
|--------------------------|----------------------|-----------------|-----------------|
|                          |                      |                 | Rs. a. p.       |
| Panna Lall .. ..         | 1-8-34               | Demonstrator .. | 30 0 0          |
| Syed Rafiq Hussain .. .. | 1-8-34               | Do. ..          | 30 0 0          |
| Ram Bhoroze Lall .. ..   | 1-8-34               | Do. ..          | 30 0 0          |
| Gulal Chand .. ..        | 1-8-34               | Do. ..          | 30 0 0          |
| Ram Gopal .. ..          | 1-8-34               | Do. ..          | 30 0 0          |
| Bishan Lall .. ..        | 1-8-34               | Do. ..          | 30 0 0          |
| I. Hussain Zaidi .. ..   | 1-8-34               | Do. ..          | 30 0 0          |
| Govind Pershad .. ..     | 1-8-34               | Do. ..          | 30 0 0          |
| Baldeo Pershad .. ..     | 1-8-34               | Do. ..          | 30 0 0          |
| Bhawani Pershad .. ..    | 1-8-34               | Do. ..          | 30 0 0          |
| Mrs. Chameli Devi .. ..  | 1-8-34               | Do. ..          | 30 0 0          |
| T. T. Narayanan .. ..    | 15-7-34              | Do. ..          | 30 0 0          |
| Sreenivasa K. I. .. ..   | 1-8-34               | Do. ..          | 30 0 0          |
| T. Subramanian .. ..     | 1-8-34               | Do. ..          | 30 0 0          |
| R. P. Gupta .. ..        | 1-8-34               | Do. ..          | 30 0 0          |
| B. D. Gupta .. ..        | 1-8-34               | Do. ..          | 30 0 0          |
| Lakhan Singh .. ..       | 1-8-34               | Do. ..          | 30 0 0          |
| Damodar Singh .. ..      | 1-8-34               | Do. ..          | 30 0 0          |
| Roghubir Singh .. ..     | 1-8-34               | Do. ..          | 30 0 0          |
| J. P. Garja .. ..        | 1-8-34               | Do. ..          | 30 0 0          |
| Sheodan Singh .. ..      | 1-8-34               | Do. ..          | 30 0 0          |
| C. M. Gupta .. ..        | 1-8-34               | Do. ..          | 30 0 0          |
| Imdad Ali .. ..          | 1-8-34               | Do. ..          | 30 0 0          |
| G. C. Sarma .. ..        | 2-8-34               | Do. ..          | 30 0 0          |
| Virishwar Gupta .. ..    | 1-8-34               | Do. ..          | 30 0 0          |

| Names.                  | Date of appointment. | Designation.    | Present salary. |
|-------------------------|----------------------|-----------------|-----------------|
|                         |                      |                 | Rs. a. p.       |
| Hari Lall .. ..         | 10-1-35              | Demonstrator .. | 30 0 0          |
| Anand Swarup .. ..      | 10-1-35              | Do. ..          | 30 0 0          |
| S. L. Misra .. ..       | 10-1-35              | Do. ..          | 30 0 0          |
| Kanno Singh .. ..       | 16-1-35              | Do. ..          | 30 0 0          |
| Manich Lall .. ..       | 1-1-35               | Do. ..          | 30 0 0          |
| Balawant Singh II .. .. | 3-1-35               | Do. ....        | 30 0 0          |
| Gorakh Pd. .. ..        | 3-1-35               | Do. ..          | 30 0 0          |
| Amba Pd. .. ..          | 10-1-35              | Do. ..          | 30 0 0          |
| Raju Blochan .. ..      | 10-1-35              | Do. ..          | 30 0 0          |
| M. S. Sharma .. ..      | 16-12-34             | Do. ..          | 30 0 0          |
| Chaman Lall .. ..       | 28-12-34             | Do. ..          | 30 0 0          |
| S. K. Sen Gupta .. ..   | 31-12-34             | Do. ..          | 30 0 0          |
| Shiam Deo .. ..         | 27-12-34             | Do. ..          | 30 0 0          |
| Dwarka Pd. .. ..        | 27-12-34             | Do. ..          | 30 0 0          |
| A. S. Varma .. ..       | 27-12-34             | Do. ..          | 30 0 0          |
| D. P. Malvia .. ..      | 17-12-34             | Do. ..          | 30 0 0          |
| Basudeva Pd. .. ..      | 17-12-34             | Do. ..          | 30 0 0          |
| R. D. Sharma .. ..      | 18-1-35              | Do. ..          | 30 0 0          |
| M. C. Pershad .. ..     | 18-1-35              | Do. ..          | 30 0 0          |
| J. P. Pande .. ..       | 18-1-35              | Do. ..          | 30 0 0          |
| A. K. Majumder .. ..    | 18-1-35              | Do. ..          | 30 0 0          |
| L. P. Srivastava .. ..  | 18-1-35              | Do. ..          | 30 0 0          |
| S. K. Mullick .. ..     | 18-1-35              | Do. ..          | 30 0 0          |
| Amar Nath .. ..         | 18-1-35              | Do. ..          | 30 0 0          |
| Ram Pershad .. ..       | 10-1-35              | Do. ..          | 30 0 0          |

| Names.                    | Date of appointment. | Designation.    | Present salary. |
|---------------------------|----------------------|-----------------|-----------------|
|                           |                      |                 | Rs. a. p.       |
| M. L. Srivastava .. ..    | 10-1-35              | Demonstrator .. | 30 0 0          |
| Ab. Naini Khan .. ..      | 10-2-35              | Do. ..          | 30 0 0          |
| Kripa Shanker .. ..       | 1-1-35               | Do. ..          | 30 0 0          |
| Lalchand Rikhi .. ..      | 1-2-35               | Do. ..          | 30 0 0          |
| S. Narsinghlal .. ..      | 1-9-33               | Do. ..          | 35 0 0          |
| Janardan Pershad .. ..    | 22-2-35              | Do. ..          | 30 0 0          |
| Liladhar Singh .. ..      | 1-3-35               | Do. ..          | 30 0 0          |
| Suvaran Singh .. ..       | 25-2-35              | Do. ..          | 30 0 0          |
| Puran Singh .. ..         | 16-3-35              | Do. ..          | 30 0 0          |
| A. K. Sukhla .. ..        | 23-2-35              | Do. ..          | 30 0 0          |
| Guru Deo Saran .. ..      | 1-3-35               | Do. ..          | 30 0 0          |
| D. N. Chatterji .. ..     | 7-3-35               | Do. ..          | 30 0 0          |
| Ramadhon Misser .. ..     | 8-3-35               | Do. ..          | 30 0 0          |
| Tulsi Ram .. ..           | 11-3-35              | Do. ..          | 30 0 0          |
| Sadhu Ram Awasti .. ..    | 11-3-35              | Do. ..          | 30 0 0          |
| Ram Dayal .. ..           | 15-4-35              | Do. ..          | 30 0 0          |
| Sidhnath Sukhla .. ..     | 1-4-35               | Do. ..          | 30 0 0          |
| Banarsi Dass .. ..        | 6-4-35               | Do. ..          | 30 0 0          |
| Vidyavati Devi .. ..      | 1-4-35               | Do. ..          | 30 0 0          |
| Mohd. Yasin Khan .. ..    | 20-2-35              | Do. ..          | 30 0 0          |
| Athar Hussain .. ..       | 9-4-35               | Do. ..          | 30 0 0          |
| Chail Behari Misser .. .. | 1-4-35               | Do. ..          | 30 0 0          |
| Nazir Ahmed Khan .. ..    | 7-4-35               | Do. ..          | 30 0 0          |
| Abdul Muqueet .. ..       | 1-5-35               | Do. ..          | 30 0 0          |
| Pribhu Dail .. ..         | 1-5-35               | Do. ..          | 30 0 0          |

| Names.                  | Date of appointment. | Designation.    | Present salary. |
|-------------------------|----------------------|-----------------|-----------------|
|                         |                      |                 | Rs. a. p.       |
| G. C. Gupta .. ..       | 1-8-34               | Demonstrator .. | 30 0 0          |
| Janak Lall .. ..        | 1-9-34               | Do. ..          | 30 0 0          |
| Naresh Chandra .. ..    | 1-8-34               | Do. ..          | 30 0 0          |
| Muni Lall .. ..         | 1-8-34               | Do. ..          | 30 0 0          |
| S. D. Sarma .. ..       | 1-8-34               | Do. ..          | 30 0 0          |
| Jogesh Chandar .. ..    | 1-8-34               | Do. ..          | 30 0 0          |
| Bishambhar Doyal .. ..  | 1-8-34               | Do. ..          | 30 0 0          |
| Her Pershad .. ..       | 1-9-34               | Do. ..          | 30 0 0          |
| Pitam Singh .. ..       | 1-8-34               | Do. ..          | 30 0 0          |
| Bhagwan Singh .. ..     | 1-8-34               | Do. ..          | 30 0 0          |
| Govind Singh .. ..      | 1-8-34               | Do. ..          | 30 0 0          |
| Tej Singh .. ..         | 1-8-34               | Do. ..          | 30 0 0          |
| Chokey Lal .. ..        | 1-8-34               | Do. ..          | 30 0 0          |
| R. R. Gupta .. ..       | 1-8-34               | Do. ..          | 30 0 0          |
| Mizazi Lall .. ..       | 1-8-34               | Do. ..          | 30 0 0          |
| Ju Phal .. ..           | 26-8-34              | Do. ..          | 30 0 0          |
| S. C. Awasti .. ..      | 6-9-34               | Do. ..          | 30 0 0          |
| Puran Singh .. ..       | 21-9-34              | Do. ..          | 30 0 0          |
| Gulab Singh .. ..       | 2-10-34              | Do. ..          | 30 0 0          |
| Balwant Singh .. ..     | 1-10-34              | Do. ..          | 30 0 0          |
| Abdul Waheed .. ..      | 13-10-34             | Do. ..          | 30 0 0          |
| N. Ramaswamy Iyre .. .. | 16-9-34              | Do. ..          | 30 0 0          |
| V. Sreenivasan .. ..    | 16-9-34              | Do. ..          | 30 0 0          |
| T. S. Kandaswamy .. ..  | 16-10-34             | Do. ..          | 30 0 0          |
| P. Kuppuswamy .. ..     | 15-10-34             | Do. ..          | 30 0 0          |

| Names.                      | Date of appointment. | Designation.    | Present salary. |
|-----------------------------|----------------------|-----------------|-----------------|
|                             |                      |                 | Rs. a. p.       |
| Luxmi Shanker .. ..         | 11-9-34              | Demonstrator .. | 30 0 0          |
| Girja Doyal .. ..           | 12-9-34              | Do. ..          | 30 0 0          |
| Raghubir Sahai .. ..        | 6-9-34               | Do. ..          | 30 0 0          |
| Sikandar Bibi .. ..         | 16-10-34             | Do. ..          | 30 0 0          |
| Raj Singh .. ..             | 1-10-34              | Do. ..          | 30 0 0          |
| K. D. Jhori .. ..           | 1-11-34              | Do. ..          | 30 0 0          |
| L. C. Sharma .. ..          | 1-11-34              | Do. ..          | 30 0 0          |
| Radhey Shiam Mehrotra .. .. | 19-9-34              | Do. ..          | 30 0 0          |
| Bhola Nath Mehrotra .. ..   | 2-10-34              | Do. ..          | 30 0 0          |
| M. M. Gour .. ..            | 1-10-34              | Do. ..          | 30 0 0          |
| K. Govindswamy .. ..        | 1-12-34              | Do. ..          | 30 0 0          |
| O. M. Prakash .. ..         | 7-12-34              | Do. ..          | 30 0 0          |
| Babu Ram .. ..              | 10-11-34             | Do. ..          | 30 0 0          |
| Tajuddin Qureshi .. ..      | 12-12-34             | Do. ..          | 30 0 0          |
| Khurshield Abbas .. ..      | 5-11-34              | Do. ..          | 30 0 0          |
| Chander Singh .. ..         | 5-11-34              | Do. ..          | 30 0 0          |
| J. P. Varma .. ..           | 9-1-35               | Do. ..          | 30 0 0          |
| Shive Shanker Lall .. ..    | 2-12-34              | Do. ..          | 30 0 0          |
| R. B. Gupta .. ..           | 10-1-35              | Do. ..          | 30 0 0          |
| V. P. Tewari .. ..          | 10-1-35              | Do. ..          | 30 0 0          |
| Krishna Kumar .. ..         | 10-1-35              | Do. ..          | 30 0 0          |
| S. C. L. Sanadhya .. ..     | 10-1-35              | Do. ..          | 30 0 0          |
| M. N. Natu .. ..            | 10-1-35              | Do. ..          | 30 0 0          |
| Mathura Pd. .. ..           | 3-1-35               | Do. ..          | 30 0 0          |
| K. B. Varma .. ..           | 10-1-35              | Do. ..          | 30 0 0          |

| Names.                  | Date of appointment. | Designation.    | Present salary. |
|-------------------------|----------------------|-----------------|-----------------|
|                         |                      |                 | Rs. a. p.       |
| Hari Lall .. ..         | 10-1-35              | Demonstrator .. | 30 0 0          |
| Anand Swarup .. ..      | 10-1-35              | Do. ..          | 30 0 0          |
| S. L. Misra .. ..       | 10-1-35              | Do. ..          | 30 0 0          |
| Kanno Singh .. ..       | 16-1-35              | Do. ..          | 30 0 0          |
| Manich Lall .. ..       | 1-1-35               | Do. ..          | 30 0 0          |
| Belawant Singh II .. .. | 3-1-35               | Do. ....        | 30 0 0          |
| Gorakh Pd. .. ..        | 3-1-35               | Do. ..          | 30 0 0          |
| Amba Pd. .. ..          | 10-1-35              | Do. ..          | 30 0 0          |
| Raju Blochan .. ..      | 10-1-35              | Do. ..          | 30 0 0          |
| M. S. Sharma .. ..      | 16-12-34             | Do. ..          | 30 0 0          |
| Chaman Lall .. ..       | 28-12-34             | Do. ..          | 30 0 0          |
| S. K. Sen Gupta .. ..   | 31-12-34             | Do. ..          | 30 0 0          |
| Shiam Deo .. ..         | 27-12-34             | Do. ..          | 30 0 0          |
| Dwarka Pd. .. ..        | 27-12-34             | Do. ..          | 30 0 0          |
| A. S. Varma .. ..       | 27-12-34             | Do. ..          | 30 0 0          |
| D. P. Malvia .. ..      | 17-12-34             | Do. ..          | 30 0 0          |
| Basudeva Pd. .. ..      | 17-12-34             | Do. ..          | 30 0 0          |
| R. D. Sharma .. ..      | 18-1-35              | Do. ..          | 30 0 0          |
| M. C. Pershad .. ..     | 18-1-35              | Do. ..          | 30 0 0          |
| J. P. Pande .. ..       | 18-1-35              | Do. ..          | 30 0 0          |
| A. K. Majumder .. ..    | 18-1-35              | Do. ..          | 30 0 0          |
| L. P. Srivastava .. ..  | 18-1-35              | Do. ..          | 30 0 0          |
| S. K. Mullick .. ..     | 18-1-35              | Do. ..          | 30 0 0          |
| Amar Nath .. ..         | 18-1-35              | Do. ..          | 30 0 0          |
| Ram Pershad .. ..       | 10-1-35              | Do. ..          | 30 0 0          |

| Names.                    | Date of appointment. | Designation.    | Present salary. |
|---------------------------|----------------------|-----------------|-----------------|
|                           |                      |                 | Rs. a. p.       |
| M. L. Srivastava .. ..    | 10-1-35              | Demonstrator .. | 30 0 0          |
| Ab. Naini Khan .. ..      | 10-2-35              | Do. ..          | 30 0 0          |
| Kripa Shanker .. ..       | 1-1-35               | Do. ..          | 30 0 0          |
| Lalchand Rikhi .. ..      | 1-2-35               | Do. ..          | 30 0 0          |
| S. Narsinghlal .. ..      | 1-9-33               | Do. ..          | 35 0 0          |
| Janardan Pershad .. ..    | 22-2-35              | Do. ..          | 30 0 0          |
| Liladhar Singh .. ..      | 1-3-35               | Do. ..          | 30 0 0          |
| Suvaran Singh .. ..       | 25-2-35              | Do. ..          | 30 0 0          |
| Puran Singh .. ..         | 16-3-35              | Do. ..          | 30 0 0          |
| A. K. Sukhla .. ..        | 23-2-35              | Do. ..          | 30 0 0          |
| Guru Deo Saran .. ..      | 1-3-35               | Do. ..          | 30 0 0          |
| D. N. Chatterji .. ..     | 7-3-35               | Do. ..          | 30 0 0          |
| Ramadhon Misser .. ..     | 8-3-35               | Do. ..          | 30 0 0          |
| Tulsi Ram .. ..           | 11-3-35              | Do. ..          | 30 0 0          |
| Sadhu Ram Awasti .. ..    | 11-3-35              | Do. ..          | 30 0 0          |
| Ram Dayal .. ..           | 15-4-35              | Do. ..          | 30 0 0          |
| Sidhnath Sukhla .. ..     | 1-4-35               | Do. ..          | 30 0 0          |
| Banarsi Dass .. ..        | 6-4-35               | Do. ..          | 30 0 0          |
| Vidyavati Devi .. ..      | 1-4-35               | Do. ..          | 30 0 0          |
| Mohd. Yasin Khan .. ..    | 20-2-35              | Do. ..          | 30 0 0          |
| Athar Hussain .. ..       | 9-4-35               | Do. ..          | 30 0 0          |
| Chail Behari Misser .. .. | 1-4-35               | Do. ..          | 30 0 0          |
| Nazir Ahmed Khan .. ..    | 7-4-35               | Do. ..          | 30 0 0          |
| Abdul Muqueet .. ..       | 1-5-35               | Do. ..          | 30 0 0          |
| Pribhu Dail .. ..         | 1-5-35               | Do. ..          | 30 0 0          |



| Names.                    | Date of appointment. | Designation.    | Present salary. |
|---------------------------|----------------------|-----------------|-----------------|
|                           |                      |                 | Rs. a. p.       |
| Dina Nath .. ..           | 26-7-35              | Demonstrator .. | 30 0 0          |
| Ram Deo Singh .. ..       | 26-8-35              | Do. ..          | 30 0 0          |
| Syed Yeakub Ali .. ..     | 22-7-35              | Do. ..          | 30 0 0          |
| Mohd. Abdulla .. ..       | 1-7-35               | Do. ..          | 30 0 0          |
| Goudi Pd. Misra .. ..     | 1-7-35               | Do. ..          | 30 0 0          |
| Saroj K. Banerjee .. ..   | 1-7-35               | Do. ..          | 30 0 0          |
| Mathuri Pd. Varma .. ..   | 6-7-35               | Do. ..          | 30 0 0          |
| Panchanon Banerjee .. ..  | 19-7-35              | Do. ..          | 30 0 0          |
| Zakir Hussain .. ..       | 16-7-35              | Do. ..          | 30 0 0          |
| Bagyanarain Pd. .. ..     | 10-7-35              | Do. ..          | 30 0 0          |
| B. N. Banerjee .. ..      | 19-7-35              | Do. ..          | 30 0 0          |
| Abbas Ali .. ..           | 1-7-35               | Do. ..          | 30 0 0          |
| S. Wazir Hussain .. ..    | 16-7-35              | Do. ..          | 30 0 0          |
| Zaniul Abdeen .. ..       | 1-7-35               | Do. ..          | 30 0 0          |
| Dhiren Ghatok .. ..       | 5-7-35               | Do. ..          | 30 0 0          |
| Mohd. Yusuf .. ..         | 2-8-35               | Do. ..          | 30 0 0          |
| Abdul Rashid Khan .. ..   | 2-8-35               | Do. ..          | 30 0 0          |
| Mohammed Ahmed .. ..      | 22-7-35              | Do. ..          | 30 0 0          |
| Mashuq Ahmed Siddiq .. .. | 22-7-35              | Do. ..          | 30 0 0          |
| Md. Yaqub Khan .. ..      | 22-7-35              | Do. ..          | 30 0 0          |
| S. Mozhor Ibad .. ..      | 22-7-35              | Do. ..          | 30 0 0          |
| Mohammed Ahmed .. ..      | 22-7-35              | Do. ..          | 30 0 0          |
| Roghu Nath Singh .. ..    | 16-7-35              | Do. ..          | 30 0 0          |
| Kapildeo Prasad .. ..     | 16-7-35              | Do. ..          | 30 0 0          |
| Badri Nath .. ..          | 16-7-35              | Do. ..          | 30 0 0          |

| Names.                     | Date of appointment. | Designation.    | Present salary. |
|----------------------------|----------------------|-----------------|-----------------|
|                            |                      |                 | Rs. a. p.       |
| Shatruhan Singh .. ..      | 16-7-35              | Demonstrator .. | 30 0 0          |
| C. B. Srivastava .. ..     | 16-7-35              | Do. ..          | 30 0 0          |
| Sajjad Ali .. ..           | 23-7-35              | Do. ..          | 30 0 0          |
| Ali Hasan Siddiq .. ..     | 31-7-35              | Do. ..          | 30 0 0          |
| Banwari Lal .. ..          | 30-7-35              | Do. ..          | 30 0 0          |
| Mohd. Naimuddin .. ..      | 30-7-35              | Do. ..          | 30 0 0          |
| M. A. H. Chesti .. ..      | 30-7-35              | Do. ..          | 30 0 0          |
| Nawrathan Lall .. ..       | 30-7-35              | Do. ..          | 30 0 0          |
| Hari Lal Sharma .. ..      | 30-7-35              | Do. ..          | 30 0 0          |
| R. B. Lall .. ..           | 30-7-35              | Do. ..          | 30 0 0          |
| Mustafa Hussain .. ..      | 30-7-35              | Do. ..          | 30 0 0          |
| Narain Lall .. ..          | 30-7-35              | Do. ..          | 30 0 0          |
| V. N. Pershad .. ..        | 30-7-35              | Do. ..          | 30 0 0          |
| Mohd. Khalil .. ..         | 30-7-35              | Do. ..          | 30 0 0          |
| Mohabir Pd. Gupta .. ..    | 30-7-35              | Do. ..          | 30 0 0          |
| M. Ab. Sabu Khan .. ..     | 11-7-35              | Do. ..          | 30 0 0          |
| Ayanbul Hasan Ansari .. .. | 27-7-35              | Do. ..          | 30 0 0          |
| Mrs. Jumna Devi .. ..      | 1-8-35               | Do. ..          | 30 0 0          |
| Mrs. Radha Rani Devi .. .. | 22-7-35              | Do. ..          | 30 0 0          |
| Gopal Narain Singh .. ..   | 11-8-35              | Do. ..          | 30 0 0          |
| Jagat Nand Varma .. ..     | 11-8-35              | Do. ..          | 30 0 0          |
| Wasi Ahmed .. ..           | 11-8-35              | Do. ..          | 30 0 0          |
| Md. Nasiruddin .. ..       | 11-8-35              | Do. ..          | 30 0 0          |
| Maheswari Pd. Varma .. ..  | 11-8-35              | Do. ..          | 30 0 0          |
| Kali Ch. Dikshit .. ..     | 11-8-35              | Do. ..          | 30 0 0          |

| Names.                       | Date of appointment. | Designation.    | Present salary. |
|------------------------------|----------------------|-----------------|-----------------|
|                              |                      |                 | Rs. a. p.       |
| Mohd. Latiff .. ..           | 11-8-35              | Demonstrator .. | 30 0 0          |
| Joydev Lal Burma .. ..       | 11-8-35              | Do. ..          | 30 0 0          |
| Lalta Pd. Sinha .. ..        | 11-8-35              | Do. ..          | 30 0 0          |
| Sheik Ab. Gafoor .. ..       | 18-8-35              | Do. ..          | 30 0 0          |
| Syed Mubarak Ali .. ..       | 20-8-35              | Do. ..          | 30 0 0          |
| S. Mohd. Yussuf .. ..        | 21-8-35              | Do. ..          | 30 0 0          |
| Girwar Lal .. ..             | 4-8-35               | Do. ..          | 30 0 0          |
| S. Muthiah .. ..             | 1-8-35               | Do. ..          | 30 0 0          |
| R. P. Krishnamurthy Naidu .. | 1-8-35               | Do. ..          | 30 0 0          |
| T. V. N. Naidu .. ..         | 1-8-35               | Do. ..          | 30 0 0          |
| Ram Bahadur Pd. .. ..        | 1-8-35               | Do. ..          | 30 0 0          |
| Phani Bhusan Sen Gupta ..    | 1-8-35               | Do. ..          | 30 0 0          |
| Mangal Ram .. ..             | 1-8-35               | Do. ..          | 30 0 0          |
| H. D. Banerjee .. ..         | 1-8-35               | Do. ..          | 30 0 0          |
| Syed Raza Khan .. ..         | 16-8-35              | Do. ..          | 30 0 0          |
| G. K. Sinha .. ..            | 1-8-35               | Do. ..          | 30 0 0          |
| Abdul Rauf .. ..             | 1-8-35               | Do. ..          | 30 0 0          |
| Amal Chandra Sen .. ..       | 14-7-35              | Do. ..          | 30 0 0          |
| B. K. Pal .. ..              | 22-7-35              | Do. ..          | 30 0 0          |
| M. M. Chatterjee .. ..       | 20-7-35              | Do. ..          | 30 0 0          |
| Mahmurad Hussain .. ..       | 21-7-35              | Do. ..          | 30 0 0          |
| Nanna Meah .. ..             | 25-7-35              | Do. ..          | 30 0 0          |
| Lakhiatulla Mea .. ..        | 25-7-35              | Do. ..          | 30 0 0          |
| Alfazuddin Ahmed .. ..       | 25-7-35              | Do. ..          | 30 0 0          |
| Ashrafuddin Kazi .. ..       | 25-7-35              | Do. ..          | 30 0 0          |

| Names.                       | Date of appointment. | Designation.    | Present salary. |
|------------------------------|----------------------|-----------------|-----------------|
|                              |                      |                 | Rs. a. p.       |
| J. C. Gupta .. ..            | 26-7-35              | Demonstrator .. | 30 0 0          |
| Mafazal Rahaman .. ..        | 26-7-35              | Do. ..          | 30 0 0          |
| Salamat Ali .. ..            | 26-7-35              | Do. ..          | 30 0 0          |
| Sailesh Ranjan Ghose .. ..   | 27-7-35              | Do. ..          | 30 0 0          |
| Sailesh Ch. Ghose .. ..      | 28-7-35              | Do. ..          | 30 0 0          |
| A. K. Dutta .. ..            | 1-9-34               | Do. ..          | 30 0 0          |
| B. C. Mukerjee .. ..         | 1-9-34               | Do. ..          | 30 0 0          |
| Mohd. Khalilur Rohman ..     | 1-9-34               | Do. ..          | 30 0 0          |
| Ab. Moksud Md. Khan ..       | 1-9-34               | Do. ..          | 30 0 0          |
| J. Ahmed .. ..               | 1-9-34               | Do. ..          | 30 0 0          |
| Nazibar Rohaman .. ..        | 5-9-34               | Do. ..          | 30 0 0          |
| Nirmalendu Sen .. ..         | 22-9-34              | Do. ..          | 30 0 0          |
| Sadhoo Meah .. ..            | 8-11-34              | Do. ..          | 30 0 0          |
| D. N. Dey .. ..              | 18-1-35              | Do. ..          | 30 0 0          |
| Mohd. Feroz Ali Chowdhory .. | 1-4-35               | Do. ..          | 30 0 0          |
| Mohd. Hussain .. ..          | 1-6-35               | Do. ..          | 30 0 0          |
| Muzaffar Ali Ahmed .. ..     | 1-6-35               | Do. ..          | 30 0 0          |
| A. R. Ghose .. ..            | 1-6-35               | Do. ..          | 30 0 0          |
| N. C. Dey .. ..              | 1-6-35               | Do. ..          | 30 0 0          |
| Mosbhuddin Ahmed .. ..       | 2-6-35               | Do. ..          | 30 0 0          |
| K. C. Datta .. ..            | 2-6-35               | Do. ..          | 30 0 0          |
| A. K. Chakravartty .. ..     | 2-6-35               | Do. ..          | 30 0 0          |
| R. K. Mukerjee .. ..         | 2-6-35               | Do. ..          | 30 0 0          |
| Mohd. Siddiq .. ..           | 3-6-35               | Do. ..          | 30 0 0          |
| P. C. Bose .. ..             | 6-6-35               | Do. ..          | 30 0 0          |

| Names.                    | Date of appointment. | Designation.    | Present salary. |    |    |
|---------------------------|----------------------|-----------------|-----------------|----|----|
|                           |                      |                 | Rs.             | a. | p. |
| Md. Amir Hussain .. ..    | 9-6-35               | Demonstrator .. | 30              | 0  | 0  |
| M. A. K. Bhuiya .. ..     | 6-6-35               | Do. ..          | 30              | 0  | 0  |
| Abdus Samad .. ..         | 1-7-34               | Do. ..          | 30              | 0  | 0  |
| N. C. Dey Sarkar .. ..    | 1-7-34               | Do. ..          | 30              | 0  | 0  |
| Md. Suleman Bhuiya .. ..  | 1-7-34               | Do. ..          | 30              | 0  | 0  |
| Ab. K. M. Siddiq .. ..    | 1-9-34               | Do. ..          | 30              | 0  | 0  |
| Ab. Mamin Chowdhory .. .. | 17-6-35              | Do. ..          | 30              | 0  | 0  |
| R. K. Das .. ..           | 1-9-34               | Do. ..          | 30              | 0  | 0  |
| R. C. Majumdar .. ..      | 1-9-34               | Do. ..          | 30              | 0  | 0  |
| P. K. Sen .. ..           | 1-7-35               | Do. ..          | 30              | 0  | 0  |
| Sirajuddin Bhuiya .. ..   | 1-7-35               | Do. ..          | 30              | 0  | 0  |
| M. M. Mitra .. ..         | 1-7-35               | Do. ..          | 30              | 0  | 0  |
| Afroz Ali Chowdhory .. .. | 1-7-35               | Do. ..          | 0               | 0  | 0  |

## INDIAN MEDICAL STAFF.

|                                                                                | Number. | Total Salary. |    |    |
|--------------------------------------------------------------------------------|---------|---------------|----|----|
|                                                                                |         | Rs.           | a. | p. |
| Head Office .. ..                                                              | 15      | 333           | 0  | 0  |
| Menial Staff attached to Demonstration Parties and in Divisional offices .. .. | 262     | 3,934         | 0  | 0  |
|                                                                                | 277     | 4,267         | 0  | 0  |

## GRANTS MADE TO PROVINCES FOR THE IMPROVEMENT IN THE CONDITIONS OF THE CULTIVATION AND MARKETING OF SUGAR-CANE.

492. \*Seth Haji Abdoola Haroon : (a) Will Government be pleased to state whether a grant of about four lakhs of rupees has been made to the United Provinces Government by the Government of India this year,

from Excise duty, for the improvement in the conditions of the cultivation and marketing of cane ?

(b) Will Government be pleased to state whether similar grants have been sanctioned for other provinces in India for the same purposes ?

(c) If the reply to part (b) above be in the affirmative, will Government please lay on the table a statement showing names of such provinces and the amounts paid to each of the provinces ?

(d) If the reply to parts (b) and (c) above be in the negative, will Government please state whether they intend to give such grants to such other provinces, where sugarcane is being produced and sugar is being manufactured in large quantities ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). A statement showing the provisional allocation to various provinces of the subsidy out of the proceeds of the sugar excise duty is placed on the table.

(d) Does not arise.

Statement showing the allocation to provinces of the amount tentatively provided in 1934-35 and 1935-36 as subsidy out of the proceeds of the Sugar Excise duty.

| Province.                                                                                                                | Amount.   |
|--------------------------------------------------------------------------------------------------------------------------|-----------|
|                                                                                                                          | Rs.       |
| United Provinces .. ..                                                                                                   | 5,40,000  |
| Bihar and Orissa .. ..                                                                                                   | 2,90,000  |
| Madras .. ..                                                                                                             | 60,000    |
| Punjab .. ..                                                                                                             | 30,000    |
| Bombay .. ..                                                                                                             | 30,000    |
| Burma .. ..                                                                                                              | 30,000    |
| Bengal .. ..                                                                                                             | 20,000    |
| Kept in reserve for centrally administered areas and for assisting any special measures in any particular province .. .. | 1,91,000  |
|                                                                                                                          | 11,91,000 |

Dr. Ziauddin Ahmad : Have the Government of India asked for a report from the United Provinces Government about the manner in which they spent the money and whether they are convinced that the money was usefully spent ?

Sir Girja Shankar Bajpai : The Government of India, before making the allocation, considered the schemes which the Government of the United Provinces had put forward. I do not exactly remember whether they have been asked to submit a report at the end of the year.

Seth Haji Abdoola Haroon : Will the Honourable Member kindly say what amount has been allotted to the Bihar and Orissa Government ?

Sir Girja Shankar Bajpai : The figures are in the statement. The amount allotted to the Bihar and Orissa Government is Rs. 2,90,000.

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**Seth Haji Abdoola Haroon :** Have Government already sent that money or have they only informed the Bihar and Orissa Government that the amount will be remitted ?

**Sir Girja Shankar Bajpai :** We have informed the Government of Bihar and Orissa that this money is available.

**Seth Haji Abdoola Haroon :** Have they prepared any scheme up till now ?

**Sir Girja Shankar Bajpai :** As in the case of the United Provinces Government, the Government of India had schemes from the Government of Bihar and Orissa also.

**Seth Haji Abdoola Haroon :** May I suggest.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member cannot make suggestions now, he can put questions.

#### MUSLIMS IN CERTAIN CATEGORIES ON THE NORTH WESTERN RAILWAY.

493. \***Seth Haji Abdoola Haroon :** Will Government be pleased to state :

(a) the total number of Station Masters employed at principal stations in grades V and VI and what is the proportion of Muslims amongst them ;

(b) total number of Station Superintendents on the North Western Railway ; how many Muslims are employed as Station Superintendents, if not, why not ;

(c) total number of Traffic Inspectors employed on the North Western Railway ; how many are Hindus, Sikhs and Muslims ;

(d) total number of Controllers, Deputy and Chief Controllers over the North Western Railway ; how many are Europeans, Hindus, Sikhs and Muslims ;

(e) what steps do Government propose to take to increase the ratio of Muslims in the above categories ?

**Mr. P. R. Rau :** (a) to (d). Information regarding communal representation in railway services is given in the Annual Administration Report of Indian Railways. Government regret they are not prepared to supplement, with figures for individual categories of staff, the information given in that Report.

(e) As stated in paragraph 5 of the Memorandum of Supplementary Instructions, a copy of which will be found in the Library of the House, the orders of Government prescribing percentages for minority communities are to be applied to vacancies (as distinct from posts) in each grade or division of a service to be filled by direct recruitment and not to vacancies to be filled by promotion, which will continue as at present to be made solely on merit and seniority.

**Dr. Ziauddin Ahmad :** Will the Honourable Member tell me the page of the Annual Administration report at which figures for the North Western Railway are given separately ?

**Mr. P. R. Rau :** If my Honourable friend will meet me in the lobby, I will try and lead him through the pages of the report.

#### BALUCHI REGIMENTS AND SOLDIERS EMPLOYED DURING THE GREAT WAR.

494. \***Seth Haji Abdoola Haroon :** Will Government be pleased to state :

(a) the number of Baluchi Regiments engaged during the Great War ;

(b) the number of Baluchi soldiers from Sind and Baluchistan employed during the Great War ;

(c) the number of Baluchi Officers and Indian Commissioned Officers employed during the Great War ;

(d) the number of Baluchi Units and Regiments disbanded after the Great War ;

(e) the number of Baluchis employed as officers and other ranks in the Indian Army at present ;

(f) the number of Baluchi Officers employed in Army Reserve during the Great War and at present ;

(g) the policy of Government regarding recruitment of officers, Indian Commissioned Officers and other ranks, in the Makran and Chagai Levy Corps in Baluchistan ;

(h) the names of various battle fronts where Baluchis were sent during the Great War ; and

(i) the number of Baluchis who died while on duty during the Great War ?

**Mr. G. R. F. Tottenham :** (a) Ten, viz., five pre-war battalions and five new battalions.

(b) On 1st January, 1916 .. .. . 496

On 1st January, 1917 .. .. . 526

On 1st January, 1918 .. .. . 681

On 1st January, 1919 .. .. . 1,575

(c) Separate figures are not available to show the number of Baluchis who served as Viceroy's Commissioned Officers during the Great War. There were no Indian Commissioned Officers during the Great War.

(d) Four. These battalions were raised during the Great War.

(e) No serving Indian Commissioned Officer is a Baluchi. Our records do not show whether any Baluchis are serving at present as Viceroy's Commissioned Officers. The number of Baluchi other ranks serving on the 1st January, 1935, was 58.

(f) As far as I can trace, the answer is ' Nil '.

(g) The Honourable Member's attention is invited to the reply given to part (d) of question No. 519, asked by him on the 25th February, last.

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(h) The Honourable Member's attention is invited to Appendix "H" of the publication "India's contribution to the Great War", a copy of which is available in the Library of the House.

(i) It is not possible to give the number of Baluchis who died during the Great War, since casualties were not recorded by classes.

#### EMPLOYEES OF THE POLICE FORCE AND BALUCHISTAN CIVIL SERVICE KILLED IN THE EARTHQUAKE.

495. \*Seth Haji Abdoola Haroon : Will Government be pleased to state :

- (a) the number of employees (exclusive of police) in the Baluchistan Civil Service who died in the recent earthquake ;
- (b) the number of employees in Baluchistan police force who died in the recent earthquake ;
- (c) the number of police officers who died in the recent earthquake disaster ;
- (d) whether it is a fact that Government have called for services of all the retired Baluchistan employees from the Punjab and reinstated them all in the posts which have fallen vacant on account of the recent earthquake disaster ;
- (e) whether the services of employees reinstated will be considered as temporary or permanent ;
- (f) whether it is a fact that Government have recruited the police force for Baluchistan from the Punjab ; if so, why did they not recruit them from Sind which is the home and asylum of Baluchis ; and
- (g) with reference to the Honourable Member Mr. Ahmed Ibrahim Haroon Jaffer's supplementary question, dated 27th February, 1935, regarding Home Department resolution, giving 25 per cent. services to the Muslims, whether the said resolution is applicable to the inhabitants of Baluchistan ?

Mr. J. G. Acheson : (a) 114.

(b) and (c). 126. This includes 15 Head Constables and six other officers of higher rank.

(d) and (e). No, Sir. Only five retired Extra Assistant Commissioners, one retired Tahsildar and one retired ministerial Government servant, have been re-employed on a purely temporary basis.

(f) Yes. It was necessary to recruit immediately a large number of men trained in the use of arms, and this could only be done through the Inspector-General of Police, Punjab, and Recruiting Officers in that Province. There are no Recruiting Officers in Sind, and any attempt to raise men there would have involved very great delay.

(g) The supplementary question referred to is not traceable, but the Home Department Resolution in question is applicable with certain exceptions to all services under the administrative control of the Government of India including those in Baluchistan.

Dr. Ziauddin Ahmad : I did not hear the answer of the Honourable Member to the question : Why did they not recruit them from Sind also ?

Mr. J. G. Acheson : I had better read out the reply to that part. I said :

"There are no Recruiting Officers in Sind, and any attempt to raise men there would have involved very great delay."

Seth Haji Abdoola Haroon : May I know whether the Government of Baluchistan approached the Sind Government to supply trained policemen for working in the earthquake areas, just as they approached the Punjab Government ?

Mr. J. G. Acheson : I want notice.

#### FINANCIAL ADJUSTMENT BETWEEN SIND AND BOMBAY.

496. \*Seth Haji Abdoola Haroon : (a) Will Government be pleased to state whether it is a fact that Mr. J. Nixon has been appointed by the Government of India to go through the question of financial adjustment between Sind and Bombay on the separation of the former ?

(b) If the answer to part (a) above be in the affirmative, will Government be pleased to lay on the table a list showing the duties entrusted to Mr. J. Nixon ?

(c) Do Government realise that the question of separating finance of Sind from the Bombay Government regarding pension, liabilities, debts, etc., etc., is a very complicated one ?

(d) To which authority will Mr. J. Nixon submit his final report on the separation of finance of Sind ?

(e) Will Government be pleased to state whether Mr. J. Nixon's Report will be considered as final and acted upon, or it will be scrutinised again by some experts ?

(f) Do Government intend to appoint a Board consisting of experts of impartial nature to verify the report of Mr. J. Nixon ?

(g) Will Government be pleased to state whether in case a Board is formed for the scrutinisation of the aforesaid report, representatives of Sind will be allowed to sit with the Board Members in order to give their criticism on the report ?

The Honourable Sir James Grigg : (a), (b), (d) and (e). One of the duties of Mr. Nixon as Additional Secretary in the Finance Department is to examine the financial adjustments consequent on the creation of the new province of Sind and to submit the case to the Government of India. The Secretary of State will in due course pass final orders.

(c) Yes.

(f) and (g). Government consider it unnecessary to appoint another Board or Committee to deal with the financial affairs of Sind.

Seth Haji Abdoola Haroon : May I know whether Mr. Nixon's report will be placed before Sir Otto Neimeyer who has been appointed to conduct the financial enquiry ?

**The Honourable Sir James Grigg :** Not formally, because Mr. Nixon's duty is to separate the finances of Sind and Bombay. That is purely an accounting arrangement, and it has nothing whatever to do with the enquiry which Sir Otto Neimeyer is expected to undertake.

**Seth Haji Abdoola Haroon :** When Mr. Nixon's report is ready, will it be published for eliciting public opinion of Sind and Bombay, or will it be sent direct to the Secretary of State ?

**The Honourable Sir James Grigg :** It will be time enough to consider that when the Secretary of State has passed final orders.

**Dr. Ziauddin Ahmad :** Is it not a fact that this officer will consider the financial adjustments between the Central and the Provincial Governments ?

**The Honourable Sir James Grigg :** He will have to do a great deal of work in connection with that, providing material and so on, but he will have no judicial or arbitral function in relation to it.

**Dr. Ziauddin Ahmad :** Does it not follow that he will have to consider also the mutual relations between the Sind and Bombay Governments in order to settle the relations between the Central Government and each of these two Provinces ?

**The Honourable Sir James Grigg :** The initial subvention of Sind is quite a different story from the separation of accounts of Sind and Bombay.

#### BARRAGE CANALS IN SIND.

497. **\*Seth Haji Abdoola Haroon :** (a) Has the attention of Government been drawn to paragraph 79, page 43, of the report of the Sind Administrative Committee which runs as follows :

"We are surprised however to find that in 1932-33, the very first year of the working of the Barrage Canals, although there was, contrary to anticipations, a net surplus of Rs. 19.86 lakhs over working expenses, the surplus was allowed to merge in the general revenues of the Government of Bombay instead of being utilised towards part payment of the unpaid interest, on capital."

(b) Will Government be pleased to state whether the contents of the above paragraph are true ?

(c) If the reply to part (b) above be in the affirmative, what action do Government propose to take in the matter, so as to do justice and fair-play to Sind ?

(d) Has the attention of Government been drawn to paragraph 77-A of the Sind Administrative Committee Report, page 42, which runs as follows :

"Prior to 1932-33, receipts from the sales, leases, etc., of lands in the Barrage area were not utilized even towards payment of interest on capital. It appears that they merged in the general revenues of the Government of Bombay, but we have not been able to ascertain the reasons for this appropriation. The amount involved was about Rs. 12½ lakhs. In our opinion, it should have been credited to the Loan Account in the same way as the receipts of 1932-33."

(e) Will Government be pleased to state whether the contents of the above paragraph are true ?

(f) If the answer to part (e) above be in the affirmative, what action do Government propose to take so as to do justice and fairplay to Sind ?

**The Honourable Sir James Grigg :** (a), (b) and (c). The quoted statement is *not* correct. The Administrative Committee failed to take into account the net revenue of the superseded, absorbed or abandoned canals. The correct figures are being worked out and will be adjusted properly.

(d), (e) and (f). The implication of the quotation is incorrect. It was apparently due to a misconception on the part of the Administrative Committee of the necessary accounting processes.

**Seth Haji Abdoola Haroon :** Can the Honourable Member inform me what correction is made up till now ?

**The Honourable Sir James Grigg :** Not without notice.

#### ARRANGEMENTS FOR THE FUTURE ADMINISTRATION OF SIND.

498. **\*Seth Haji Abdoola Haroon :** (a) Is it a fact that Mr. H. M. Patel, I.C.S., has been appointed by the Government of India to enquire about the arrangements of the future administration of Sind ?

(b) If the answer to part (a) be in the affirmative, to which authority will Mr. Patel submit his Report ?

(c) Will Government be pleased to state whether Mr. Patel's Report will be published and open to criticism or considered as final ?

(d) Will Government be pleased to lay on the table a list of duties entrusted to Mr. H. M. Patel ?

(e) Will Government be pleased to state whether they propose to form a Board for scrutinisation of the aforesaid report, and if so, will representatives from Sind be consulted before the Report is finally passed ?

**The Honourable Sir Nripendra Sircar :** (a), (b) and (d). Mr. H. M. Patel has been placed on special duty by the Government of Bombay to draw up a detailed scheme of the administrative arrangements necessitated by the separation of Sind. The Government of India have received, through the Local Government, his report dealing with the accommodation immediately required by the new Government, and it is at present under their consideration.

(c) The answer to both parts of this question is in the negative.

(e) There is no such proposal under the consideration of Government.

#### COLLECTION OF CUSTOMS REVENUE BY THE GOVERNMENT OF INDIA IN KATHIAWAR AND OTHER STATES.

499. **\*Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state whether they have recently made any agreement with Kathiawar and other Native States of India to the effect that in future Customs Revenue would be collected by Indian Government, and the Government would reciprocate the same by payment of certain sums of money to the Indian States ?

(b) If the answer to part (a) above be in the affirmative, will Government lay on the table a copy of the said new agreements ?

**Mr. S. Satyamurti :** With reference to part (d), may I know if the Honourable Member made any enquiries after the receipt of this question from my Honourable friend, and are Government satisfied that this kind of smuggling does not take place, apart from complaints ?

**The Honourable Sir James Grigg :** In so far as any Government can be satisfied that smuggling does not take place, yes.

**Mr. S. Satyamurti :** Have the Government of India approached the Kathiawar States and put it to them, that this smuggling may take place, and have they received any assurance from them that they have taken or will take every possible step to prevent any such smuggling ?

**The Honourable Sir James Grigg :** My own view is that the smuggling, if any, is a very unimportant part of a very important problem.

#### RACIAL DISCRIMINATION IN THE MATTER OF PROMOTIONS IN THE MECHANICAL DEPARTMENT OF THE EAST INDIAN RAILWAY.

501. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Are Government aware that racial discrimination is still maintained in the matter of promotions and that Europeans and Anglo-Indians are promoted to higher grade under the Works Managers in the Mechanical Department, East Indian Railway in preference to Indians ?

(b) Are Government aware that European and Anglo-Indian Journeymen are promoted to the higher Chargemen's grade in preference to Indian Chargemen T. T., irrespective of their training ? If so, why ?

(c) Are Government aware that Europeans and Anglo-Indians are promoted to the grade of Assistant Foremen in preference to better qualified Indians ? If so, why ?

(d) If the answers to parts (a), (b) and (c) above be in the negative, will Government please supply the names of those who were promoted to the grade of Chargemen and Assistant Foremen since 1934, with the following particulars :

- (i) Names of the Workshop employed ;
- (ii) Training ;
- (iii) Technical education ;
- (iv) General education (University Examination passed) ;
- (v) Present pay ; and
- (vi) Pay of the grade ?

If not, why not ? Are Government prepared to stop such practice ? If not, why not ?

(e) Will Government please supply separately the percentage of Europeans, Anglo-Indians and Indians promoted to the grade of Charge-

man and Assistant Foreman under each Works Manager, in the Mechanical Department, East Indian Railway, since 1933, with the following :

- (i) names ;
- (ii) dates of appointments ;
- (iii) present pay ; and
- (iv) dates of promotions ?

If not, why not ?

**Mr. P. B. Rau :** (a) The Agent, East Indian Railway, reports that these allegations are incorrect.

(b) and (c). The Agent reports that promotions in each workshop were made according to seniority with the following exceptions :

*Lucknow Carriage and Wagon Shops.*—One European who was third on the list of chargemen was promoted as Assistant Foreman in preference to two senior Anglo-Indians as they had no qualification or experience as a blacksmith.

*Lillooah Workshops.*—One Anglo-Indian and one European were selected for promotion to the grade of chargemen in supersession of two Indian Mechanics because the former were considered to be more thorough in their work and to have a better control over their men than the latter.

(d) and (e). I lay on the table statement giving the information asked for.



## JAMALPUR WORKSHOP.

Names of staff promoted to the grades of Assistant Foremen and Chargemen since 1934.

| Name.             | Workshop. | Training.                                 | Technical Education.                                   | General education. (University Examination passed). | Present pay. | Pay of grade.  | Promotion.          |
|-------------------|-----------|-------------------------------------------|--------------------------------------------------------|-----------------------------------------------------|--------------|----------------|---------------------|
| E. R. Black       | ..        | Served Apprenticeship in Outside Form.    | Promoted to Assistant Foremen.                         | Middle School                                       | Rs. 500      | Rs. 500 fixed  | Assistant Foremen.  |
| N. C. Chakrabatty | ..        | 5 years Apprenticeship in Jamalpur Shops. | Passed final Examination in Jamalpur Technical School. | Matriculate, Junior Cambridge.                      | 110          | 100/120-10-180 | Outturn Supervisor. |
| M. G. Nair        | ..        | Do.                                       | Do.                                                    | Do.                                                 | 110          | Do.            | Do.                 |
| S. Banerjee       | ..        | Do.                                       | Do.                                                    | Do.                                                 | 130          | 110/150-20-250 | Do.                 |
| Mritunjoy Roy     | ..        | Do.                                       | Do.                                                    | Do.                                                 | 110          | 110/120-10-180 | Do.                 |
| R. J. Carr        | ..        | Do.                                       | Do.                                                    | Do.                                                 | 110          | Do.            | Do.                 |
| H. K. Mukherjee   | ..        | Do.                                       | Do.                                                    | Do.                                                 | 110          | 110/150-20-250 | Do.                 |

|                    |    |     |     |     |     |            |                              |
|--------------------|----|-----|-----|-----|-----|------------|------------------------------|
| Md. Yusuf          | .. | Do. | Do. | Do. | 110 | Do.        | Do.                          |
| S. A. Nilson       | .. | Do. | Do. | Do. | 110 | Do.        | Do.                          |
| Ram Ch. Dutt       | .. | Do. | Do. | Do. | 110 | Do.        | Do.                          |
| C. S. Hsie         | .. | Do. | Do. | Do. | 150 | Do.        | Chargeman.                   |
| H. E. Ennis        | .. | Do. | Do. | Do. | 130 | Do.        | Do.                          |
| S. N. Verma        | .. | Do. | Do. | Do. | 150 | Do.        | Do.                          |
| B. N. Misra        | .. | Do. | Do. | Do. | 110 | Do.        | Do.                          |
| N. L. Sackett      | .. | Do. | Do. | Do. | 130 | Do.        | Do.                          |
| B. A. Peacock      | .. | Do. | Do. | Do. | 130 | Do.        | Do.                          |
| Panchanan Mukerjee | .. | Do. | Do. | Do. | 130 | Do.        | Do.                          |
| H. P. Okhandiar    | .. | Do. | Do. | Do. | 130 | Do.        | Do.                          |
| H. Ansari          | .. | Do. | Do. | Do. | 110 | Do.        | Do.                          |
| S. B. Mukherjee    | .. | Do. | Do. | Do. | 110 | Do.        | Do.                          |
| T. V. A. Mason     | .. | Do. | Do. | Do. | 130 | Do.        | Do.                          |
| A. D. Thomas       | .. | Do. | Do. | Do. | 130 | Do.        | Do.                          |
| O. G. P. Callaghan | .. | Do. | Do. | Do. | 170 | 170-10-230 | Draftsman.                   |
| K. L. Mehrotra     | .. | Do. | Do. | Do. | 170 | Do.        | Do.                          |
| S. K. Sanyal       | .. | Do. | Do. | Do. | 80  | 80-10-130  | Junior Laboratory Assistant. |

## JAMALPUR WORKSHOPS.

Percentage of Europeans, Anglo-Indians and Indians promoted to the grades of Assistant Foremen and Chargemen since 1933.

| Name.                                | Date of appointment. | Present pay. | Date of promotion. | Percentage.                                                         |
|--------------------------------------|----------------------|--------------|--------------------|---------------------------------------------------------------------|
|                                      |                      | Rs.          |                    |                                                                     |
| <i>Promoted to Assistant Foreman</i> |                      |              |                    |                                                                     |
| E. R. Black .. ..                    | 17-6-08              | 500          | 1-1-35             | Europeans .. .. Nil.<br>Anglo-Indians .. 100%<br>Indians .. .. Nil. |
| <i>Promoted to Chargemen.</i>        |                      |              |                    |                                                                     |
| S. M. Yusufaly ..                    | 3-11-33              | 110          | 3-11-33            |                                                                     |
| S. C. Ghosh ..                       | 14-3-33              | 110          | 14-3-33            |                                                                     |
| P. Biswas ..                         | 14-3-33              | 120          | 14-3-33            |                                                                     |
| H. N. Banerjee ..                    | 1-2-28               | 150          | 1-5-33             | Europeans .. 3.23%<br>Anglo-Indians .. 29.03%<br>Indians .. 67.74%  |
| T. G. Watson ..                      | 1-2-28               | 170          | 18-5-33            |                                                                     |
| Md. A. Karim ..                      | 4-7-28               | 150          | 20-9-33            |                                                                     |
| N. C. Sircar ..                      | 18-7-33              | 120          | 18-7-33            |                                                                     |
| N. C. Chakravarty ..                 | 29-1-34              | 120          | 29-1-34            |                                                                     |
| M. G. Nair ..                        | 6-2-34               | 130          | 6-2-34             |                                                                     |
| S. Banerjee ..                       | 1-2-29               | 130          | 15-5-34            |                                                                     |
| M. Roy ..                            | 12-5-34              | 120          | 12-5-34            |                                                                     |
| R. J. Carr ..                        | 23-1-35              | 110          | 23-1-35            |                                                                     |
| H. K. Mukerjee ..                    | 1-2-30               | 110          | 12-4-35            |                                                                     |
| Md. Yusuf ..                         | 1-2-30               | 110          | 22-5-35            |                                                                     |
| S. A. Nilsen ..                      | 1-2-30               | 110          | 9-6-35             |                                                                     |
| Ram Ch. Dutta ..                     | 1-2-30               | 110          | 8-7-35             |                                                                     |
| C. S. Hosie ..                       | 21-9-27              | 150          | 5-4-34             |                                                                     |
| H. E. Ennis ..                       | 1-2-29               | 130          | 9-7-34             |                                                                     |
| S. N. Verma ..                       | 1-2-29               | 150          | 9-4-34             |                                                                     |
| B. N. Misra ..                       | 1-2-29               | 110          | 1-9-34             |                                                                     |
| N. L. Sackett ..                     | 1-2-29               | 130          | 19-8-34            |                                                                     |
| B. A. Peacock ..                     | 1-2-29               | 130          | 23-8-34            |                                                                     |

| Name.                         | Date of appointment. | Present pay. | Date of promotion. | Remarks. |
|-------------------------------|----------------------|--------------|--------------------|----------|
|                               |                      | Rs.          |                    |          |
| <i>Promoted to chargemen—</i> |                      |              |                    |          |
| contd.                        |                      |              |                    |          |
| H. P. Okhandier ..            | 1-2-29               | 130          | 4-9-34             |          |
| Md. H. Ansari ..              | 1-2-29               | 110          | 11-2-34            |          |
| S. B. Mukherjee ..            | 1-2-30               | 110          | 2-3-35             |          |
| T. V. A. Mason ..             | 1-2-30               | 130          | 24-4-35            |          |
| A. D. Thomas ..               | 1-2-30               | 130          | 14-7-35            |          |
| O. G. P. Callaghan ..         | 1-2-29               | 170          | 21-8-34            |          |
| K. L. Mehrotra ..             | 1-2-30               | 170          | 9-6-35             |          |
| S. K. Sanyal ..               | 1-2-30               | 80           | 10-5-35            |          |
| P. Kukerjee ..                | 1-2-29               | 130          | 6-9-34             |          |

[19TH SEP. 1935.]

## LILLOOAH WORKSHOPS.

List of men who were promoted to the Grade of Chergemen and Assistant Foremen since 1934 in Lillooah Workshops.

| Name.             | Workshop.   | Training.                                                | Technical Education.       | General Education.                | Present pay. | Pay of the grade. | Promotion.         |
|-------------------|-------------|----------------------------------------------------------|----------------------------|-----------------------------------|--------------|-------------------|--------------------|
|                   |             | <i>Promoted to Assistant Foreman.</i>                    |                            |                                   | Ra.          | Ra.               |                    |
| A. Marcon         | Lillooah .. | Served 5 years Apprenticeship in the Lillooah Workshops. | Lillooah Technical School. | Up to Junior Cambridge.           | 450          | 425—25—475        | Assistant Foreman. |
| Sherwin, W. H.    | Do. ..      | Port Commissioners, Calcutta.                            | Not traceable              | Do. ..                            | 425          | 425—25—475        | Do.                |
|                   |             | <i>Promoted to Chergeman.</i>                            |                            |                                   |              |                   |                    |
| Hardakar, C.      | Do. ..      | Served 5 years Apprenticeship in the Lillooah Workshops. | Lillooah Technical School  | Senior Cambridge.                 | 290          | 290—20—390        | Chergeman.         |
| Morgan, T.        | Do. ..      | Do. ..                                                   | Do.                        | Up to Junior Cambridge.           | 250          | 230—20—270        | Do.                |
| Monmatha Nath Pal | Do. ..      | Do. ..                                                   | Do. ..                     | Passed Matriculation Examination. | 175          | 160—15—220        | Do.                |

|                      |             |                                                                 |                                           |                                   |     |                   |     |
|----------------------|-------------|-----------------------------------------------------------------|-------------------------------------------|-----------------------------------|-----|-------------------|-----|
| Nirmal Chandra Nandy | Do. ..      | Do. ..                                                          | Jamalpur Technical School (2nd Division). | Do. ..                            | 100 | 100—10—140        | Do. |
| Lowe, H. R.          | Lillooah .. | 5 yrs. Apprenticeship in Tasmania.                              | International Course 3 (three) years.     | Up to Junior Cambridge.           | 290 | 290—20—390        | Do. |
| Tocher, H.           | Do. ..      | Calcutta Tramway Co. ..                                         | ..                                        | Do. ..                            | 230 | 230—20—270        | Do. |
| Sim, R.              | Do. ..      | Served 5 years Apprenticeship in Lillooah & Jamalpur Workshops. | Jamalpur Technical School (1st Division). | Passed Junior Cambridge.          | 210 | 230—20—270        | Do. |
| Minos, D. G.         | Do. ..      | Served 5 years Apprenticeship in the Lillooah Workshops.        | Lillooah Technical School.                | Do. ..                            | 220 | 110—20—250<br>150 | Do. |
| Whaley, D.           | Do. ..      | Do. ..                                                          | Jamalpur Technical School (2nd Division). | Do. ..                            | 220 | 110—20—250<br>150 | Do. |
| K. L. Mallick        | Do. ..      | Do. ..                                                          | Lillooah Technical School.                | Passed Matriculation Examination. | 100 | 160—15—220        | Do. |
| N. L. Sett           | Do. ..      | Do. ..                                                          | Jamalpur Technical School (2nd Division). | Do. ..                            | 160 | 160—15—220        | Do. |
| R. R. Bose           | Do. ..      | Do. ..                                                          | Do. (1st Division).                       | Do. ..                            | 100 | 100—10—140        | Do. |

List of Europeans, Anglo-Indians and Indians promoted to the grade of Chargeman and Assistant Foreman, in the Mechanical Department, E. I. Railway, Lillooch, since 1933.

| Name.                                 | Date of appointment. | Present pay. | Date of promotion. |
|---------------------------------------|----------------------|--------------|--------------------|
| <i>Promoted to Assistant Foreman.</i> |                      |              |                    |
| Gay, W. T. (E) .. .. .                | 22-4-21              | Rs. 450      | 1-11-33            |
| Marcon, A. (E) .. .. .                | 4-8-19               | 450          | 4-4-34             |
| Sherwin, H. W. (E). .. .              | 10-12-20             | 425          | 1-1-35             |
| <i>Promoted to Chargeman.</i>         |                      |              |                    |
| Wilson, K. (A. I.) .. .. .            | 18-6-22              | 310          | 1-1-33             |
| Smith, W. A. (E.) .. .. .             | 1-3-31               | 190          | 1-2-33             |
| Jones, V. S. (A. I.) .. .. .          | 6-7-25               | 270          | 1-4-33             |
| Morgan, T. (A. I.) .. .. .            | 21-10-23             | 250          | 21-7-34            |
| Hardakar, C. (E.) .. .. .             | 1-2-20               | 290          | 23-11-34           |
| Lowe, H. R. (E.) .. .. .              | 15-8-27              | 290          | 1-1-35             |
| Tocher, H. (E.) .. .. .               | 11-10-28             | 230          | 1-1-35             |
| Sim, R. (E.) .. .. .                  | 3-3-21               | 210          | 1-7-35             |
| Minos, D. G. (A. I.) .. .. .          | 7-2-27               | 220          | 1-7-35             |
| Whaley, D. (D. E.) .. .. .            | 5-2-29               | 220          | 1-7-35             |
| Dutt, T. P. .. .. .                   | 15-5-32              | 170          | 11-10-33           |
| Paul, M. N. .. .. .                   | 1-2-27               | 175          | 21-7-34            |
| Nandy, N. C. .. .. .                  | 16-2-31              | 100          | 1-9-34             |
| Sett, N. L. .. .. .                   | 29-2-28              | 160          | 1-1-35             |
| Mullick, K. L. .. .. .                | 3-1-28               | 100          | 1-7-35             |
| Bose, R. R. .. .. .                   | 15-2-29              | 100          | 1-7-35             |

## Promoted to Assistant Foreman.

| Percentage.          |    |    |       |
|----------------------|----|----|-------|
| European .. .. .     | .. | .. | 100 % |
| Anglo-Indian .. .. . | .. | .. | Nil.  |
| Indian .. .. .       | .. | .. | Nil.  |

## Promotion to Chargeman.

| Percentage.          |    |    |        |
|----------------------|----|----|--------|
| European .. .. .     | .. | .. | 37.5 % |
| Anglo-Indian .. .. . | .. | .. | 25 %   |
| Indian .. .. .       | .. | .. | 37.5 % |

LUCKNOW LOCO. WORKSHOPS.  
Names of staff promoted to the grades of Assistant Foremen and Chargemen since 1934.

| Name.                                                          | Workshops.      | Training.                                         | Technical education.   | General education (University Examination passed.) | Present pay. | Pay of grade.      | Promotion.  |
|----------------------------------------------------------------|-----------------|---------------------------------------------------|------------------------|----------------------------------------------------|--------------|--------------------|-------------|
| H. E. Raymond                                                  | Lucknow (Loco.) | 5 years Apprenticeship in C. & W. Shops, Lucknow. | Promoted to Chargemen. | Passed Senior Cambridge standard.                  | Rs. 190      | Rs. 110/150-20-250 | Charge-man. |
| S. K. Rana                                                     | Do.             | 5 years Apprenticeship in Jamalpur Shops.         | Do.                    | Matriculation Calcutta University.                 | 150          | Do.                | Do.         |
| S. K. Bose                                                     | Do.             | 5 years Apprenticeship in Loco. Shops, Lucknow.   | Do.                    | Int. of Science Calcutta University.               | 190          | Do.                | Do.         |
| E. F. Ducaase                                                  | Do.             | 5 years Apprenticeship in Jamalpur Works.         | Do.                    | ..                                                 | 130          | Do.                | Do.         |
| There has been no promotions to the post of Assistant Foremen. |                 |                                                   |                        |                                                    |              |                    |             |

## Percentage of Europeans, Anglo-Indians and Indians promoted to the grades of Assistant Foreman and Chargeman since 1933.

| Name.                                                          | Date of appointment. | Present pay. | Date of promotion. | Percentage.          |
|----------------------------------------------------------------|----------------------|--------------|--------------------|----------------------|
| <i>Promoted to Chargemen.</i>                                  |                      |              |                    |                      |
| H. E. Raymond                                                  | 19-1-31              | Rs. 190      | 19-1-34            | Europeans .. Nil.    |
| S. K. Rana                                                     | 1-2-29               | 160          | 23-2-34            | Anglo-Indians .. 50% |
| S. K. Bose                                                     | 1-4-26               | 190          | 7-6-34             | Indians .. 50%       |
| E. F. Ducaase                                                  | 1-2-30               | 130          | 10-2-35            |                      |
| There has been no promotions to the post of Assistant Foremen. |                      |              |                    |                      |

List of Europeans, Anglo-Indians and Indians promoted to the grade of Chargeman and Assistant Foreman, in the Mechanical Department, E. I. Railway, Lillooch, since 1933.

| Name.                                 | Date of appointment. | Present pay. | Date of promotion. |
|---------------------------------------|----------------------|--------------|--------------------|
| <i>Promoted to Assistant Foreman.</i> |                      |              |                    |
| Gay, W. T. (E) .. .. .                | 22-4-21              | Rs. 450      | 1-11-33            |
| Marcon, A. (E) .. .. .                | 4-8-19               | 450          | 4-4-34             |
| Sherwin, H. W. (E) .. .. .            | 10-12-20             | 425          | 1-1-35             |
| <i>Promoted to Chargeman.</i>         |                      |              |                    |
| Wilson, K. (A. I.) .. .. .            | 18-6-22              | 310          | 1-1-33             |
| Smith, W. A. (E.) .. .. .             | 1-3-31               | 190          | 1-2-33             |
| Jones, V. S. (A. I.) .. .. .          | 6-7-25               | 270          | 1-4-33             |
| Morgan, T. (A. I.) .. .. .            | 21-10-23             | 250          | 21-7-34            |
| Hardakar, C. (E.) .. .. .             | 1-2-20               | 290          | 23-11-34           |
| Lowe, H. R. (E.) .. .. .              | 15-8-27              | 290          | 1-1-35             |
| Tocher, H. (E.) .. .. .               | 11-10-28             | 230          | 1-1-35             |
| Sim, R. (E.) .. .. .                  | 3-3-21               | 210          | 1-7-35             |
| Minos, D. G. (A. I.) .. .. .          | 7-2-27               | 220          | 1-7-35             |
| Whaley, D. (D. E.) .. .. .            | 5-2-29               | 220          | 1-7-35             |
| Dutt, T. P. .. .. .                   | 15-5-32              | 170          | 11-10-33           |
| Paul, M. N. .. .. .                   | 1-2-27               | 175          | 21-7-34            |
| Nandy, N. C. .. .. .                  | 16-2-31              | 100          | 1-9-34             |
| Sett, N. L. .. .. .                   | 29-2-28              | 160          | 1-1-35             |
| Mullick, K. L. .. .. .                | 3-1-28               | 100          | 1-7-35             |
| Bose, R. R. .. .. .                   | 15-2-29              | 100          | 1-7-35             |

## Promoted to Assistant Foreman.

## Percentage.

|                      |       |
|----------------------|-------|
| European .. .. .     | 100 % |
| Anglo-Indian .. .. . | Nil.  |
| Indian .. .. .       | Nil.  |

## Promotion to Chargeman.

## Percentage.

|                      |        |
|----------------------|--------|
| European .. .. .     | 37.5 % |
| Anglo-Indian .. .. . | 25 %   |
| Indian .. .. .       | 37.5 % |

Names of staff promoted to the grade of Assistant Foreman and Chargeman since 1933.

| Name.                                                                                                                    | Workshops.      | Training.                                         | Technical education.                                                                     | General education (University Examination passed.) | Present pay.       | Pay of grade.      | Promotion. |
|--------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------|--------------------|--------------------|------------|
| H. E. Raymond                                                                                                            | Lucknow (Loco.) | 5 years Apprenticeship in C. & W. Shops, Lucknow. | Promoted to <i>Chargemen</i> .<br>Passed Final Examination in Jamalpur Technical School. | Passed Senior Cambridge standard.                  | Rs. 190            | Rs. 110/150—20—250 | Chargeman. |
| S. K. Rana                                                                                                               | Do.             | 5 years Apprenticeship in Jamalpur Shops.         | Do.                                                                                      | Matriculation Calcutta University.                 | 150                | Do.                | Do.        |
| S. K. Bose                                                                                                               | Do.             | 5 years Apprenticeship in Loco. Shops, Lucknow.   | Do.                                                                                      | Int. of Science Calcutta University.               | 190                | Do.                | Do.        |
| E. F. Ducasse                                                                                                            | Do.             | 5 years Apprenticeship in Jamalpur Works.         | Do.                                                                                      | ..                                                 | 130                | Do.                | Do.        |
| There has been no promotions to the post of Assistant Foremen.                                                           |                 |                                                   |                                                                                          |                                                    |                    |                    |            |
| Percentage of Europeans, Anglo-Indians and Indians promoted to the grades of Assistant Foreman and Chargeman since 1933. |                 |                                                   |                                                                                          |                                                    |                    |                    |            |
| Name.                                                                                                                    |                 |                                                   | Date of appointment.                                                                     | Present pay.                                       | Date of promotion. | Percentage.        |            |
| <i>Promoted to Chargemen.</i>                                                                                            |                 |                                                   |                                                                                          | Rs.                                                |                    | Europeans          | .. Nil.    |
| H. E. Raymond                                                                                                            | ..              | ..                                                | 19-1-31                                                                                  | 190                                                | 19-1-34            | Anglo-Indians      | .. 50%     |
| S. K. Rana                                                                                                               | ..              | ..                                                | 1-2-29                                                                                   | 150                                                | 23-2-34            | Indians            | .. 50%     |
| S. K. Bose                                                                                                               | ..              | ..                                                | 1-4-26                                                                                   | 190                                                | 7-6-34             |                    |            |
| E. F. Ducasse                                                                                                            | ..              | ..                                                | 1-2-30                                                                                   | 130                                                | 10-2-35            |                    |            |
| There has been no promotions to the post of Assistant Foremen.                                                           |                 |                                                   |                                                                                          |                                                    |                    |                    |            |

## CARRIAGE AND WAGON SHOPS, ALAMBAGH, LUCKNOW.

Names of men who were promoted to the grade of Assistant Foreman and Chargemen since January 1934.

| Name.            | Workshops.                                  | Training.                                                                                        | Technical education.                                | General education.<br>(University Examination passed.) | Present pay. | Pay of grade.  | Promotion.         |
|------------------|---------------------------------------------|--------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------|--------------|----------------|--------------------|
| Mr. R. W. Upshon | Carriage and Wagon Shops Alambagh, Lucknow. | Got training in the S. I. Railway Workshops, Negapatam.                                          | ....                                                | 4th Form Dovetin College, Madras.                      | Rs. 475      | Rs. 425-25-475 | Assistant Foreman. |
| " S. Hill        | "                                           | Served Apprenticeship in the Works of Sir John J. Thornycroft Engineer's of Southampton England. | M. E. certificate Chatham, England                  | 1st, 2nd and 3rd Military School certificates.         | 475          | 425-25-475     | Do.                |
| " L. C. Hammond  | "                                           | I class O. and R. Railway Apprentices.                                                           | Attended Railway Technical School classes, Lucknow. | Passed Junior Cambridge.                               | 200          | 185-15-350     | Chargeman.         |
| " E. T. Lowe     | "                                           | ....                                                                                             | ....                                                | ....                                                   | 200          | 185-15-350     | Do.                |

## CARRIAGE AND WAGON SHOPS, ALAMBAGH, LUCKNOW.

Percentage of Europeans, Anglo-Indians and Indians promoted to the grade of Chargemen and Assistant Foremen since 1933.

| Name.             | Designation.      | Date of appointment. | Present pay. | Date of promotion. | Community.    | Percentage.                                              |
|-------------------|-------------------|----------------------|--------------|--------------------|---------------|----------------------------------------------------------|
| Mr. R. W. Upshon  | Assistant Foreman | 1-8-1922             | Rs. 475      | 1-2-1934           | Anglo-Indian. | European .. 50%<br>Anglo-Indian .. 50%<br>Indian .. Nil. |
| " S. Hill         | "                 | 4-1-1926             | 475          | 25-8-1934          | European.     | ..                                                       |
| Mr. B. P. Saxena  | Chargeman         | 14-8-1912            | 275          | 1-1-1933           | Indian.       | .. Nil.                                                  |
| " B. L. Raymond   | "                 | 1-11-1924            | 260          | 1-6-1933           | Anglo-Indian. | .. 42-86%<br>.. 57-14%                                   |
| " Gurdit Singh    | "                 | 10-7-1916            | 250          | 18-5-1933          | Indian.       | ..                                                       |
| " Arjun Singh     | "                 | 1-2-1910             | 250          | 13-6-1933          | "             | ..                                                       |
| " E. T. Lowe      | "                 | 2-5-1927             | 200          | 18-7-1935          | Anglo-Indian. | ..                                                       |
| " L. C. Hammond   | "                 | 12-6-1923            | 200          | 28-11-1934         | "             | ..                                                       |
| " S. N. Mookerjee | "                 | January/1928         | 150          | 8-4-1933           | Indian.       | ..                                                       |

## REPORT OF THE TARIFF BOARD ON PROTECTION TO THE GLASS INDUSTRY.

502. \***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether they have received a letter from the Federation of Indian Chambers of Commerce and Industry, Cawnpore, regarding the Tariff Board's Report on protection to the glass industry ;
- (b) whether that letter expresses dissatisfaction at the manner in which the question of protection was handled by Government ; and
- (c) whether Government propose to revise their opinion in the matter ; and if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) and (b). Yes, Sir.

(c) No, Sir. The decisions of Government as stated in paragraphs 3, 4 and 5 of the Government of India, Department of Commerce, Resolution No. 458-T. (14), dated the 22nd June, 1935, were taken after full and careful consideration of the case in all its aspects and there has been no change in the position since.

**Mr. S. Satyamurti** : In view of the fact that, since the publication of the Government decision, there has been expressed general dissatisfaction both in this House and outside about the attitude taken up by Government, will Government be good enough to re-examine this question and see if there is any case which deserves to be considered by them, so as to enable them to revise their opinion, and give protection to this national industry ?

**The Honourable Sir Muhammad Zafrullah Khan** : Government have carefully considered all that has been said and which has been brought to their notice concerning their decision in this matter since the publication of the decision. Government have not seen anything in what has been said and what has been brought to their notice which should induce them to change their decision.

**Mr. S. Satyamurti** : Are Government satisfied that the present decision which they have published is adequate to give the necessary protection to this glass industry ?

**The Honourable Sir Muhammad Zafrullah Khan** : The present decision does not give any protection to the glass industry. It affords a certain amount of relief to the glass industry till the question can be re-examined in the terms of the decision announced.

**Mr. S. Satyamurti** : When do Government propose to re-examine this question ?

**The Honourable Sir Muhammad Zafrullah Khan** : The relief given is for three years, but I am at liberty to state that if conditions change radically with regard to the supply of soda ash in the country itself, I shall, on being convinced of that radical change, be prepared to examine this question again when the change takes place.

**Mr. B. Dae** : Have Government examined the statement of the Federation that there is dumping of Japanese sheet glass, and what the Indian industry wants is protection against Japanese sheet glass ?

**The Honourable Sir Muhammad Zafrullah Khan** : That is a different question altogether and does not arise on this.

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

**Mr. M. Ananthasayanam Ayyangar** : Sir, may I put one question ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

**Mr. M. Ananthasayanam Ayyangar** : Sir, I want to make a submission. I have been standing three times, but have not got a chance, and that is my difficulty. This is an important matter and has not been exhausted yet. So I would like to ask a supplementary question.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. In the opinion of the Chair, the matter has been fully discussed.

## POSITION OF INDIANS IN KENYA AND ZANZIBAR.

503. \***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to the statement of the Rev. C. F. Andrews in an interview to the United Press about the position of Indians in Kenya and Zanzibar ;
- (b) whether they have taken or propose to take any steps to prevent injury to the business of Indians in Kenya and Zanzibar ;
- (c) whether they propose to publish the report of the Commission which was appointed last year with the Chief Justice of Zanzibar as Chairman and Mr. Tyab Ali as its Indian member ;
- (d) whether it is a fact that already more than six thousand Indians out of forty thousand have left Kenya ; and
- (e) when Government propose to appoint a Trade Commissioner in Kenya ?

**Sir Girja Shankar Bajpai** : (a) Yes.

(b) I would refer the Honourable Member to the statement that I made yesterday.

(c) It is understood that the Government of Zanzibar, with whom rests the responsibility for publishing the report, has the matter under consideration.

(d) Government have no reason to believe that there has been any abnormal movement of Indians from East African territories during the past year.

(e) The question of appointing an Indian Trade Commissioner at Mombasa, who will also have within his jurisdiction Zanzibar and certain other areas, is at present under the consideration of the Government of India.

**Mr. S. Satyamurti** : With regard to clause (b), may I ask my Honourable friend what the latest position is with regard to Indians in Kenya ?

**Sir Girja Shankar Bajpai** : Sir, I have answered questions with regard to Indians in Kenya during the Session. There are two out-



standing points : one is the question of the highlands, and, as I informed Honourable Members some days ago, our representations have been made to the Secretary of State for the Colonies who has been considering them. There has been no change in the position. As regards marketing, I would refer the Honourable Member to what His Excellency the Viceroy said the other day in the course of his address.

**Mr. S. Satyamurti :** As regards the highlands, may I take it that Government are satisfied that no Order in Council will be passed, till this Government have had their fullest say in the matter ?

**Sir Girja Shankar Bajpai :** We have communicated to the Secretary of State for the Colonies the text of the discussion that took place in this House and also a memorandum on the subject. Our information is that the Secretary of State for the Colonies is considering those representations and that no Order in Council has been passed so far. And I think my Honourable friend may rest assured that the Secretary of State for India, who has been fully apprised of the position and is conscious of the strength of feeling on the subject in this country, is watching the situation within the Cabinet.

**Mr. S. Satyamurti :** Will the Government of India press very earnestly on the Secretary of State for the Colonies, that no Order in Council with regard to the reservation of the highlands should be passed, till this Government has had its fullest say in the matter ? Will they try and get an assurance of that kind ?

**Sir Girja Shankar Bajpai :** Sir, the Secretary of State for the Colonies stated, in answer to a question in the House of Commons, that no decision will be taken until the Government of India's representations had been fully considered.

**Mr. S. Satyamurti :** With regard to clause (e), may I know approximately when Government propose to come to a conclusion on this matter, and whether Government realise the seriousness of feeling in this matter, and for once will they expedite their decision ?

**Sir Girja Shankar Bajpai :** The question of the appointment of a Trade Commissioner at Mombasa for East Africa is one for the Honourable the Commerce Member who, I think, has already answered a number of questions on this subject in this Session.

**Mr. S. Satyamurti :** May I know from my Honourable friend whether from those "enough" answers, my friend has formed any estimate,—I have formed none,—of the approximate time, by which or about which, this appointment will be made ?

**Sir Girja Shankar Bajpai :** I do not really think that guesses and approximations are at all of any practical value.

**Mr. S. Satyamurti :** May I know if, before the end of this year, calendar or financial, this appointment will be made ?

**Sir Girja Shankar Bajpai :** I cannot at this stage anticipate what the budget position of the Government of India at the time will be.

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.

**Mr. S. Satyamurti :** Sir, my last question has not been answered.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair thinks sufficient has been asked and answered.

**Mr. S. Satyamurti :** Sir, I submit that our only hope of expediting these matters is by repeating the thing to them and thus spur them on to more activity. And, unless we do this, they will never do anything.

**Mr. President (The Honourable Sir Abdur Rahim) :** Then, the only thing the Honourable Member can do is to pass a Resolution.

#### PROTECTION OF THE INTERESTS OF INDIAN TRADERS IN ABYSSINIA.

504. **\*Mr. S. Satyamurti :** Will Government state whether Government have taken any steps to protect the interests of 2,500 Indian traders in Abyssinia ?

**Mr. J. G. Acheson :** The Honourable Member is referred to the answer given on the 3rd September, 1935, to his short notice question on the same subject.

**Mr. S. Satyamurti :** Is there any change in the position ?

**Mr. J. G. Acheson :** I propose to answer a short notice question on the subject tomorrow when, I hope, the Honourable Member will get all the information which is at my disposal.

#### AMALGAMATION OF THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

505. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether discussions are going on between the authorities of the East Indian Railway and the Eastern Bengal Railway with regard to the project of amalgamation of the two railways under a single administration ; and

(b) whether Government have been apprised of the same ?

**Mr. P. R. Rau :** (a) No.

(b) Does not arise.

**Dr. Ziauddin Ahmad :** In view of the fact that the Railways are running at very great loss, will Government consider the amalgamation of the two in the interests of economy ?

**Mr. P. R. Rau :** The question has been considered, and it has been found that the amalgamation of the East Indian and the Eastern Bengal Railways into one system will make it unwieldy.

**Mr. S. Satyamurti :** May I take the Honourable Member's answer to mean that no such negotiations can take place, without the knowledge of Government ?

**Mr. P. R. Rau :** My Honourable friend can take that as correct.

**Dr. Ziauddin Ahmad :** The Honourable Member says it will be unwieldy. May I remind him that in Germany the mileage of railways is equivalent to the mileage of the entire railway system in India and that still it is under one administration ?

**Mr. P. R. Rau :** The area of Germany is quite different from the area of India.

**Dr. Ziauddin Ahmad :** Since they have a number of Divisional Superintendents, the question of area would not arise. It is only the mileage which is important.

#### REPORT ON THE WORKING OF THE OTTAWA TRADE AGREEMENT.

506. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether it is a fact that Dr. Matthai, Director General of Commercial Intelligence and Statistics, has completed his review of the second year's working of the Ottawa Pact ;
- (b) whether the Report has been submitted to the Commerce Department of the Government of India ; and
- (c) whether the Report will be published, and if so, when ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Yes.

(c) The Honourable Member's attention is invited to the reply given by me to part (b) of his question No. 290.

**Mr. S. Satyamurti :** If my memory is wrong, the Honourable Member will correct me, but may I know whether this report will be published in good time before the matter comes up for discussion before this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am making my best efforts to place the report before the Honourable Members before the end of this Session : I am not quite sure whether I shall be able to do so, but, as soon as it is possible, it will be circulated to Honourable Members—long before the matter comes up for discussion in the next budget Session.

**Dr. Ziauddin Ahmed :** May I ask whether the Honourable Member will give an opportunity to this House to discuss that report, because the last report was not discussed by the Assembly ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes : as I have stated several times in the course of this Session, an opportunity to discuss the whole question will be afforded in the budget Session. I believe an undertaking to that effect was given and it will be honoured.

**Prof. N. G. Ranga :** Will a Committee of this House be given an opportunity of studying this question in detail as was done during the last occasion ?

**The Honourable Sir Muhammad Zafrullah Khan :** If any desire to that effect had been conveyed to me early in this Session, it might have been possible to set up a Committee also : if Honourable Members are anxious to have a Committee set up in the meantime, and they will get into touch with me, I shall see what can be done in that connection.

#### REPORT ON THE WORKING OF THE OTTAWA TRADE AGREEMENT.

507. **\*Mr. S. Satyamurti :** Will Government be pleased to state when they propose to place the Report on the Ottawa Pact and its working before the Legislative Assembly for its consideration ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Member is referred to the reply given by me to part (c) of his question No. 234.

#### REFORM OF THE INDIAN INSURANCE LAW.

508. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have received any representation from the Committee of the Indian Life Assurance Offices Association of Bombay on the need for the reform of Insurance Law in the country ;
- (b) what steps they propose to take on the representation ; and
- (c) when the said legislation will be introduced in the Legislative Assembly ?

**The Honourable Sir Nripendra Sircar :** (a) Yes.

(b) The representation is under the consideration of the Officer on Special Duty appointed to examine the desirability of amending the insurance law in India, who is expected to make his report in October next.

(c) On receipt of the report of the Officer mentioned above, a decision will be taken as to the mode of further procedure. Government will expedite as much as possible introduction of this Bill.

**Mr. Lalchand Navalrai :** May I know if any insurance companies or associations are being consulted in the preparation of this Bill ?

**The Honourable Sir Nripendra Sircar :** Sir, I know that a very large number of representations have been received from various bodies ; but, having no notice of this question, I cannot say who those bodies are.

#### ARTICLE IN THE *Sind Observer* ENTITLED " POWER-ALCOHOL ".

509. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the leading article in the *Sind Observer* of the 18th July entitled ' Power-Alcohol ' ;
- (b) whether Government have examined or will examine the matter ; and
- (c) what steps they propose to take to utilise molasses ?

**Sir Girja Shankar Bajpai :** (a) to (c). Government's attention has been drawn to the article referred to by the Honourable Member. The article suggests that millions of tons of molasses are leaving India after manufacturing sugar. The Government of India's information is that the production of factory molasses in India may be 360 thousand tons in 1935-36. Allowing for an internal consumption of 160 thousand tons,

the surplus awaiting utilisation will be only 200 thousand tons. Government have not given any monopoly to any firm for the export of this surplus. The company referred to in the article is a purely private concern and is undertaking the export of molasses from India as an ordinary trade venture, because it expects that, owing to the fall in exports of molasses from Java from 400,000 tons to 120,000 tons per annum, there are markets outside India which can absorb Indian molasses. The suggestion that an experimental factory should be started to find out the commercial possibilities of power-alcohol has not been acted upon, as it has been calculated that power-alcohol produced from modern plant, even under favourable circumstances, could not compete with petrol. Experiments for ascertaining whether molasses could suitably and successfully be used in India as fertilisers and cattle food and for road surfacing are in progress.

**Mr. S. Satyamurti :** With regard to the answer to the last part of my question, may I know what is the basis of the information on which my Honourable friend says that power-alcohol manufactured from molasses cannot compete with petrol? Is it on the basis of information supplied by anybody in this country or from other countries?

**Sir Girja Shankar Bajpai :** *Ad hoc* arithmetical calculation undertaken in this country.

**Mr. S. Satyamurti :** By whom?

**Sir Girja Shankar Bajpai :** By the Imperial Council of Agricultural Research.

**Mr. S. Satyamurti :** Did it carry out any experiments itself, or did it merely go upon any other data available?

**Sir Girja Shankar Bajpai :** Such data as was available to it : it was not necessary to carry out any experiments.

**Mr. S. Satyamurti :** Will Government carry out some experiments to find out if it is at all possible to manufacture this power-alcohol to compete with petrol?

**Sir Girja Shankar Bajpai :** It seems to me that it is not necessary to prove that two and two make four.

**Mr. S. Satyamurti :** Is it as obvious as all that?

**Dr. Ziauddin Ahmad :** Even if the experiment about producing petrol has failed, has it been tried to find out whether they cannot produce any form of crude oil which may be used for burning purposes?

**Sir Girja Shankar Bajpai :** I have not yet heard that you could distil oil from molasses.

**Dr. Ziauddin Ahmad :** I mean any burning substance which may serve the purpose of crude oil.

**Sardar Sant Singh :** Does the Honourable Member know that this experiment has been carried on in the Mysore State and has proved successful?

**Sir Girja Shankar Bajpai :** It is not a question of being successful or not : I have dabbled in chemistry myself, and I find that experimentally it has been possible to produce even diamonds in a laboratory, but it is not a commercial proposition.

**Mr. S. Satyamurti :** How old is my Honourable friend's chemistry? It must be at least 35 years old!

**Sir Girja Shankar Bajpai :** No, Sir : only 20 years. (Laughter.)

#### CONVERSION OF INDIA STERLING PAPER AND RUPEE PAPER.

510. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the editorial comment of the *Indian Finance* of the 20th July on the need for plans for the conversion of 3½ per cent. India Sterling Paper and 3½ Rupee Paper ; and

(b) whether there are any proposals in that direction, and if so, when they will materialise?

**The Honourable Sir James Grigg :** I regret that I am unable to satisfy the Honourable Member's desire for information on this subject.

**Mr. S. Satyamurti :** May I know the reasons why he is compelled to be so uncommunicative?

**The Honourable Sir James Grigg :** Whatever I say, somebody will try and make money out of it ; and some of those who try to make money will certainly lose it. Then the enterprising journal to which the Honourable Member refers will complain either about the action or the inaction of the Government. I do not propose to give it a two-way option.

**Mr. S. Satyamurti :** I am not asking for any details : I am simply asking whether any such conversion proposals are being considered.

**The Honourable Sir James Grigg :** I repeat that I am unable to tell the Honourable Member.

**Mr. B. Das :** Does the Honourable Member refer to the peculiar conditions of the Bombay Stock Exchange?

**The Honourable Sir James Grigg :** I have not used any prejudicial words.

#### REPORT ON THE INDIAN COMPANY LAW.

511. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether the report on the investigation conducted by Mr. Sushil Sen, the special officer appointed to conduct investigations into questions connected with the Indian Company Law, has been submitted to Government ;

(b) whether the report will be published for the information of the Legislative Assembly, and of the public ; and

(c) if not, why not?

**The Honourable Sir Nripendra Sircar :** (a) Yes.

(b) and (c). No. The report is a purely departmental report.

**Mr. Lalchand Navalrai :** May I know if Mr. Sen is engaged in considering the insurance law alone or also mutual provident funds?

**The Honourable Sir Nripendra Sircar :** I thought I answered a supplementary from the same Honourable gentleman either yesterday or the day before : Mr. Sen is considering company law and insurance law.

**Mr. Lalchand Navalrai :** Does the Honourable Member know that, with regard to provident funds also, there is a complaint, and I would like to know if the same officer or any separate officer has been deputed to go into that question ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Is that under company law or what ?

**Mr. Lalchand Navalrai :** That is exactly what I am asking, whether any change is going to be made in the company law with regard to these mutual funds which are disturbing the country ?

**The Honourable Sir Nripendra Sircar :** Mr. Sen has been appointed to consider company law and insurance law : on company law he has made his report : on insurance law he expects to make his report within the next month. If provident funds is part of company law or insurance law, he must have considered it. If he has not, it will be considered departmentally.

**Mr. S. Satyamurti :** When was this report on company law submitted to the Government ?

**The Honourable Sir Nripendra Sircar :** I am afraid I cannot give my friend the exact date : but it is now about a month.

**Mr. S. Satyamurti :** Does this report recommend any amendment in the company law ?

**The Honourable Sir Nripendra Sircar :** Yes.

**Mr. S. Satyamurti :** If so, when do Government hope to be able to place proposals before this House to amend that law ?

**The Honourable Sir Nripendra Sircar :** I think I have answered the question that we may have to take other steps before placing the Bill before the House. but, so far as the Bill is concerned, I think I said on the last occasion that we hope to introduce it in this House next year.

ROTEST BY THE SOUTH AFRICAN AND NATAL INDIAN CONGRESS AGAINST CERTAIN SECTIONS OF THE NATAL RURAL DEALERS' LICENSING LAW AMENDMENT ORDINANCE.

512. \***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the fact that a Deputation from the South African and Natal Indian Congress interviewed the Minister of the Interior in South Africa ;

(b) whether the Deputation protested against sections 1, 2 and 4 of the Natal Rural Dealers' Licensing Law Amendment Ordinance ; and

(c) whether Government have made any representations in this matter, and if so, with what result ?

**Sir Girja Shankar Bajpai :** (a) and (b). Yes.

(c) The Agent of the Government of India in South Africa made representations to the Administrator of Natal and his Executive Council as also to the Minister of the Interior. The Executive Committee has promised to give instructions to magistrates that the measure is not directed against Indians and should be impartially administered.

**Mr. S. Satyamurti :** Have Government since received any information that, in the actual administration of this measure, no harm has resulted to Indians ?

**Sir Girja Shankar Bajpai :** As a result of the representations made by the Agent of the Government of India, this measure did not receive assent until, I think, a fortnight ago. So there has been no time to gain experience, but the Agent has himself informed us that he and his Secretary propose to keep a close watch on the working of this measure to see that it is not administered against Indians.

**Mr. S. Satyamurti :** Will Government call for reports from time to time on this matter from the Agent ?

**Sir Girja Shankar Bajpai :** The Agent submits six monthly reports besides the fortnightly reports which are submitted to the Member in charge.

#### RAILWAY EARNINGS.

513. \***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) the latest figures of Railway earnings compared with those of the last two years ;

(b) what steps, if any, are being taken to improve Railway earnings ; and

(c) whether there is any idea of co-ordinating road and railway transport so as to get the maximum advantage to the country from both ?

**Mr. P. R. Rau :** I would refer the Honourable Member as regards (a) and (b) to the reply given by the Honourable the Railway Member to his question No. 405 on the 9th September, 1935, and as regards (c) to the reply given to Mr. Lalchand Navalrai's question No. 23 on the 5th February, 1935.

**Mr. S. Satyamurti :** Is there any improvement ?

**Mr. P. R. Rau :** No, Sir.

**Mr. S. Satyamurti :** With regard to the answer to clause (c) of the question, have Government considered or are they considering the conflict of interests which exists between Local Governments which are in charge of roads and the Government of India who are in charge of Railways, and do they propose to take any steps to bring about some understanding between these two competing authorities in the interests of the general revenues of this country ?

**Mr. P. R. Rau :** If my Honourable friend will read the statement of policy which was issued by the Government after the meeting of the Transport Advisory Council in January last, he will find what efforts have been made by Government to arrive at a compromise which would satisfy all interests.

**Mr. S. Satyamurti :** I have read that paper and the Report of the Rail Road Conference, but may I know whether Government are satisfied with the inconclusive conclusions of that Conference which led nowhere, and whether any attempt is being made anywhere to make the best of both road and rail transport and stop the ruinous competition which helps nobody ?

**Mr. P. R. Rau :** I am afraid I cannot accept my Honourable friend's opinion that these conclusions lead nowhere. As a matter of fact, Local Governments have agreed to a certain amount of control of traffic.

**Mr. S. Satyamurti :** May I know, Sir, if, as a result of these conclusions, with which my friend is satisfied, though I am not, there has been any visible improvement in railway earnings anywhere ?

**Mr. P. R. Rau :** I do not know whether they are due to that, but passenger earnings, during the current year, are, I think, better than last year.

**Prof. N. G. Ranga :** Is the Honourable Member aware that, in order to avoid road and railway competition, the construction of certain bridges across certain rivers in the Tinnevely District and Malabar is being stopped ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question is being considered.

**Seth Haji Abdoola Haroon :** Is it a fact, Sir, that, on account of raising the fares for third class passengers since 1934, the earnings of the railways have gone down ?

**Mr. P. R. Rau :** If my friend is referring to the North Western Railway, the facts are otherwise, but the fares have been reduced.

**Prof. N. G. Ranga :** Is it the policy of the Government to prevent the construction of bridges which are badly needed, to avoid the road competition with the railways ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is not the policy of the Government.

**Prof. N. G. Ranga :** Why is it then that the construction of bridges has been stopped ?

**The Honourable Sir Muhammad Zafrullah Khan :** I did not say it is being stopped.

**Mr. S. Satyamurti :** Have Government got a policy on this matter, and what is that policy ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is exactly due to the policy that my friend has been urging upon Government that the question is being considered whether the construction of certain bridges would or would not be conducive generally to the increase of railway traffic and the convenience of people using those roads.

**Mr. S. Satyamurti :** What is the present policy of the Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** The present policy is that, if a road is likely to compete with Railways, that road should not have preference over other projects not competing with Railways.

**Mr. Lalchand Navalrai :** May I know, Sir, if keen competition between Railways and motor service is still going on ?

**The Honourable Sir Muhammad Zafrullah Khan :** Oh, yes ; in many places.

**Prof. N. G. Ranga :** In the consideration which Government are bestowing to the construction of bridges across the rivers in cities, will Government give sufficient weight and importance to the needs and desires of the rural public and their demands for rural road transport ?

**The Honourable Sir Muhammad Zafrullah Khan :** To their needs, most certainly.

#### INDIAN VICTIMS OF SOUTH AFRICAN FLOODS.

514. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the accompanying extract from the *Madras Mail* about Indian victims of South African floods ;

(b) whether Government have received any further information on the matter ; and

(c) whether relief has been given to the Indians adversely affected ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) Government have received information that as a result of the floods that took place on the 13th June, some 2,000 Indians in Durban and its suburbs were affected. The damage caused is estimated at £10,000.

(c) The Agent of the Government of India in South Africa reports that adequate relief is being afforded to the sufferers by a Central Indian Flood Committee, representing various Indian organizations. The Corporation of Durban and the Natal Administration will be approached shortly, if necessary, to supplement private effort.

**Mr. S. Satyamurti :** Will Government keep in touch, and satisfy themselves that sufficient relief is given to the sufferers ?

**Sir Girja Shankar Bajpai :** I can assure my friend that the Agent is keenly alive to the importance of this matter and keeps us informed every fortnight.

#### PARAGRAPH IN THE *Indian Finance* ENTITLED "CLIVE STREET GOSSIP".

515. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the marked paragraphs in "Clive Street Gossip" of the *Indian Finance*, dated the 13th July ;

(b) the reasons for the difference in fares between the East Indian Railway on the one hand, and the Bengal Nagpur Railway and the Madras and Southern Mahratta Railway on the other ; and

(c) why wash-basins of the type referred to have been installed on the South Indian Railway ?

**Mr. P. R. Rau :** (a) Yes.

(b) I would refer my Honourable friend to the reply given by the Honourable Sir Guthrie Russell to the Honourable Pandit Prakash Narain Sapru's question No. 67 in the Council of State on the 13th August, 1934.

(c) The reason was fully explained by the Agent, South Indian Railway, in a letter which was published in *Indian Finance* four weeks later which I have no doubt my friend has read and from which, if you, Sir, will permit me, I shall read the following extract :

" \* \* \* This question of water supply to carriages has received constant attention of our Mechanical Department and it has been found that coaches ride much more smoothly—especially on the metre gauge with the tanks located underneath the carriage bodies and, therefore, this method has been evolved for pumping water into the basin. I would say that complaints against this method are rare and received only when pumps are abnormally tight as evidently occurred on this particular occasion. We are now experimenting with an electrically operated pump by which the pressing of a button only is necessary to draw water."

**Mr. S. Satyamurti :** On a point of order, Sir. If Honourable Members can refer to answers given in the other House, then it is very difficult for us....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair thinks it gave its ruling on that point. If the answers have been already published and made available to Honourable Members, there is no reason why they should be repeated here again.

**Mr. S. Satyamurti :** It is rather inconvenient to us ; anyway, I shall make a representation to you later on. But with reference to the answer to clause (c), may I ask my friend whether he realises the enormous inconvenience that is felt by the public, because one has got to be a gymnast or an athlete to get water out of the pump ? May I know why they cannot devise a simpler system ?

**Mr. P. R. Rau :** Everybody realises the inconvenience involved, and the Agent has stated that they are experimenting with an electrically operated pump by which the pressing of a button only is necessary to draw water.

**Mr. S. Satyamurti :** When will they instal it ?

**Mr. P. R. Rau :** I am afraid I cannot say when.

**Mr. S. Satyamurti :** Will my friend press the Railways concerned to expedite this matter ?

**Mr. P. R. Rau :** I am sure the Agent does not require any pressure. He is considering it of his own motion, but I shall certainly communicate to him the supplementary questions and answers.

**Mr. S. Satyamurti :** The pumps require always pressure, but the Agent may not.

#### DRIVERS IN THE JHANSI DIVISION OF THE GREAT INDIAN PENINSULA RAILWAY.

516. **\*Mr. B. B. Varma :** (a) Will Government be pleased to state the scales of pay for A, B, and C Grade drivers working on the main line or branch line, mail or passenger train or goods train in Jhansi Division of the Great Indian Peninsula Railway ?

(b) Will Government be pleased to state whether it is a fact that all drivers employed in the highest grade in Jhansi Division belong to Anglo-Indian community ?

(c) Will Government be pleased to state if it is a fact that there is not one Hindu, Muslim or Indian Christian driver working on the main line, either passenger or goods trains ?

(d) Will Government be pleased to state that all Hindu, Muslim and Indian Christian drivers in Jhansi Division on the Great Indian Peninsula Railway are confined to the last two lowest grades out of six grades allotted for drivers in this Division ?

(e) Will Government be pleased to state whether it is a fact that nearly 50 per cent. of the total number of drivers in Jhansi Division do not belong to Hindu, Muslim, Indian Christian or Parsi community and are in A grade, main line passenger drivers' grade ?

(f) Will Government be pleased to state whether it is a fact that Railway Board in their memorandum on racial discrimination submitted to Members of the Legislative Assembly in 1931, admitted absence of representation of Indian employees in the highest grade either as drivers or guards and in spite of the orders of the Railway Board, there is not one Indian driver or guard working passenger trains in the main line in Jhansi Division of the Great Indian Peninsula Railway ?

(g) Will Government be pleased to furnish the following information regarding the Great Indian Peninsula Railway, Division by Division, the number of drivers and guards respectively employed from each community as mentioned in the Railway Board Annual Statistics, in each grade working main line—passenger and goods trains—and branch line—passenger and goods train—respectively, to show the extent of racial discrimination prevailing at present ?

**Mr. P. R. Rau :** (a) The scales of pay are given in the statement, "Great Indian Peninsula Railway—Revision of Scales of Pay for New Entrants", a copy of which is in the Library of the House. The scales apply to the whole line and not merely to the Jhansi Division.

(b) to (f). I have called for particulars and will place the information on the table of the House in due course.

(g) Government regret they are unable to furnish the information as its collection would involve an expenditure of time and labour that would be entirely incommensurate with the value of the results to be obtained.

**Mr. S. Satyamurti :** Are any racial considerations made in these appointments at all ?

**Mr. P. R. Rau :** No, Sir ; the policy of the Railway Board has been communicated to all Agents that it is the desire that there should not be any racial discrimination in these matters.

**Mr. S. Satyamurti :** Is the present state of affairs due to the past, and is any attempt being made to redress inequalities ?

**Mr. P. R. Rau :** It is very difficult at a moment's notice to redress all the grievances of the past.

**Mr. N. M. Joshi :** May I know, Sir, in view of the fact that there are apprehensions in the minds of many railway employees that there is

racial discrimination in this matter, whether the Government of India will be pleased to make an inquiry and publish a report on this ?

**Mr. P. R. Rau :** I don't think, Sir, any special inquiry is necessary. The Agent has been informed of the desire of the Government of India that there should not be any racial discrimination in this matter.

**Mr. N. M. Joshi :** In view of the fact that the Government of India themselves admit in their report made in 1931 that in certain matters preference is shown to certain communities, may I ask whether the Government of India will reconsider the matter and ask for information and publish a report on this question ?

**Mr. P. R. Rau :** If my Honourable friend will give me any particular instance in which he feels discrimination has been practised, I shall be quite prepared to take it up ; otherwise, I do not think an enquiry is necessary.

**Mr. N. M. Joshi :** How can the Government of India get convinced unless they collect the information ?

(No answer.)

#### ARCHAEOLOGICAL SUPERINTENDENTS IN CHARGE OF MONUMENTS.

517. **\*Mr. C. N. Muthuranga Mudaliar :** Are Government prepared to consider the desirability of placing in charge Muslim Officers as Archaeological Superintendents to circles where Muslim Monuments predominate and Hindu Officers to Circles where Hindu or Buddhist Monuments predominate ?

**Sir Girja Shankar Bajpai :** Government are unable to apply communal principles to postings of Archaeological officers. Their endeavour is, and always will be, to post officers to posts for which they are best suited.

**Mr. C. N. Muthuranga Mudaliar :** In view of the fact that some of these Hindu monuments are still places of worship admittedly, do not Government consider that Hindu officers will have better access to such monuments ?

**Sir Girja Shankar Bajpai :** My Honourable friend's question assumes that those places which are used by Hindus for purposes of worship are or need be visited by Muslim officers. That is not the case.

#### DISTRIBUTION OF FUNDS TO THE VARIOUS ARCHAEOLOGICAL CIRCLES.

518. **Mr. C. N. Muthuranga Mudaliar :** (a) Will Government place on the table a statement of distribution of funds to the various Archaeological circles, for purposes of preservation, conservation and excavation work ? What is the basis of the distribution ? Are Government aware of the fact that funds allocated for the Southern circle are very inadequate ? Will more funds be allocated for this circle in future ? Are Government aware of the fact that the Southern circle is in matter of extent much bigger than many other circles ?

(b) Have Government made a complete survey of the places that are worthy of excavation ? If they have not done that already, are Government prepared to take up the work at an early date ?

(c) Are Government aware of the fact that two prehistoric sites have been discovered in South India, one at Perumbair in the Chingleput District and the other at Adicchanallur in the Tinnevely District ? Have extensive and proper excavations been carried on in those places ? Are Government prepared to explore the site fully and do the needful at an early date ?

**Sir Girja Shankar Bajpai :** (a) A statement is laid on the table.

(b) No such complete survey has been undertaken but Government have in their possession lists of the more important sites for purposes of excavation. For financial reasons it is not possible to carry out an exhaustive survey.

(c) The sites referred to were excavated by an Archaeological Officer over 25 years ago. Further progress with the excavations could not be made for want of funds. The question of conducting further excavations at the sites will be considered when funds become available.

*Statement showing the distribution of conservation grant for the year 1935-36 and excavation grant for 1934-35.*

Distribution of conservation grant for 1935-36:—

|                                                                                                                                                                                         | Rs.      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Bombay .. .. .                                                                                                                                                                          | 52,480   |
| Punjab .. .. .                                                                                                                                                                          | 58,430   |
| North-West Frontier Province .. .. .                                                                                                                                                    | 4,830    |
| Madras .. .. .                                                                                                                                                                          | 22,198   |
| Bengal .. .. .                                                                                                                                                                          | 24,592   |
| Assam .. .. .                                                                                                                                                                           | 7,313    |
| United Provinces .. .. .                                                                                                                                                                | 1,37,238 |
| includes a special allotment of Rs. 28,100 for repairs to the Akbari bridge damaged by the earthquake. Rs. 30,000 contributed by the U.P. Government are in addition to this allotment. |          |

|                           |          |
|---------------------------|----------|
| Delhi .. .. .             | 77,777   |
| Bihar and Orissa .. .. .  | 19,409   |
| Central Provinces .. .. . | 12,589   |
| Coorg .. .. .             | 298      |
| Burma .. .. .             | 30,414   |
| Ajmer .. .. .             | 3,000    |
| Reserve .. .. .           | 4,732    |
| .. .. .                   | 4,55,300 |

Distribution of excavation grant for 1934-35\* :—

|                          |        |
|--------------------------|--------|
| Punjab .. .. .           | 10,750 |
| Bihar and Orissa .. .. . | 3,000  |
| United Provinces .. .. . | 190    |
| Madras .. .. .           | 1,000  |
| Burma .. .. .            | 500    |
| Delhi .. .. .            | 3,000  |
| Sind .. .. .             | 9,180  |
| Bengal .. .. .           | 4,500  |
| .. .. .                  | 32,120 |

\*Distribution for 1935-36 not yet made.



Excavation grant for the current year (1935-36) has not yet been distributed. Funds for excavation are allotted with due regard to the requirements of the various circles while those for conservation are allotted in order of urgency of repairs to the monuments in the different circles. Having regard to the curtailed budget grant of Archaeological Department Government do not agree that the funds allotted to the Southern Circle have been inadequate. It is not possible to increase the allotment for the Southern Circle so long as the existing financial stringency lasts. Government are aware that the Southern Circle extends over a much wider area than some other circles but its monuments are in a better state of preservation than in some other provinces.

**Mr. C. N. Muthuranga Mudaliar :** What is the answer to part (a) of the question ?

**Sir Girja Shankar Bajpai :** A statement is laid on the table.

**Dr. Ziauddin Ahmad :** Government passed a Bill some time ago in which they said that they can let out the excavation to foreigners. Was any attempt made to ask any foreigner to carry on this work in view of the fact that the Government of India are now suffering from financial stringency ?

**Sir Girja Shankar Bajpai :** There is a question on the Order Paper a little bit later on, and I would ask my Honourable friend to wait till that is reached.

**Seth Haji Abdoola Haroon :** Has anybody applied till now to excavate ?

**Sir Girja Shankar Bajpai :** The answer is a repetition of what I have already said to my Honourable friend, Dr. Ziauddin Ahmad.

#### TAKING OUT OF INDIA SOME IMPORTANT ARCHAEOLOGICAL FINDS.

519. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Is it a fact that some important archaeological finds have been allowed to be taken out of India to foreign countries ? Are Government aware of the fact that some fine sculptures from Amaravati now find a place in the British Museum, the Musée Guimet in France, the Metropolitan Museum of New York and the Boston Museum ? Were they taken with the full knowledge of the Government of India ? If so, how did Government allow such things to happen ? Are Government prepared to stop such things in future ?

(b) Is it a fact that Government have permitted foreign Archaeological societies to carry on excavations in select sites in North India ? If so, what are the societies that have been granted such privileges ? What are the places such societies have been permitted to work on ? Could not Government find funds to carry on the excavations themselves ? If for any reason Government could not take up the work at once, why did not Government wait till funds were available ? Are Government prepared to see that foreigners are not allowed to meddle with our monuments ?

(c) Are Government aware that some agents of foreign scholars are attempting to remove beautiful specimens of Hindu Bronzes ? Do Government propose to prevent such things ?

**Sir Girja Shankar Bajpai :** (a) Not since the passing of the Ancient Monuments Preservation Act, 1904, so far as the Government of India are aware. The antiquities referred to by the

Honourable Member were probably taken out of India before this Act was passed. Section 17 of the Act to which I have referred is designed to prevent an exodus of antiquities of any value.

(b) A licence for the excavation of a site at Chanhuduro in the Nawab Shah District of Sind has been granted to the American School of Indic and Iranian Studies. Government regret that funds to carry on excavation on any large scale cannot be made available until the financial situation improves. The ancient sites, both historic and prehistoric available for excavation in this country are so numerous that it is highly improbable that more than a very small fraction of them could be explored by official agency during the next hundred years. Outside assistance under proper safeguards is, therefore, to be welcomed. Such safeguards will be found in section 20-B of the Ancient Monuments Preservation Act and the rules made thereunder.

(c) Government have no information but if the Honourable Member will quote specific instances, they will consider the question of taking suitable action.

**Prof. N. G. Ranga :** Is the Honourable Member aware that, as recently as two years ago, a French scholar went to a place called Shantasala in the Kistna District of the Madras Presidency and took away some very valuable gold coins and also bronze statues ?

**Sir Girja Shankar Bajpai :** My Honourable friend has imparted information which I shall make the basis of an enquiry ?

**Mr. Muhammad Azhar Ali :** Do the Government of India keep any list of these finds sent out of India, and, if so, where ?

**Sir Girja Shankar Bajpai :** I have already informed my Honourable friend that such finds as were sent out were sent out before 1904. It is not possible for Government to make a list of finds which were sent out of the country without their knowledge.

**Seth Haji Abdoola Haroon :** The Honourable Member has just now said that at Chanhuduro some American company has been given some sort of licence. Will he kindly explain what sort of company it is ?

**Sir Girja Shankar Bajpai :** I never said that any commercial company had been given a licence for purposes of excavation. What I said was that a licence had been given to the American School of Indic and Iranian Studies, which is a very learned society.

#### WATER BASIN ARRANGEMENT IN SOME OF THE BATH ROOMS OF SECOND CLASS COMPARTMENTS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

520. **\*Mr. C. N. Muthuranga Mudaliar :** (a) Are Government aware that in some of the bath rooms of second class compartments on the Madras and Southern Mahratta and other Railways, the water basin is fixed just above the commode ?

(b) Are Government aware that arrangements noted above cause great inconvenience to passengers accustomed to Indian style ?

(c) Are Government prepared to consider the advisability of issuing necessary instructions for changing the arrangements so as to suit passengers living in Indian style ?

**Mr. P. R. Rau :** (a) and (b). No.

(c) Government will bring this complaint to the notice of all Railways so that they can consider what action is possible to remedy the inconvenience referred to.

#### COLLECTION OF INCOME-TAX FROM *Nidhis* AND FUNDS IN MADRAS.

521. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Is it a fact that the Income-tax Officer, Madras, has wrongly collected income-tax from several *Nidhis* and Funds though they claimed exemption on the ground of their being mutual benefit societies ?

(b) Was the attention of Government drawn to the Full Bench decision of the Madras High Court, dated the 5th December, 1934, in O. P. No. 197 of 1933 ? If so, what steps have been taken to refund the amounts wrongly collected ?

(c) Is it a fact that in spite of applications for review of the order levying the tax and for refund of the same, no orders have been passed ?

**Mr. A. H. Lloyd :** (a) Income-tax was collected from various Funds which had claimed exemption on grounds similar to those put forward by the assessee in the case which ended in the judgment of the Madras High Court to which reference is made in part (b) of the question. The tax was collected in accordance with the law as interpreted by the authorities at the time when the assessments were made.

(b) and (c). The attention of Government has been drawn to the judgment mentioned. A number of applications for revision had been kept pending until the result of the reference made to the High Court in that case was known. They were taken up after the question whether an appeal should be made in the Privy Council by Government had been considered and a decision not to make such an appeal arrived at ; and in those cases in which the facts were found to be similar to the facts in the cases which had been decided against Government in the Madras High Court refunds were ordered. There are one or two cases still to be disposed of in which the examination of the facts is not yet completed.

**Mr. M. Ananthasayanam Ayyangar :** Has any application been made to the High Court of Madras for leave to appeal to the Privy Council in any case ?

**Mr. A. H. Lloyd :** I have said in my previous reply that we considered the question of appealing to the Privy Council and decided not to do so.

#### PRICES CHARGED AT THE RAILWAY BOOK-STALLS OF MESSRS. A. H. WHEELER AND COMPANY.

522. **Pandit Sri Krishna Dutta Paliwal :** (a) Will Government please state the terms of the contract of Messrs. A. H. Wheeler & Co., with the railway authorities ?

(b) Is it a fact that the charges of the aforesaid firm are abnormally high ?

(c) Is it further a fact that the above firm charges Rs. 1-2-0, 1-2-0, and annas 0-10-0 for single copies of the *strand*, *Wide Word* and *Weldons* ?

*Ladies Journal*, respectively, whereas they are sold for Re. 1, Re. 1 and annas 0-8-0, respectively, even in the small places like Jodhpur ?

(d) Is it also a fact that omnibus books of s. 7|6|- are calculated at -|12|- a shilling thus bringing their prices to Rs. 5 or so whereas these books are sold at less than Rs. 3|5|- even in small towns ?

(e) Are Government aware that shilling novels are sold at a rupee and six penny novels at eight annas by Wheeler & Co. ?

(f) What steps, if any, do Government intend to take to put an end to these monopolistic prices ?

(g) Will Government please state how this contract was entered into and when will it expire ?

(h) Is the above contract in the nature of a monopoly ? If so, why ?

(i) Are Government prepared to consider the advisability of calling tenders from others for this contract ?

(j) Is it a fact that Government do not grant license to any other agencies to sell books, papers and periodicals at the stations ? If so, why ?

**Mr. P. R. Rau :** (a) Bookstall contracts are given separately by each Railway Administration and the terms of these contracts vary on the different railways. Generally, provision is made for the firm having an exclusive right to provide bookstalls for the sale of newspapers, books, periodicals and the usual travellers' requisites at rates not exceeding the prices usually charged by firms carrying on similar business in certain large towns. Provision is also made for the payment of an annual fee. I am placing in the Library of the House a copy of the agreement which the North Western Railway Administration have with Messrs. Wheeler and Company. This indicates broadly the lines on which agreements have been executed by the firm in connection with their contracts on other railways.

(b) This is a matter of opinion.

(c) to (e). I have not enough detailed information on this point to verify all the figures quoted.

(f) Government will draw the attention of the Railway Administrations concerned to this question to consider whether any action is necessary or feasible.

(g) and (i). Contracts on State-managed Railways have been given for a period of five years and were placed after calling for tenders. The dates on which the existing contracts expire vary, but Agents will no doubt call for fresh tenders in due course.

(h) and (j). A monopoly is considered necessary in order to induce a reliable firm to take on a contract for all the important stations on a railway. The sales at the less important stations are very small, and the firm cannot earn a reasonable profit without a monopoly.

**Mr. Lalchand Navalrai :** May I know if the Railway has got any control over these booksellers as regards prices ?

**Mr. P. R. Rau :** The only control that they have is what the contracts give them.

**Mr. Lalchand Navalrai :** May I know if the contract gives power to the Railway to reduce the prices or to fix the prices ?

**Mr. P. R. Rau :** I understand one of the terms of the contract is usually that they should sell these things at rates not exceeding the prices usually charged by firms carrying on similar business in the larger towns.

**Mr. Lalchand Navalrai :** May I know if the Railways have ever gone into the question to find out whether the prices are high or low ?

**Mr. P. R. Rau :** I have already informed the House that attention of the Railway Administrations will be drawn to this question and then they will consider whether any action is necessary or feasible under the contracts.

**Mr. Lalchand Navalrai :** Will the Honourable Member send a copy to the Agents ?

**Mr. P. R. Rau :** Yes.

**Dr. Ziauddin Ahmad :** Wherever a monopoly is given for the sale of any article, whether books or eatables, does the Railway Administration see that they charge a minimum economic price ?

**Mr. P. R. Rau :** With regard to these bookstalls, I have already said that the contract has a term which provides that the prices of these books and periodicals should not exceed, ordinarily, similar prices in the larger towns.

### STATEMENTS LAID ON THE TABLE.

*Information promised in reply to supplementary questions to starred question No. 173 asked by Mr. B. Das on the 23rd July, 1934.*

#### RESEARCH CONDUCTED UNDER THE LAC CESS COMMITTEE.

The question of the work to be undertaken to improve the cultivation of lac was considered by the Indian Lac Cess Committee in November, 1934, and at their next meeting held in March, 1935. The Committee approved of a scheme, prepared under their instructions by the Director, Indian Lac Research Institute, for a demonstration campaign in lac growing areas. Work on the scheme, the main object of which is to endeavour to bring the research work of the Institute to the notice of cultivators and others interested in the lac industry, has already been started.

2. The following resolution was passed by the Indian Lac Cess Committee in November, 1934, in regard to the suggestion that, on the expiry of the contracts with the Bio-Chemist, the Entomologist and the Physico-Chemist at the Institute, these posts should be advertised with a view to seeing whether suitable Indians are forthcoming on less pay :

“ The Indian Lac Cess Committee has given careful consideration to the question whether the senior appointments at the Lac Research Institute should be advertised when the present contracts expire. In view of the fact that the immediate need is continuity in Lac research and completion of the work in progress, the Committee resolves that, subject to the approval of the Governor-General in Council, the contracts of the Entomologist, Physico-Chemist and Mr. Thakur, be renewed for a period of two years on existing terms and with the present sanctioned scale of increments.” As this recommendation was made, with the proviso that the Committee will review the general position in regard to the research programme of the Institute and consider what investigations are required in future, the staff necessary to carry them out, suitable scales of pay for such staff and the method of recruitment the Government of India have accepted it and have sanctioned renewal of contracts of the Bio-Chemist, Entomologist and Physico-Chemist for a period of two years from the 1st January, 1935, 26th July, 1935, and 7th February, 1936, respectively. The Bio-Chemist has

since applied for and been granted leave for 1 year from the 1st January, 1936, with permission to retire on the expiry of leave. It is proposed to advertise the post both in India and in England.

3. As regards the entertainment and car allowances, the Government of India have decided that the entertainment allowance drawn by the present Director should be continued as she has not been given any increment in her pay. The allowance will automatically cease when the present Director proceeds on leave preparatory to retirement. As regards the motor car allowance the Director has agreed to forgo it.

4. The question of the reconstitution of the Indian Lac Cess Committee and amendment of the Indian Lac Cess Act is still under consideration.

*Information promised in reply to starred question No. 1095 asked by Mr. M. Ghiasuddin on the 28th March, 1935.*

#### BUILDINGS OF HISTORICAL IMPORTANCE OCCUPIED BY THE MILITARY AUTHORITIES.

(a) The following is a complete list of buildings of historical importance at present occupied by the military authorities :

1. Govindgarh Fort, Amritsar.
2. Delhi Fort, Delhi.
3. Agra Fort, Agra.
4. Allahabad Fort, Allahabad.
5. Star Fort, Jhansi.
6. Supply Depot, Fyzabad.
7. Fort Calcutta Range, Fyzabad.
8. Ahmednagar Fort.
9. Belgaum Fort.
10. Bombay Castle.
11. Fort St. George, Madras.
12. Attock Fort.

No 12 is being handed over to the Civil authorities.

(b) The military occupation of these historical buildings tends towards their preservation rather than deterioration, because annual repairs and maintenance work are carried out by the Military Department while the Archaeological Department takes care to preserve the architectural or archaeological features of the monuments with which they are concerned. Notwithstanding the military occupation, every facility is afforded to the public to visit these historical buildings. Government do not, therefore, consider it necessary to act upon the suggestion that buildings now in military occupation should be evacuated, especially as it would cost little over one crore of rupees to construct new buildings for the accommodation of the displaced military establishments.

*Information promised in reply to starred question No. 81 asked by Mr. Amarendra Nath Chattopadhyaya on the 3rd September, 1935.*

#### WILLINGDON BRIDGE OF THE CALCUTTA CHORD RAILWAY.

The amount of tolls collected during the year 1934 over the road traffic on this bridge was about Rs. 42,690.

The number of tickets sold was about 6½ lakhs, of which a little more than 5 lakhs were on account of passengers and the balance on account of vehicles and animals.

Information promised in reply to unstarred question No. 58 asked by Mr. V. V. Giri on the 9th September, 1935.

PROCEDURE FOLLOWED IN FILLING UP OF VACANCIES IN THE ELECTRICAL DEPARTMENT OF THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports that vacancies in the higher grades of the Supervising Subordinate staff of the Electrical Department are filled by selection from amongst the senior men in the next lower grades after an oral examination by a selection committee composed of not less than three officers of the Electrical Department. When the record of *NOTICE* and other qualifications are equal, seniority is the deciding factor.

MOTIONS FOR ADJOURNMENT.

ALLOCATION OF CERTAIN RESOURCES BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

12 NOON. I have received notice of two motions for adjournment by Pandit Lakshmi Kanta Maitra and Dr. P. N. Amerjea which are in identical terms. They propose to ask for leave move the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance, as follows :

"The terms of the Communiqué, dated Simla, the 17th September, announcing the appointment of Sir Otto Niemeyer to undertake an inquiry to make recommendations to His Majesty's Government regarding the allocation of certain resources between the Central and Provincial Governments which shall have to be settled by order in Council under the Government of India Act, 1935."

I wish to inquire whether any Honourable Member has any objection.

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir, object to this motion, not because Government have any very strong objection to the discussion of the question on its merits, but because the matter involves a question of principle. We had yesterday a notice from the Leader of the Congress Nationalist Party of which Pandit Lakshmi Kanta Maitra is a member, and you were pleased to fix a time for allowing that motion to be discussed. Later, when the matter came up, we were told that the notice had been withdrawn. We are now having another notice for discussing the same matter from another gentleman of the same Party. Now, Sir, no set of rules can possibly guard against all conceivable situations. As you are familiar, situations may arise in courts which may not be covered by any specific provisions of any rule, at which, nevertheless, may constitute an abuse of the processes of the court. I submit that this is an abuse of the rules. Today Pandit Lakshmi Kanta Maitra may not move his motion. Tomorrow some other member may put in a similar motion. Is there any reason why Pandit Lakshmi Kanta Maitra did not give notice yesterday ?

Mr. President (The Honourable Sir Abdur Rahim) : He did give notice, but in different terms, and he has withdrawn that notice.

The Honourable Sir Nripendra Sircar : We are now discussing only this particular notice. We are now discussing a notice which, to

use his language, supersedes and withdraws the previous notice. I want to know where the question of urgency comes in. This process may go on not only for two days but for seven days, in fact the whole of the Session. My friend may or may not move his motion today and you will realise, Sir, what it leads to. If any Member finds, that on the day on which the motion is put down, he will lose on the division or he has not sufficient strength, all that he has got to do is to withdraw the motion and ask some other Member of the Party to give a motion the next day and try to get it through.

Mr. President (The Honourable Sir Abdur Rahim) : Suppose it is a *bonâ fide* notice and the Honourable Member thought yesterday that, as another Honourable Member had already given notice, it was unnecessary for him to give notice again of the same motion ?

The Honourable Sir Nripendra Sircar : The very short answer to that is that surely there is not much use in having a party system, if the Party Leader gives notice and the individual members of the party are not bound by it.

Mr. President (The Honourable Sir Abdur Rahim) : The Leader might have acted independently as an ordinary Member of this House.

The Honourable Sir Nripendra Sircar : That is a fact of which one could not take, say, judicial notice, but that is a fact of which notice could be taken. The Leader is recognised by you when you send communications to his Party.

Mr. President (The Honourable Sir Abdur Rahim) : It must be remembered that all the parties here are not well knit.

The Honourable Sir Nripendra Sircar : The Leader makes a motion, and, later on, sends a notice that he is not going to move his motion. It is only common sense to assume that it must be known to the members of the Party, and, in any case, they should suffer for action of their Leader.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : May I draw your attention to one matter in this connection. Suppose 15 Members give notice of the same motion on the same day. Then, one man withdraws it on the first day, then the second man withdraws it on the second day, and so on. In this way, the motions may be continued to be withdrawn until the day they find themselves in majority.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Why not ?

Mr. President (The Honourable Sir Abdur Rahim) : Supposing the 15 Members have been acting independently and in a *bonâ fide* way ?

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : Mr. President, I am afraid I could not follow what the Honourable the Leader of the House was saying. It appears that the Honourable the Leader has taken shelter behind certain technicalities. I find that he is more obsessed with matters about Party Leaders, party questions, and so on, than with rules and Standing Orders. The position is this. I gave notice of a motion for adjournment just in time before the Assembly sat to transact business and I came to know later on that Mr. Aney had also tabled a similar motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : That notice is no longer before the House.

**Pandit Lakshmi Kanta Maitra** : For some reason or other, he withdrew it and I then gave a fresh notice and that still stands. My friend, Dr. Ziauddin, suggests that 15 motions of this kind may be brought, that is highly improbable. The point for you to consider, Sir, is this. If for some reason or other, one Member withdraws his motion, does it mean that any other Honourable Members, who have given notice of similar motions, are debarred from exercising their right? If that were so, it would be a serious curtailment of the privileges of the Honourable Members of this House.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair thinks the Honourable Member has not followed what the Leader of the House said. What the Leader of the House said was that he took objection because the Leader of the Honourable Member's Party gave a notice and withdrew it, and that one of the Honourable Members of the Party, of which Mr. Aney is the Leader, has given a similar notice.

**Pandit Lakshmi Kanta Maitra** : In this connection I would like to point out that the notice was not given by Mr. Aney as the Leader of the Party. I have given my notice as a Member of this House.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would like to know from the Honourable Member if he knew that Mr. Aney had given notice.

**Pandit Lakshmi Kanta Maitra** : Not at the time when I gave notice. I only came to know just on the eve of the sitting of this House.

**Mr. President** (The Honourable Sir Abdur Rahim) : Can the Honourable Member give the Chair an explanation as to why the Leader of his Party withdrew his motion?

**Pandit Lakshmi Kanta Maitra** : I do not know. I was informed late in the day that the motion was withdrawn.

**Mr. President** (The Honourable Sir Abdur Rahim) : An important question has been raised in connection with this notice of motion for adjournment of the House, by the Leader of the House. The facts are that yesterday the Leader of the Nationalist Group in this Assembly gave notice of a motion for adjournment in connection with the appointment of Sir Otto Niemeyer, but, later in the day, he withdrew the notice and refused to move the motion which stood in his name. Today, another Honourable Member, belonging to the same political group, has given notice of a similar motion respecting the appointment of Sir Otto Niemeyer, and the objection that has been taken is that, under the circumstances which the Chair has mentioned, Pandit Lakshmi Kanta Maitra ought not to be allowed to move this motion and that the Chair should rule this motion out of order. The Chair asked the Honourable Member, Pandit Lakshmi Kanta Maitra, to say what he had to say as regards the withdrawal of the motion by Mr. Aney. The Chair does not wish on this occasion to deal with any hypothetical questions but only with the question that has arisen in this case. In the absence of any proper explanation as to why, after the Leader of the Nationalist Party had withdrawn his motion yesterday, another member of the same party

should have given notice of a similar motion today, the Chair must disallow this motion that has been sought to be moved today. (Applause from the Official Benches.)

**Dr. Banerjea**, also a member of the Nationalist Party, has given notice of an identical motion today. Does the Honourable Member wish to move it?

**Dr. P. N. Banerjea** (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, I have nothing further to add, but I may say that the Leader of our Party, Mr. Aney, withdrew his motion without consulting any of us, and that he had given notice of it in his individual capacity. I have also given notice of my motion in my individual capacity. I may add that the question of urgency does not arise in this case, because the communiqué was published in the papers that we received in Simla yesterday morning.

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the date of the Honourable Member's notice?

**Dr. P. N. Banerjea** : Yesterday afternoon, Sir, that is to say, as soon as it came to my notice that Mr. Aney had withdrawn his motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair has heard the explanation given by the Honourable Member, Dr. Banerjea, and it is not satisfied that there is any justification for this motion.

#### RESOLUTION *RE* QUETTA EARTHQUAKE.

**Mr. P. S. Kumaraswami Raju** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, (Applause) I beg to move the following Resolution which stands in my name :

"That this Assembly recommends to the Governor General in Council that a Committee consisting of officials and non-officials may be forthwith appointed to investigate and report whether the situation arising out of the recent earthquake in British Baluchistan and particularly in the town of Quetta was properly handled, particularly as regards the search for and rescue of the living, wounded and buried, the salvage of property and the transference of the wounded and injured outside the affected area."

I may be permitted to preface my speech with the assurance that I have very carefully gone through the pamphlet published by the Government of India which has been circulated to Honourable Members of this House. I may also state at the very outset that I fully appreciate the valuable work done by the authorities in Quetta for the alleviation of suffering and distress. In moving this Resolution, therefore, I am not actuated by any spirit of carping criticism, or lack of appreciation for what has been done, but I am only anxious that certain matters, which still require elucidation, should be fully enquired into by a Committee which commands general public confidence, and the lessons of this disastrous experience which Quetta has passed through should not be lost to the public. From the criticisms which have at various times appeared in the Press, the Government, I am sure, have realised that the public is not entirely satisfied with the conduct of affairs at Quetta, that there is still a good deal of suspicion in regard to the actions and motives of the Government in certain respects, and that there has been a general demand

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for a thorough enquiry to sift the details. I desire to impress upon the Government that in a matter of this kind, which admits of no political considerations, both the Government and the public stand to gain a good deal by an open enquiry of this kind. There is nothing to hide. On the contrary, there is everything to be said in favour of giving full publicity to all the facts. It is only by an open enquiry that both the Government and the public can know whether the administration was able to cope with the unprecedented situation arising from this shocking catastrophe, whether their policy and methods in meeting this catastrophe were adequate and in every respect justified, whether there is any truth in any of the allegations made, and, lastly, whether, as a result of this experience, there are any lessons which the public can usefully draw. I have absolutely no doubt that if an enquiry of this kind is held, it would furnish materials which would be of valuable assistance in future years. It is not a matter for the Government alone. As there has been so much loss of life and property, it is a matter which vitally affects the public. An enquiry would reveal in what respects the work done was commendable, in what respects it was defective, what was actually done, what should have been done, and what should not have been done. I contend that full knowledge regarding all this is essential.

Sir, the recent earthquake at Quetta has been graphically described in the red pamphlet :

“ At three minutes past 3 A.M. on the morning of the 31st May, 1935, the irresistible processes of geological evolution caught Quetta by the throat—shook her for 25 vicious seconds—and left her, dead. The terror had spread for over 70 miles from Kalat through Mastung and Sariah, leaving in its wake broken hamlets and crushed villages.....A sudden dynamic convulsion; a *surging*, implacable wave roared over the surface of the earth and made Quetta—in less than half a minute—a shamble, a *catacomb*. In its pitilessness, its suddenness and its cold-blooded finality, this earthquake must have the impious privilege of depriving Kangra and Bihar of their melancholy notoriety.”

About forty to fifty thousand people are estimated to have perished under its ravages. Sir, the red pamphlet has described in detail the relief work undertaken by the military authorities. We are all grateful to them, and to all the other agencies, who helped in the relief area. Undoubtedly, but for the prompt assistance that was given on the days immediately following the tragic occurrences, the loss in life would have been immensely greater, many more would have died or have become permanent invalids. (Hear, hear.) I certainly join in congratulating the authorities for whatever prompt work was done.

Sir, it would, however, be unwise if we allow our feelings of gratitude for what has been done to blind us to the need for a full and impartial enquiry into all matters connected with it. It is impossible for me to go in detail into all the matters which such an enquiry may legitimately enquire into, but I may mention a few which trouble my mind. Firstly, we learn from Mr. West's report on the earthquake of 1931 that he had given a distinct warning to the Government. He had pointed out that it was an earthquake area, and that during the last half a century there were more than twenty earthquakes, some of them serious. He had said that the buildings in the town were in a dangerous condition and were not suited to an area which was susceptible to earthquakes and suggested

precautions of the kind taken in Japan and other earthquake ridden countries in the world. Now, why was not this warning conveyed to the people of Quetta, and why did not the Government pay sufficient attention to Mr. West's warning?

Secondly, Sir, in an unexampled tragedy of this nature, calling for colossal relief work, any Government, however great its resources may have been, should have been ready to accept whatever outside help was offered. In fact, they should have invited all possible non-official help. Here, Sir, we have on record that many non-official organisations offered their services voluntarily of their own accord, for dispensing relief to the earthquake sufferers. Mahatma Gandhi and Babu Rajendra Prasad, the President of the great Indian National Congress, offered their services immediately after the receipt of the news of this great tragedy. These offers of help were rejected with thanks. Why were these offers of help rejected? The Government have had the experience, only last year, of how the Indian National Congress could co-operate with the Government in fighting the ills of the country. The experience of Bihar and the great energy with which the Congress contributed towards the relief of that part of the country could not have been forgotten by the Government within such a short time. Besides, according to the Government's own estimate, the damage done by the earthquake at Quetta was colossal. Why then did they reject the help offered by non-official agencies?

No proper answer has been given by the Government for these questions, either in the communiqués and pamphlets issued by them or in the replies to questions on the floor of this House. The answers which they have given strengthen the suspicion, in certain quarters, that the Government have been trying to keep away certain things from the public. In these circumstances, it is but natural that various rumours have arisen. I do not propose to refer to them. Sir, these rumours may be true or may not be true. But one thing is certain. The fact that the Government did not allow men of such outstanding reputation as Mahatma Gandhi and Babu Rajendra Prasad to visit Quetta cannot be dismissed as of no consequence.

**The Honourable Sir Henry Craik** (Home Member) : Babu Rajendra Prasad never asked to go to Quetta.

**Mr. P. S. Kumaraswami Raju** : If they had been allowed to visit the place, they would have certainly made valuable suggestions, and it would have restored public confidence, while by the refusal of permission, the Government have only laid themselves open to the charge that they are anxious to hide something. The only way to retrieve this mischief is by holding an open enquiry.

Thirdly, Sir, the Government are aware of the grave public dissatisfaction which arose from the delay in publishing the names of Indian casualties. While European names were available on the very first day, it was several days before we had the names of even the Indian officers and clerks in Government service who were killed or injured. Why was not an effort made from the first day to give information regarding survivors and casualties among the Indian population? Was this a blunder? If so, who was responsible?

Fourthly, Sir, an explanation is due for placing the control of the situation for such a long period in the hands of the military. Could not



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the Government of India have made immediate arrangements to relieve the military and take charge of the area ?

Fifthly, Sir, there have been several complaints regarding the way relief work was done, salvage operations, identification of persons and property, abduction of women, missing individuals and so on, into which it is unnecessary for me to go in detail. Even on the floor of this House, a question was put regarding missing jewels worn by women rescued to which no answer was given. It is impossible to say anything definitely about these allegations, but an enquiry will, I am sure, throw a good deal of light. It is not with a view thereby to blame the Government, or to throw aspersions on their conduct, that I refer to these things ; but I believe that it would be helpful to the Government itself if it allows an unprejudiced committee to look back on these events and form its own judgment. For instance, it has been said that more lives could have been saved if salvage operations had not been stopped so early. I am aware that the Government do not admit the suggestion, but if the public is to be satisfied, this should be corroborated by an independent enquiry. There has also been dissatisfaction, Sir, in regard to the fact that no independent non-official medical man was associated with Colonel Russel.

For these reasons, Sir, I strongly urge that the Government should appoint a Committee of officials and non-officials to go into the whole matter. This is neither an unusual nor an extravagant suggestion. If the Government agrees to it, it would not only be in accordance with the wishes of the general public but it would give an opportunity to the Government itself to establish beyond doubt what they claim to have done in Quetta, and also to rebut the charges and allegations which have been made from time to time.

Sir, I commend this Resolution to the acceptance of this House.

**Mr. President** (The Honourable Sir Abdur Rahim) : Resolution moved :

" That this Assembly recommends to the Governor General in Council that a Committee consisting of officials and non-officials may be forthwith appointed to investigate and report whether the situation arising out of the recent earthquake in British Baluchistan and particularly in the town of Quetta was properly handled, particularly as regards the search for and rescue of the living, wounded and buried, the salvage of property and the transference of the wounded and injured outside the affected area."

**Sir Hormasji Peroshaw Mody** (Bombay Millowners' Association : Indian Commerce) : Mr. President, I feel that the House should not support this Resolution. If the object of my Honourable friend was merely to evoke a discussion and to ventilate on the floor of the House certain controversial issues which have caused a great deal of uneasiness in the public mind, then I admit a very useful purpose would have been served by this proposition ; in this connection, I recognise the very temperate way in which my Honourable friend has put his case and I was particularly glad to note the appreciation which he expressed with regard to the efforts of the authorities and which he said he did not want to detract from. But, Sir, if the object is to go further, and not being content with evoking a discussion, to cast a definite doubt on the value of the great work done by the civil and military authorities and the survivors of the disaster, men and women, Indian and British, then I am

definitely against the proposition. (Applause from Official Benches.) Sir, the problem which was facing the authorities was an extremely difficult and abnormal one. I doubt if in the history of the world there has been a tragedy comparable to that of Quetta in its intensity, its suddenness, its concentrated horror. At dead of night, thousands of people were killed in their sleep, many more thousands were buried alive, and let us hope that their sufferings were short-lived and that they met a quick and merciful death. If an invading army equipped with all the weapons of destruction which science has brought into being had bombarded the town, it could not possibly have inflicted a fraction of the havoc which was wrought by the blind fury of nature in the incredibly short space of less than half a minute. What were the problems which, in these circumstances, the authorities had to face ? It is well known that the civil arm was paralysed ; the police lines had been wrecked ; many members of the police force had been killed, and a number of the civil officials had also met their death. The military were the only arm which was ready to act, and how did they face the task ? We have been supplied in the last few days with a couple of blue books, or, to be more accurate, one blue and one red, and, unless these books tell a positive lie, we are in a position to appreciate what was done.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Have you seen the green book ?

**Sir Hormasji Peroshaw Mody** : Yes, I have seen all the colours of the rain-bow.

The problem that was facing the authorities was immediately to bring out the dead, to attend to the sufferings of those who had been injured, to dig out those who had been buried alive, to provide shelter, food and a great many other things for the homeless, to maintain communications in an area which is not too well supplied with communications, to safeguard property and to protect the population which was left against epidemics, insanitation and all the horrors of this tragedy, and in a thousand and one ways to take prompt action. If these books are any testimony to the work that was done, I find that a great many of these matters were tackled straightaway that very night and, Sir, if it had not been for a certain unfortunate circumstance, the present controversy would never have arisen at all. The representatives of the press were on the spot, and their testimony and that of the survivors and of those who were allowed to visit the area is unequivocal ; they all alike speak in the highest possible terms of the work of the military and civil authorities. I will read, Sir, only two or three quotations from this blue book. The first quotation is from the *Hindustan Times* of the 6th June :

" In spite of the immensity of the task, all the arrangements made by the authorities are excellent."

A later extract from the *Free Press Journal* says :

" The action and steps taken by the civil and military authorities on the spur of the unexpected tragedy or within a week after the loss in giving all humanly possible relief to the dead, dying and living are simply laudable and richly deserve praise from all quarters."

And, finally, I quote the testimony of another strongly nationalist paper, the *National Call* :

" So far as Quetta is concerned, there might be serious dissatisfaction in some quarters regarding Government ban against the entry of prominent non-officials but



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leaving behind it a mass of thousands and thousands of tons of debris which it will take months and months,—not weeks or days, much less hours, but months and months,—to remove. The streets themselves were obliterated and houses were completely unrecognisable. Then, Sir, secondly there was the time of the disaster, in the early hours of the morning when the whole population was wrapped in sleep and people were unable to make any effort to save themselves. Then, Sir, thirdly, there is the actual experience of the men on the spot. During the first day when they worked like heroes to rescue survivors their efforts were rewarded fairly liberally, and a large number of people were saved. On the second day signs of life became less and less. On the third day very few people indeed were brought out alive, and on the fourth day, so far as I am aware, there was only one case, the miracle of the woman to whom I have just referred, which rewarded their efforts. Then, Sir, there is the rather ghastly, but at the same time necessary, evidence which has been supplied by the results of the excavation work that has proceeded since the disaster. From the 10th June until about the end of August about 600 corpses have been recovered from the ruins of Quetta. There may have been more since, but I am taking the figures up to the end of August. These corpses were removed, under conditions that are almost too appalling to contemplate, by the devoted efforts of the Boy Scouts working under Mr. Hogg from the Punjab. And I should like to pay my tribute now to the extremely valuable work that they have done. Now, Sir, of these, 117 bodies, European and Indian, were taken from the ruins of the Civil Lines; the remainder came from the city. Of these 117, all except three were found in their beds. Only three had succeeded in escaping from their beds and the remainder were killed instantaneously while they slept. In the city out of the 500 or so bodies that were recovered only eight were found outside their houses; the remainder were all inside their houses and were killed instantaneously; and those that did manage to escape into the streets were killed immediately by falling ruins. It is not necessary here to go into very ghastly details, but an examination of the bodies that have been recovered does prove conclusively that 98 or 99 per cent. of the people who died were killed immediately by the earthquake. Then, Sir, finally there is the evidence of the spirit of the workers during those first three days. I have here a sheaf of records describing the exploits of individuals, British and Indian soldiers and their officers, during those first few days. I have no time to read them now. I hope they will be known one day. They tell a story of heroism and perseverance which it would be hard to beat. Now, Sir, the persons who performed those heroic deeds happened to be soldiers, but I would ask the House, if they possibly can, to forget that fact for a moment. I would ask them to regard these men as simple human beings, which they were; and I would then ask them to ask themselves whether any human beings, much less men who had just done what these men had done, could bring themselves to relax their efforts and to sit idly by with folded hands whilst the chance of saving one single life still remained. Sir, it does not ring true and it is not true.

Now, Sir, I hope the House will understand me when I say that it has given me no pleasure whatever and no satisfaction to drive this point home. It is perhaps one of the most distasteful tasks that I have ever had to perform, to stand up here and prove or try to prove that death

came quickly and that the calamity was enormous. But, Sir, that has been forced upon us by the way in which this Resolution has been put, and I hope that if I have succeeded in convincing Honourable Members that this main charge is baseless and that every possible step was taken to save human life, my words will not have been in vain.

Now, Sir, there are just two more points that I should like to mention before I sit down. The first point is this. There is no place in India, probably no place in the world, which was better equipped than Quetta to meet a disaster of this kind. Its 12,000 troops, its arsenal, supply depôt, hospitals, large medical and mobilisation stores, which fortunately were not destroyed, might have been supplied by express design to meet a calamity of this kind. Of these 12,000 troops a very large number, possibly more than half, were immediately employed on the multifarious duties which are described in our pamphlet. The remainder were sent to work, to try and save human life in the city, and Honourable Members should have no doubts in their minds as to the promptness and effectiveness of the way in which these troops were used, if they will look for a moment at the map that we have hung outside in the lobby and which shows the dispositions made by General Karslake himself in the early hours of the morning of the 31st May.

Now, Sir, it may be said that more than five thousand troops were needed for rescue work after a disaster of this kind. We admit that, if assistance had been forthcoming in those first 24 or 48 hours, that assistance would have been gladly welcomed. But, Sir, the plain facts are these. During those first three days there was no prohibition of entry into Quetta; actually during that time three thousand people did come to Quetta on their own business or out of curiosity. During that time little or no organised assistance from outside appeared in Quetta and the troops were left to deal with the situation practically unaided. And, Sir, after those three days outside assistance would have been useless from the point of view of saving life. And that, Sir, brings me to the second point that I wish to make. It is very easy for armchair critics to be wise after the event. It is easy to say that the water supply did not actually fail and that the food supply actually was sufficient. It is easy to say that the railway was not actually broken: it is easy to say that epidemics did not actually occur; it is easy to say that further earthquake shocks did not take place—actually there were one or two very serious earthquake shocks—but those were the possibilities that General Karslake had to face on the morning of the 31st, and any or all of them might well have taken place. General Karslake's responsibilities were already enormous. The death roll had been colossal and I say, and say it with complete confidence, that General Karslake was absolutely right in taking every possible step to prevent any further possible loss of life. General Karslake, I say, was the right man in the right place. He and the troops under his command rose to a situation of unparalleled difficulty in a way that ought to command, and, I believe, does command, the admiration of the whole world; and I, therefore, say that this Resolution which attempts to criticise General Karslake's dealing with this situation is misguided, misconceived and uncalled for.

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): Sir, I rise to speak on this Resolution, because, not only am I living in Sind, but, when this earthquake occurred at Quetta, the refugees and the

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wounded came to Karachi, and I had opportunities of meeting about 3,000 people who came to Karachi either as wounded or as refugees. I was one of the members of the executive committee who looked after one whole camp in Karachi: I have met every day at least 1,200 people, and, on talking with them, I found that the Government and the military and civil authorities had done their best in giving them help. It is an undeniable fact that the people have received the greatest help from the authorities after this disaster. But, after fifteen days, they commenced to murmur about their property and their relations and their shops and belongings in Quetta and said that they had no money left: among these refugees and wounded, were many rich shop-keepers and merchants, as also servants and artisans and others. After listening to what they said, I will only say this: that whatever the civil or military authorities did was quite well; but they did not consider the feelings and the conditions of the people—in what condition they were in the Punjab or Sind or Shikarpur or elsewhere. There were lots of rumours in the city that I heard from these people: they were complaining very seriously about the martial law proclaimed after the earthquake. Many of the refugees told me that they were not allowed to dig out this debris—they said they might have got some of their property and they might have saved some of their relations and they might have done many other things besides—I do not know how far they are correct: but knowing human nature, I think they would have done this work very well and they would have done it much better with the help of the Government. I do not know how far this is correct, but I heard that after two days of the earthquake, the Commanding Officer and the Civil Officer met together in committee and wanted to decide whether martial law should be proclaimed or not. According to the rumours, the health authorities were against martial law and the engineering authorities were against martial law, and they opposed the Commanding Officer saying that martial law should not be proclaimed, and that, with the help of the population, they could remove the debris and save their lives and property. I cannot say how far this is correct. I was not in the meeting, nor have I authoritative information: but I also heard that those officials, who were opposed to this martial law, have been removed from Quetta to some other places....

**Mr. J. G. Acheson (Foreign Secretary):** There is no truth in that allegation.

**Seth Haji Abdoola Haroon:** If it is not so, I am very glad, and I accept the Honourable the Foreign Secretary's statement....

**Mr. J. G. Acheson:** I can assure the Honourable Member that he is not right.

**Seth Haji Abdoola Haroon:** Besides that, the Honourable the Foreign Secretary and the Army Secretary will, of course, agree with me that the Baluchistan administration is not like the administration of the Punjab or United Provinces or Bengal—it is quite a different form of administration about which I do not want to say anything at this juncture: but everybody knows that the only authority in Baluchistan is one or two men—say the Commanding Officer or the A. G. G. or some other political officer. They have very little idea of how to deal with these civilians or the civil population. In Baluchistan, the administration is ordinarily

like martial law—I do not know if I am correct or not, but I think the normal administration there is like martial law. I live near by, and I have many relations and friends in Quetta who are trading there: so I know somewhat better than some others what the feelings of those sufferers are and how much they have suffered. They told me, and I do not deny it, that the authorities did very well in the beginning, but failed to do any good to the people after that beginning. Today they are living in a very destitute condition, and still they are unable to take any of their belongings left in Quetta. Not only that. I know of one instance—a Hindu lady: she is the widow of a gentleman who was serving in Baluchistan in a very high position and she came to Karachi and could not get anything to eat: she was living on the support of her relations. She has got a book in which her husband kept some money with the shroffs and those shroffs are unwilling to give a single pie to that lady, and she is compelled to file a suit in the Karachi Court: but the Karachi Court says: "This suit must be filed in Quetta, and not in Karachi." There are many more things of a similar nature that I can relate about Quetta. I said some time back that the administration normally in Quetta is such that it is martial law. After this earthquake occurred, very reliable, very big people, honorary magistrates, title holders and others were in Quetta, but they were not consulted as to how to give rescue to the people or how to conduct salvage operations. Sir, till now, not even a single Committee has been appointed by the British Baluchistan authorities to co-operate with them in the work of affording adequate relief to the earthquake sufferers in Quetta. There are many loyal people still vigorously working to give relief to the sufferers in Quetta, but unfortunately the authorities in British Baluchistan have so far completely ignored them. Of course, my Honourable friend, Sir Homi Mody, has opposed this Resolution for reasons best known to himself, but I for one, Sir, feel that he has given a very wrong advice to the Government, and I don't think that Government will be well advised in accepting his advice or in opposing this very important Resolution. (Hear, hear.) Sir, many accounts have been published by many individuals relating to the Quetta disaster, and I shall not refer to them, but I can confidently assert that many of the things that are published in the red pamphlet as well as in the green book are perfectly correct. My question to the Government is this: what is the harm in appointing a Committee? If such a Committee, as the one suggested in this Resolution, is appointed, they will be able to go through all matters very carefully and they might even support the action so far taken by the Government, but perhaps the Government are afraid that such a Committee might even say or bring to light some things deprecating the action of some of the officers which will not be palatable to the authorities. Besides all this, the work connected with Quetta has not yet been finished. There are several applications pending from merchants, and money-lenders before the authorities in Quetta, and those applications have not yet been disposed of. There are many people who have asked me to approach the Government requesting them not to charge any court-fee in some of the cases, and to ask Government to appoint a tribunal to consider each case on its merits. The salvage operations are not yet over and much still remains to be done. Therefore, Sir, if such a Committee, as the one suggested in this Resolution, is appointed, they will be able to go through all these matters very carefully and to suggest what other

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and more expeditious methods could be adopted to give relief to the sufferers. If the Government will accept this Resolution with a slight amendment and appoint a Committee,—I do not know if the President will allow me to make an amendment in the wording of the Resolution or if the Mover will agree with me,—it will go a long way to dispel all suspicion in the minds of the public. My amendment is, how to proceed further with the moneylenders, with the merchants, with the salvage operations, and how to give further help to the refugees and sufferers. If this amendment is accepted, I do not know whether it will be accepted or not,—it will be a great help to every one. Before I close, Sir, I would again strongly urge upon the Government most sincerely to please accept this very reasonable Resolution (Hear, hear), because, Government can also get more help and more suggestions from a Committee of the kind suggested here, because they will also be able to work in co-operation with the Government. The Committee will also be able to go into all matters very carefully with the Government and they will be able further to say that Government have done well, they have done very good work, and that their critics are wrong. I, therefore, support this Resolution very strongly, asking the Government to accept it. (Cheers.)

**Mr. Lalchand Navalrai :** Sir, believe me, I have risen with a very heavy heart to speak on this motion. Coming as I do from Sind which has been a victim of this unprecedented calamity, because, most of the sufferers in Quetta were our own kith and kin, and, some of them, friends, who died,—I am very serious when I speak on this Resolution. Sir, at the outset I must assure my Honourable friend, Mr. Tottenham, that I have no desire to bring into disrepute the Government or the military authorities for any racial discrimination, but I cannot agree with him in the least when he says that all that was needed has been done by the Government at Quetta. I join issue with him on that point. Sir, the red pamphlet has been given to us.....

**The Honourable Sir Henry Craik :** The yellow one by the Congress.

**An Honourable Member :** The green one.

**Mr. Lalchand Navalrai :** I am just coming to it. Sir, I am neither a Congressman, nor an extremist, but I merely ask the House whether what is demanded in this modest Resolution is reasonable or not? That is the issue that you have to decide. Now, as I was saying, this red pamphlet has been distributed to us from the Government side. A rebuttal of it, based also on Government information, on Government communiqués and on Government telegrams sent to England, is also contained in the green book which is in the hands of Honourable Members. On the one side there is the Government telling us that they have done well, while on the popular side there is a strong complaint that Government have not handled the situation properly, they have not done enough. Therefore, as the burden lies on the Government, let us consider what is the best course to adopt to decide this matter. Will it be by saying: "Oh, you people on the other side are wrong, or you on this side are wrong"? Sir, I feel that it will be to the interest of Government, as my learned friend from Sind Seth Haji Abdoolah Haroon just said, to see that they sift this question properly. If the Government have any fear or suspicion that a Committee of the kind suggested in this Resolution will decide against them, then only there can be justification for their

shrinking and opposing this modest Resolution, otherwise, Sir, I think this is the most reasonable Resolution. Coming then to Sir Homy, he thinks that we are here for the condemnation of the military and, therefore, he made out his case by showing from that pamphlet that the military have done what they possibly could. But may I tell him that he has missed the real issue? I give him the point that has to be decided. I come from Sind and being near Quetta I was in a position to know the facts and I had also correspondence and telegrams from time to time with Quetta authorities and the Honourable the Agent to the Governor General and I got replies. Therefore, I am in a position to know some things which others may not be knowing. The place where I live is about 260 miles from Quetta. The borders of Sind towards Quetta are about 200 miles. This earthquake was an act of nature of course, and we must say, "Thy Will be done". So far, it is all right, but there is a responsibility upon humanity principally the Government and it is very necessary for Government to clear themselves and show to the world that they have not been slack in their rescue and relief operations. On the night of the 31st at about three o'clock in the morning, the earthquake happened in Quetta and it had extended towards Sind. I personally was startled with my little children and we were wondering what was going to happen. You can imagine our state of mind then. Next day morning when we heard what had happened in Quetta we were out of our wits. What did we do? Naturally you will expect, and that was done, full train loads of people started from Sind to go up to Quetta to give first aid to their near and dear and kith and kin and also other people. They went as far as they were allowed to go, that is, as far as Sibi, and then they were held up.

**Mr. G. R. F. Tottenham :** When?

**Mr. Lalchand Navalrai :** It was on the first day, the very first day, and this can be proved. If you are going to say "No", I will not take that, I will tell you to have an enquiry. Full train loads were going to Quetta and they were held up. You also find in this green book which has been placed in my hands:

"On 31st May, a rescue party of the people of Dera Ghazi Khan started in lorries for Quetta but it was stopped at Loralai after it had covered considerable distance and was compulsorily turned back."

I shall give you something more, my own personal experience, nothing more than that can be needed. It has been said that the excavations were stopped on the night of the 3rd. I join issue on that point. It had been closed on the 2nd June, and not the 3rd. I have got enough materials to prove that. However, all these things should be investigated. Look at the reply I get from the Agent to the Governor General. May I say, Sir, that I have my own personal distress also? Information from Quetta came that the whole family of my sister were destroyed. Therefore, imagine my feeling. I went on looking into papers and found that people were being held up at Sibi. So I thought that there would be no useful purpose served by my going without asking for permission. I wired to my sister, I could not know where she was or where her family were. Her family consisted of her husband, her son, two grandsons, one granddaughter and one daughter-in-law. The next day I sent my brothers to go up to Quetta. They went as far as Shikarpur and were held up.

**An Honourable Member :** What day?

**Mr. Lalchand Navalrai :** On the 2nd. On the second when they reached Shikarpur, they say they saw fully packed up trains going, but they were not allowed to go further. A man who was coming from Quetta gave them the information that my sister was in the train. They found her in a pitiable condition ; she showed them her little grand-daughter with her and told them that all the other members of her family had been destroyed. She said also that there was no help given at that time to her for the purpose of excavation. She was, on the contrary, taken away to the camp where the other people were. So she was helpless. I sent a telegram to the Agent to the Governor General asking for permission that I should personally go and help my relations and others. The reply that came is this, and it is dated the 3rd :

"While deeply sympathising with you regret impossible grant you permit visit Quetta now under martial law and entry prohibited."

I had made a second request and I gave them a description of the house where my sister's family lived and asked them to go and excavate it themselves. The reply that I got was :

"Impossible excavate further dead bodies for medical and sanitary reasons."

This is dated the 3rd.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has exhausted his time.

**Mr. Lalchand Navalrai :** I do not think I have said even one-fourth of what I have got to say. However, if five or six minutes are given to me after lunch, I will try to hurry up and finish.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can have five minutes more.

**Mr. Lalchand Navalrai :** A deputation had been sent to Quetta headed by Diwan Bahadur Murlidhar with the Honourable Mr. Ali Bux, Member of the Council of State, and Seth Chainrai. What they have said has already appeared in the papers. Diwan Bahadur Murlidhar says that on the 2nd June he and others saw the Commissioner in Sind and they were shown a wire from the A. G. G. stating that from that day the town was going to be sealed and that no more excavations would take place. Further on, Diwan Bahadur Murlidhar says :

"I believe that if the Honourable Sir Norman Cater had a free hand and had not been handicapped by the military, he would have allowed volunteers from all parts to help and co-operate with him in this stupendous task. The batch of Multan volunteers led by Messrs. Shamlal, Mulchand and Parmanand, who arrived soon after, have done excellent work during their stay. They worked in serving and cheering the injured in the hospitals. They are about 70 in all and these 70 men would have worked day and night in clearing the debris to save lives. Numerous bands of such volunteers would have come to do rescue and salvage work entirely at their own cost. I myself sent such an offer by wire."

Now, it has been said that there were no organisations and no associations which would have come forward with offer to help. This green book is a complete answer to what the Honourable the Army Secretary has said. From that, it would be seen that even the Congress Association with Mr. Choithram, as President, wired on the 31st and there were other telegrams on the same date. The points at issue are these and they cannot possibly be decided unless and until a committee has investigated them. The points are whether the time allowed for rescue work was adequate ; whether the rescue work was not stopped prematurely ; whether it was

not a blunder not to send for or to refuse help from outside when offered to them ? From the materials that I have placed before the House, I hope I have convinced the House, and also my friend from Sind, Sir Ghulam Hussain, that the Government did bungle on these points, and that they did not manage this in a proper manner, though I must say that all credit is due to the troops for the excellent work they have done within their strength and the time allowed but beyond that, who is responsible ? The higher officers who said that they would not allow any people to come in and help.

Now, Sir, I must say, through you, that the very way in which the Government conducted themselves was apt to create in the minds of men suspicion, distrust and grave concern. They on the spot very well organised themselves, did the relief and salvage work, and extended the hand of humanity to the best of their available capacity, but still the Government's inherent distrust of the populace led them to shut the door against some responsible men and associations, thus creating a feeling that all was not well at Quetta. It must be realised what an impetus did the woes and wails, cries and complaints—whether just or not—of the unfortunate, panicky and naturally dissatisfied sufferers of the gruesome disaster, impart, in an inflammable state of atmosphere, that already was surcharged with panic, apprehensions and dissatisfaction, on account of prohibition on entry for possibly saving their kith and kin. The Government failed to measure and appreciate sufficiently the anxiety and agony of men, the essentially different constitution of the Indian mind, and the characteristic sentimental disposition of an Indian. Think of thousands of women that lay waking and weeping, crying and cursing, praying and persuading themselves, all at the same time, in the hope that their dear ones and also the economic main-stays of their existence, might return safe and alive. Strike up your imagination and humanity to think of it.

I know how suffocatingly packed up trains of men, with full loads of provisions for a number of days, passed Shikarpur and Jacobabad for Quetta. People were prepared to stand on one leg all the time till they reached the place and they actually did till Sibi. Again people there were, for the sake of their dear ones, clung to the foot boards and handles when the trains hurried to Quetta at full convenient speed in response to the S. O. S. call. I do not mean by this that they all should have been allowed entry inside the stage of tragic drama, but I wish to show the urge of humanity and sacrifice in them. I, at the top of my voice, claim that in an Indian there is a great urge and capacity for endurance, service and sacrifice. He is a great sufferer—and fears God. The Government's persistent arguments of the possible shortage of supply of provisions and water and the outbreak of an epidemic are not worth the importance and weight that the Government attach to and claim for them. My reply to that in a nut-shell is that Government's nervousness was exaggerated and out of proportion. To my mind, an Englishman fears an epidemic more than he does God. My advice to him rather is to fear more the dissatisfied state of feeling so growing prevalent in an average Indian—an Indian worth the name. I do not wish to be unduly severe or wicked when I say that Government stopped the work rather too early. They ought to have continued it for some time more. Even if no person might have been extricated alive, Government would have spared themselves these unpleasant charges and given us an opportunity to thank them

[Mr. Lalchand Navalrai.]

to a measure such as Gods would have envied. The Government, in the usual way of a bureaucrat and an Imperialist, relied solely on the opinion of their official advisers and did not, in their great wisdom, seek some opinion of non-official experts, as to the apprehension of an outbreak of epidemic. Don't tell me it was not possible. At such a critical juncture, where politics might well not have been introduced, the Government once more displayed that traditional bureaucratic frame of mind and applied Cromwell's policy of 'thorough'. I say, Sir, if they had allowed responsible, organised and recognised men and associations they could easily have warded off this unhappy onslaught. They would have, I am sure, in men that had worked in Bihar exactly the persons that, contrary to their fears, would have earned them that praise and good-will, which they sorely stand in need of. In short, the Government have been unnecessarily nervous, afraid, slack and rigid. But before I close, I once more pay my genuine tribute to those men on the spot, civil and military, who rendered such invaluable service. I am also conscious of the services and am grateful to those English girls and women that, consistently with the traditions of their sex, served to the utmost of their capacity and humanity. I am also all praise for the North Western Railway and postal authorities and men who rose equal to the occasion. But, Sir, I cannot excuse the Government of India for not having done all that they could have done and what they were expected to do. Sir, with these words, I support the Resolution. (Loud Applause.)

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

**Mr. G. Morgan** (Bengal : European) : Mr. President, I rise to oppose the Resolution moved by my Honourable friend, Mr. Raju, and, in doing so, I would like to bring to the notice of the House the actual words of the Resolution moved. It seems to me, listening to the debate this morning, that we were wandering away from the Resolution and did not actually realise what it meant. With your permission, Sir, I would like to read the following words from the Resolution :

" was properly handled, particularly as regards the search for and rescue of the living, wounded, buried, and so on."

That refers to the rescue work from the 31st of May. My Honourable friend, Mr. Abdoola Haroon, spoke of the future. If this Committee was going to be appointed, he would like to see what was to be done in the future with regard to the salvage of property and so on. That is not what the Resolution wishes to make out. My friend, Mr. Lalchand Navalrai, mentioned one specific instance which was in connection with stoppage of entry which I think, is a convincing proof that so far as one could gather from the reports it was more or less justifiable. Now, Sir, unless this House is prepared to say that the statements in the two books issued by Government, that is, the blue book and the red book, are untrue—and that, Sir, I contend this House cannot with any decency do,—it must be acknowledged that the work done by the authorities and the troops, not forgetting the Boy Scouts, in Quetta, especially the work

between the 31st May and 3rd June deserves our unstinted admiration and praise. I doubt whether any finer work has been done in the history of the world under similar conditions.

First of all, I would ask Honourable Members to consider what would have happened had the earthquake travelled a further two miles northwards. No troops would have been available at all and I doubt whether we would have even heard that there had been an earthquake on the 31st of May. Now, owing to a providential escape, this part of the earthquake did not travel north where the Cantonment is, and where there were 12,000 troops available. If Honourable Members will read pages 4 and 5 of the red book, they will realise the magnificent work which was done at 6 A.M. on the 31st of May, 2½ hours after the earthquake occurred and practically during pitchy darkness. General Karslake and Sir Norman Cater were able to allot definite areas covering the whole of the City and the Civil Lines to the troops for rescue work. If Honourable Members will look at the map at the end of the red book, they will see what that means. Now, Sir, on page 9 of the red book we read :

" Sufficient be it for us to notice that the whole energy and might of a most competent and efficient military garrison were directed to the salvation of the lives and property in the devastated areas."

That is a very definite pronouncement.

On page 15, referring to certain allegations which have been made, of the red book we read :

" The extraordinary allegation that the Indian inhabitants did not receive their full share of rescue work, and that volunteer organisations from other parts of the country could have saved more lives if given permission to enter Quetta is refuted by the history of events as recorded in this chapter. It is incredible that such an allegation was ever put forward."

Then, Sir, certain remarks have been made about casualty lists. There, again, I can only refer to page 15 of the red book where the position is fully explained. If Honourable Members are fair in their criticism, they would realise that everything possible was done. Sir, a great deal has been made of the fact that the authorities refused outside aid. Now, let us review the situation. These organisations were not on the spot and I would ask Honourable Members not to forget that the earthquake took place in the very early hours of the 31st of May and action had to be taken as soon as possible. General Karslake had divided the whole place into definite areas at 6 A.M. and by the late afternoon of the 2nd June the military authorities having satisfied themselves that there was little or no hope of rescuing any more people alive, closed entrance, to the City on the imperative recommendation of the medical authorities. The medical authorities were definite that there was a great danger in not closing the City and taking the refugees out as soon as possible. Now, Sir, in this little pamphlet which I hold in my hand and which has been prepared for the Members of the Assembly there were many allegations. On page 2 there is an extract from a letter sent by a Military Officer in Quetta to Sir Walter Leslie, Adjutant General to the effect that by the evening of 31st May units in Bazaar and City : " had but dealt with the fringe of their areas ". Now, those words in the pamphlet are underlined and the insinuation which it is capable of is that more troops were used in other parts than in the City. In other words, the pamphlet, in my opinion, tries to make out that more care was taken to rescue people in other parts than was taken in the City. All reports go to show that this allegation cannot



[Mr. G. Morgan.]

be sustained. Sir, it is sought to make out a case for outside organisations not being allowed to come into the City. Now, Sir, could any organisation have been on the spot by the afternoon of the 31st of May? Any organisation arriving after the 1st of June would have been of no use to rescue the living. Again—and this is a very important point—on the 2nd of June at 2-50 P.M. another serious shock of earthquake occurred and the authorities came to the conclusion that they could not possibly permit an influx of more people into the City not knowing what the result was of the second shock. The water supply and the rations were a constant source of anxiety. To emphasize that, I will read a short extract from page 3 of the blue book :

“Owing to continued prevalence of earth tremors, the necessity of harbouring supplies and the heavy demands made on the Railway transport for the carriage of necessities and the evacuation of personnel,”

—That is a very important point in dealing with this particular question—

“the admission of private individuals into the Quetta area must unfortunately be prohibited. Until further notice, therefore, no private individual will be allowed to pass beyond Rohri unless in possession of a pass.”

Sir, by the second of June the possibility of there being other survivors was extremely remote and by the evening of 3rd June, as we read on page 10 of the red book :

“The stench was so unbearable and dangerous that further intensive work, on the strongest medical advice, had to be abandoned.”

Now, Sir, suppose for a moment the authorities had not acted on that medical advice and an epidemic had broken out. What would my Honourable friends have thought of the authorities and the military then? The living would have been amongst the dead and I do not know what would be said under those circumstances. But, Sir, this did not mean that all work of rescue was stopped as seems to be the idea of most of my Honourable friends opposite. It is definitely stated in the red book that patrols in gas masks were going through the City to see if by any chance there were any living still to be found in the debris. This movement was going on till the 7th June. Now, Sir, it has been rather emphasized that nothing was done after 2-50 on the second of June; but that is not so. On 7th June an extensive patrolling ascertained that not a living soul remained in the City.

Sir, I will again refer to this pamphlet. On page 10, it is stated that :

“all non-official opinion is quite unanimous that outside labour, professional as well as volunteer should have been allowed to come to help in the rescue work, and that many more lives would thereby have been saved.”

This is a general statement which is very difficult to substantiate. Where were these people? When could they have come in? As we know any organisation arriving after 1st June could not have helped to save lives. But, Sir, there is more to it than this. The authorities had to think of the water supply and rations, also the second earthquake shock at 2-50 on 2nd June made them fear for the safety of the railway on which they had to depend for supplies and had the railway collapsed the fact of more people coming into Quetta would have matters very much worse.

Now, Sir, a short note on page 23 of this pamphlet reads :

“This proves that if those who had actually arrived at Quetta station or places nearby had been allowed to enter, their aid would have saved many lives.”

This statement is based on the fact that some Sikhs had been able to do some admirable rescue work at Mastung. Now, Sir, could one or two thousand anxious relatives searching for the entombed in Quetta have been of any real use? Could they have been enrolled as a labour corps under proper discipline? Of course, not, and, therefore, I consider there would have been danger, rather than help.

Now, speaking definitely on the Resolution before the House, it is very easy to sit at a desk and make allegations. I would ask my Honourable friends whether any of them has been in a severe earthquake, because I have and have never forgotten the earthquake of 1897 which played such havoc in Bengal and Assam and I can only repeat that all the praise given to the authorities and the Troops was thoroughly well-deserved. His Excellency the Viceroy and His Excellency the Commander-in-Chief have testified to the marvellous work done by the troops and the least we can do is to give the troops our own unstinted admiration. (Hear, hear.) Sir, again I repeat I am speaking strictly to the Resolution and no words of mine can convey the indignation that we felt when we read this Resolution which had now come before the House in the terms in which it is stated.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has already exceeded his time limit.

Mr. G. Morgan : I shall finish in one minute, Sir. We ask, why was this, to our mind, ungenerous Resolution brought forward. The Honourable the Mover of the Resolution has stated that he is not wanting in admiration of what has been done. But if that is the case, I think his Resolution should have been worded entirely differently. If it is merely enquiring into some items such as my Honourable friend, Mr. Navalrai, brought forward, that can easily be done not in a Resolution of this description.

Mr. Lalchand Navalrai : Will Government accept the Resolution, if it is amended?

Mr. G. Morgan : That is for you to find out. All Honourable Members who have spoken since the Resolution was moved have emphasized their admiration for the work which has been done, and I am glad it is so. But really I cannot see what the object was in bringing forward a Resolution of this kind when the minds of Honourable Members are full of admiration for the work that has been done. I hope the Honourable the Mover will see his way to withdraw his Resolution. (Applause.)

Sir Ghulam Hussain Hidayatallah (Sind Jagirdars and Zamindars : Landholders) : Sir, I will not take up much time of the House. I will only make a few observations on this Resolution. The object of this Resolution is whether the authorities have handled properly the search for and rescue of the living, wounded and buried, the salvage of property and so on. What did we hear from the Mover of the Resolution and his two supporters? All admiration and unstinted praise for the authorities, for the work that had been done. And my friend, Hajee Saheb from my part of the country, further quoted the independent

[Sir Ghulam Hussain Hidayatallah.]

testimony of the survivors or the refugees that had come to Karachi whom he had met; and he told us that every one praised the work of the authorities. Therefore, I fail to see what is the good of bringing this Resolution when the Mover and his supporters praise the work of the authorities there. Where then is the necessity for an inquiry, when the authorities have properly handled the situation?

Sir, I now come to my friend, Hajee Saheb. He has perhaps mixed up the Resolution with his suggestion. I agree with him about his anxiety as regards the distress of the survivors and he was very anxious that certain concessions should be made to those survivors in regard to court-fees and jurisdictions of the Courts, etc., if I understood him rightly. I should like to ask my Honourable friend whether by supporting this Resolution he will gain those objects. Certainly not; but I am prepared to agree with him that Government should make certain concessions to these men. Then as regards his criticism of the martial law, my Honourable friend seems not to have read this literature. Why was there the necessity of military administration? Because there was no civil administration. All the policemen were dead, the civil servants were dead and it required some time to set up an administration to take charge; I draw his attention to the good work done under the martial law by the military authorities which has been praised in these books by the non-officials of the city of Quetta.

Now, Sir, I come to one of the allegations that have been made against the authorities there. This sad news flashed across the country early on the morning of the 31st. Everybody came to know of this calamity. Naturally those who had friends and relations at Quetta were very anxious about them. They wanted to know whether they were living or dead. When they could not get any information and when they saw that the list of casualties among Europeans was published, that created a greater suspicion in the minds of the Indians that perhaps the Indians in Quetta were not meted out proper treatment and that partiality was being shown to the Europeans. I might inform this House that that was my own impression until I read the explanation of Government. The European casualties were few in number because they were a handful of people. They were either in civil or in military employment or were connected with banks. So it was easy to identify them and as soon as they did not go to their work next morning everybody understood that they were dead, or their death was reported by their friends and servants. But look at the Indian population there in the city. There were nearly 50 thousand people; the policemen were dead, the civil officers were dead, the municipal registers were destroyed; how could anybody get any information as to who was living and who was dead? Yet I must say to the credit of the authorities that within a few days they published a casualty list of six thousand people. It is very easy to sit in this House and make speeches but we must face the realities of the situation.

Then, another complaint was made that outside help was not admitted. For instance, we heard from Mr. Lalchand Navalrai that the Sind Congress Committee sent a telegram on the 31st May, but at what time it was dispatched to Quetta

it shown. And what are the contents of that telegram:

"Sind Congress Committee prepared organise relief earthquake distress. Kindly wire if can lead with relief party specially for cremation, burial and attending women and children."

The very work for which they wanted to go was already being done by the authorities. Even the refugees have said that that work was very well done. We must take into consideration the fact that all telegraph communications were cut off, and as we know the first telegrams were sent out of Quetta about the 2nd June. Moreover, by this time the authorities there must have received shoals of telegrams but they had to attend to more important work of rescue, medical relief and other things. It is very easy to complain that a telegram was not replied to, but that can be done in normal times and not in abnormal times. However, the Congress got a reply late in the night of the 2nd. Even if the authorities had given them permission to go to Quetta, the first train which they could have taken was on the 3rd, which leaves Karachi at 12 o'clock noon and is known as the Quetta Mail, and they would have reached Quetta on the 4th. But nobody was needed there after the 4th. The most important days were the first three days, 31st, 1st and 2nd. Again, entries were banned in Quetta for very important reasons, one of them being that there were repeated earthquake shocks in Quetta, and secondly, there was the danger of epidemics. If instead of these mild shocks severe shocks had occurred damaging more life and property, and if Government had not banned the entry of people, my friends on the opposite side would have blamed Government saying that Government knew that earthquake shocks would occur and yet they allowed outsiders to come in. Then as regards the danger of epidemics, that was also the opinion of experts. If against the advice of experts, Government had allowed outsiders to enter there and an epidemic had broken out, then also Government would have been blamed because knowingly they allowed them to come in.

Now, Sir, about the rescue work, they continued, as the previous speaker has explained, up to the 6th and 7th and the salvage work was also continued. I will now quote from a book which has not been published by Government nor by the Congress but by one Mr. Sethi, Municipal Commissioner, Amritsar:

"The following statement of Bibi Harnam Kaur, a Sikh woman of Amritsar, who was rescued from Quetta after remaining buried for nearly six hours, was published in the *Statesman*, the *Hindustan Times*, the *National Call*, the *Leader* and a number of other English and Vernacular newspapers:

"Interviewed by the Associated Press she stated that she had little hopes of coming out alive since the whole thing happened so suddenly. Many poor people living in kutcha buildings have been saved, while the richer people living in palatial buildings were amongst the worst sufferers." Continuing she said: "The behaviour of the British and Indian soldiers in the salvage operations were excellent. The task was the most difficult—beyond human comprehension." She said that she was thankful to the British soldiers who had heard her cries and had brought her out. While in Quetta she had not heard of any complaints of misbehaviour or hardships caused to sufferers by soldiers. On the contrary, they were very kind and helpful. She had watched them take out many people. She emphatically denied the allegations of any distinctions made by them in extricating people whether they were Europeans or Indians, rich or poor. She said that all such talk was based on ignorance since the people out here could have no idea of the magnitude of the work."



[Sir Ghulam Hussain Hidayatallah.]

I recommend the reading of this book from pages 24 to 29. Not only has a Sikh woman given this statement, but municipal commissioners and others also have praised the work of the military. I need not take the time of the House by reading out quotations from various press comments. Every one of them, friendly or unfriendly, has praised the work of rescue, salvage, etc. I think it is hardly fair for this House to criticise the good work of the authorities in Quetta. The Mover of the Resolution and his supporters have praised the work. In my opinion they deserve well of this House and of the country. With these words, I oppose the Resolution.

**Syed Ghulam Bhik Nairang** (East Punjab : Muhammadan) : Mr. President, I rise to support the Resolution moved by my Honourable friend, Mr. Raju, and, in doing so, I must at the outset express surprise at what appears to me to be a misconstruction of the Resolution, and, as far as I am able to understand, of the spirit in which that Resolution has been moved. It has been assumed by some Honourable speakers who preceded me and notably by my Honourable friend, Sir Ghulam Hussain Hidayatallah, that a charge sheet has been framed against the Government, that the intention of the Resolution is nothing short of passing a vote of censure on the Government, and that the demand for the appointment of a committee of inquiry is really prompted by a desire to secure the conviction of Government for certain offences. Now, as far as I am able to understand the matter especially after listening to the speech of the Honourable the Mover, which the Army Secretary had the fairness to describe as a very temperate one, I submit that this motion should not be taken as an attempt necessarily to censure the Government. The object of the Resolution is simply to get more truth about the happenings at Quetta after that deplorable catastrophe, the earthquake. I may say straightaway that I have not had the advantage of receiving a copy of the red pamphlet which has been referred to by so many speakers : in fact only a few minutes ago I borrowed this copy from my Honourable friend, Seth Abdoola Haroon. I have not had the advantage or disadvantage of reading the green pamphlet which has been referred to by my Honourable friend, Mr. Lalchand Navalrai, although I do admit that I received the small yellow pamphlet referred to by Sir Ghulam Hussain Hidayatallah ; also one day I found the blue pamphlet published by the Government on my desk. The fact that this valuable contribution to the literature on the subject—this red pamphlet—should not have reached every Member of this Honourable House.....

**The Honourable Sir Henry Craik** : A copy was addressed to every Member of the Assembly.

**Syed Ghulam Bhik Nairang** : Excuse me : I have not received it either at my residence or here in my seat : very good : the privileged Members might have got it.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair understands from the Secretary of the Legislative Assembly that copies of this pamphlet were circulated to all Members.

**Syed Ghulam Bhik Nairang** : I refer to that fact in order to show the defect of the system by which necessary and relevant information

is circulated to those who are concerned with it. Suppose after reading this pamphlet my views on the subject had been materially changed, I ought to have got it in time ; but it never reached me. This is only by the way. I may say that I am keeping a perfectly open mind on the question, especially because very soon after this earthquake I received private information about the way in which the troops stationed at Quetta were doing their best, and I may say that what I heard from a friend of mine, who was there on the spot, was to the credit of the troops : I am not prejudiced in any way against the manner in which the troops handled the situation and in which the authorities on the spot did their work. In fact, from the information that I got at that early stage, when controversies had not arisen, I was very favourably impressed, and I consider it my duty to say it on the floor of this House that I join every one in this House who has paid a tribute to the work of the army and the authorities there. My point is simply this : that after the army and the authorities on the spot had been carrying on their work for a number of days, certain complaints arose. Some of those complaints found expression in the press and in the course of the speeches that have been made on the floor of this House today some complaints have been specifically referred to. Possibly other Members in their speeches will refer to some other specific instances in which people have had reason to complain. What this Resolution demands is an inquiry and nothing more. The Resolution does not assume any guilt on the part of the authorities who handled the situation after the earthquake. Now, where is the harm if Government say with Sa'di—

*"An rá ki hisáb pákast, az muhásabá chi bákast"*

"If my account is perfectly clear, I do not fear an audit ; you people want an inquiry, come, have it. Everything is fair and square, you will find that nothing is wrong ; we are prepared to accept an inquiry."

I submit, Sir, the spirit in which this Resolution has been proposed, as far as I am able to judge, is one of wanting more light to be thrown on the many questions which have been raised relating to the management of the situation created by the earthquake, and to that extent, I think, it will be the height of statesmanship on the part of Government to offer an inquiry,—instead of acceding to the demand for an inquiry, they should offer an inquiry and say : "We are perfectly sure that everything has been done correctly, you people have some complaints, you think that certain mistakes or errors have been committed, you want an inquiry,—all right, come, have an inquiry". It may be urged, Sir, that an inquiry would entail expenditure of time and money, but I submit, Sir, that all that expenditure of public time and money will be amply justified, nay more than justified by the results, because the questions involved are of vital importance. The earthquake at Quetta was an unparalleled event in the history of India, if not in the history of the world. Well, a very large number of people were affected by the earthquake and the allegations which have been made against the way in which things were managed concern the good name and reputation of so many officers and of the Government itself. Well, the issues involved are very vital. Where is the harm, I ask, in acceding to this demand for inquiry ? In fact, it will be very good if you have

[19TH SEP. 1935.]

[Syed Ghulam Bhik Nairang.]

an inquiry in the way wanted by this Resolution. I may, Sir, submit in passing that it has become the habit of Government, whenever a fair demand for an inquiry is made, to oppose that demand. Only a few months ago, we had the Karachi firing. There were very loud complaints, there were so many demands for an inquiry, but all those demands were stubbornly refused. I doubt, Sir, if it was wise to refuse those demands for inquiry. What is the result? There are thousands and thousands of people in India who believe that really it was in order to hide the ugly facts that the Government did not grant the demand for an inquiry. Why, only the other day, on the 21st and 22nd of July, there was firing at Lahore in connection with the Shahidgunj Mosque dispute. All kinds of rumours were current in the Punjab. 14 responsible press men issued a joint statement making serious allegations and demanding an inquiry. A responsible public body like the Punjab Muslim League passed a very strong Resolution and demanded an inquiry, but there is no sign yet of those demands being listened to. This is the way in which, on every occasion when the public wants the matter to be inquired into, the Government turns a deaf ear to such demands. I submit, Sir, it is in the interest of the Government itself, in the interest of its good name, and its reputation, that the demand for an inquiry made by this Resolution should be granted. In fact I expect the Government will accept this Resolution and not challenge it. With these few words, I strongly support the Resolution.

**Mr. J. G. Acheson :** Sir, it has fallen to my lot to speak about that portion of the Resolution which deals with the evacuation of the sick and wounded from Quetta after the earthquake and also with the salvage of property. But before I proceed to deal with these matters, I would like to say a few words with reference to what was stated by the last speaker. He as well as some other speakers on the other side have tried to persuade the House that in some way it is to the advantage of the Government that they should accept this Resolution and that they should agree to a Committee of inquiry. I venture, Sir, to differ very deeply from that proposition. In effect, it amounts to this, that the Government is to accept the position of the accused in a Court; before a *prima facie* case has been established against it, before the complaint has been filed, before the affidavit of the complainant has been taken, the Government is asked to step into the dock. I submit, Sir, that that is not a fair proposition, and lest I should be accused of exaggeration, I would say that I have listened to every speech made by the Opposition very carefully, and I have heard nothing from beginning to end, except suspicions and allegations, without a shred of evidence to support them. If any Honourable Member were under any illusion on the point after hearing the very moderate speech of the Mover of the Resolution, I think, Sir, that illusion must have been shattered when he heard the eloquent and lengthy speech made by my friend, Mr. Lalchand Navalrai, a gentleman belonging I believe to the legal profession. As Mr. Lalchand Navalrai warmed up to his theme he actually went so far as to produce from one of his pockets the charges against the accused neatly written and framed! I have little doubt if he had been allowed another quarter of an hour, he would have produced from another of his pockets the judgment fully drafted,—and no doubt condemning the accused to death. For these reasons, Sir, and I think every reasonable Member of

this House will support me,—I object very strongly and vehemently to the terms of the Resolution—reasonable though it may appear, to an unthinking mind.

I now come to the two specific points on which I have been asked to speak. With the first, I do not propose to detain the House long because, as far as I have been able to hear them, no reference whatever has been made today in any of the speeches of gentlemen supporting the Resolution to the question of the evacuation of the sick and wounded from Quetta. From the silence of Honourable Members on the other side, I think it can be assumed that there is even less than the usual flimsy foundation for this particular allegation that there was any kind of neglect or ill-treatment of the sick and wounded who were evacuated from Quetta. Therefore, Sir, I will very briefly detail the facts, because although it may be said that it is dangerous to excuse oneself,—the French proverb says whoever excuses himself accuses himself,—nevertheless in this case, all that the Government wish to do is to place the House in full possession of the facts. They have nothing to fear and nothing to conceal.

As regards the evacuation of the wounded which, as I say, occupies one-third of the Resolution, it has not been dealt with by any of the supporters of the Resolution. The facts are that in the first fortnight after the earthquake, no less than 30,000 persons including very many sick and wounded and injured were evacuated from Quetta. One's imagination tends in time to become deadened by the stupendous figures in connection with the earthquake, but I would ask the House just to think what those figures mean. After the first day or so,—I am not quite sure when the first relief train came to Quetta,—a stream of relief trains began to come to Quetta bringing food, provisions, medical stores and so forth, and taking away those survivors who wished to leave Quetta, and that, I think, Sir, included every living soul in Quetta who had not got official occupation there. Not a single soul was evacuated from Quetta against his will. A certain number of patients had to be evacuated from hospitals which naturally suffered from overcrowding after the disaster, and in addition to this, there was a stupendous rush of terror-stricken people in the scene of disaster. The terror of the earthquake was weighing on the minds of all, and all were animated by one desire, one impulse, to remove themselves as quickly as possible from the scene of the terrible experience through which they had passed. The railway service, however, coped with that emergency, and I think it speaks volumes for the efficiency of the railway administration that they were able to carry out this enormous evacuation as expeditiously and as efficiently as they did. On the way to their places of destination all that was possible was done for the refugees at the stations *en route* in the way of refreshments, assistance, medical comforts, etc., but the principal assistance was that which was given to them at the stations of arrival. And here I may say that this work of attending to the refugees on arrival at their home stations and in their home towns and villages was the really great work which the public were able to do to assist the refugees. This was the form of assistance which was asked for by the Government, and in respect of which the Government's appeal obtained such a magnificent response. The problem was not so much to send additional men to Quetta, but so far as possible to decrease the number of souls in the stricken city.

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I turn now to the salvage of property. The case for the Opposition on this point was stated very reasonably, if I may say so, by my Honourable friend from Karachi. He represented the hardship which was caused to a number of survivors owing to the difficulty attending restoration to them of their property. The story can be simply told. It is not quite clear when the salvage of property was actually started, but it may be taken that for the first twentyfour hours the energies of all concerned on the spot were fully occupied with the salvage of life and not of property. During the second and third days individual salvage began, and on the third day, as far as I can make out from the reports, a certain amount of organisation was introduced in the salvage of property concurrently with the work of search for survivors. On the fourth day a salvage corps had already been established and efforts were being made to recruit further salvage corps from outside. It was at this stage that the medical authorities peremptorily and imperatively stopped further operations on the ground of grave risk of an epidemic. This was on the 4th June. There was then a gap from the 4th June to the 16th July when the first report of the Chief Medical Officer was available. On receipt of this report it was decided, though with some misgiving in view of the terms of the report, that it would be safe to start preliminary operations such as clearance of debris from the principal streets, and so forth, to prepare for the salvage of property in such houses as were only partially damaged, to which access was comparatively easy and in which there was reason to believe that there were no dead or only few dead buried. Steps were immediately taken to this end. Simultaneously, about this time further steps which were essential to the starting of a systematic salvage operation were also taken, namely, the issue of claims forms which were published in the form of an advertisement in the papers. This was a very essential measure because it enabled the authorities in Quetta to ascertain whether the inhabitants of each quarter were when the turn of their quarter came for salvage operations. Another step which was taken was the drafting of a Salvage Law, and this, I think, meets one of the points made by my Honourable friend, the Member for Karachi, in that the Salvage Law provides cheap and entirely gratuitous decisions of a semi-judicial nature as regards the disposal of property. If I am wrong on that point, I should be glad to be informed by my Honourable friend and I shall look into the matter.

**Seth Haji Abdoola Haroon :** No, you are right.

**Mr. J. G. Acheson :** Thank you. From the outset, this work of salvage was entrusted to an officer who is well-known to many Members of this House. I refer to Colonel Parsons, and those Members who have had the privilege of knowing this officer will agree with me that he is not a man who allows grass to grow under his feet. Under Colonel Parson's guidance a fleet of lorries was engaged, a large salvage corps was recruited and, I believe, put under a sort of military discipline which was very necessary in view of the arduous nature of the work, and the materials for laying down a light railway were obtained. Since the work started—I am rather anticipating now—since the work started, no less than eighteen streets have been cleared in addition to the two suburbs of Nachari and Kasi which Honourable Members will know. The property returned to the owners already totals Rs. 7½ lakhs. The chief

difficulty now is, I understand, to procure the presence of the claimants of property in sufficient time to keep pace with the work of salvage. I had better go back,—I am rather anticipating, I am afraid—the work of salvage of individual houses of the kind which I have described was started on the 1st August after the receipt of the second report of the Public Health Commissioner who by this time was satisfied that operations could safely begin on a limited scale, and I am happy to inform the House that a systematic salvage of all houses without restriction is now in full progress.

To sum up then, it will be seen that the suspension of the work of salvage work was forced on Government by imperative medical advice, and I ask Honourable Members to imagine what the nature and volume of criticism would have been if Government had disregarded that advice and if, in consequence, they had been faced with an epidemic among the surviving population of Quetta. What we have heard today in the way of criticism would have been a mere whisper compared with the storm which would have been about our ears raised in that event. The second point is that the salvage work has proceeded so quickly that, as I have said, it has been difficult to procure sufficient claimants to keep pace with the work. My last point is that the salvage has been accompanied by no looting and by no epidemic disease—two very great achievements to which I have heard no reference made I think by any of the speakers on the other side. These facts, along with those that have already been laid before the House by my Honourable friend, Mr. Tottenham, will, I think, convince any Member who had not already made up his mind before the debate, that there is not the faintest or the flimsiest reason for asking Government to accept a commission of enquiry on the handling by its servants of this national crisis—a handling which has been the subject of praise all over the civilised world. Sir, I vehemently and emphatically oppose this Resolution and call on all Members whose votes are not already pledged, to join me in opposing it. (Applause.)

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhammadan Rural) : I take the responsibility of having drafted the Resolution, though, by reason of the chances of the ballot, it fell to my Honourable friend, Mr. Raju, to move it before the House. Many interpretations have been sought to be put upon it, many insinuations are read into it and it is a matter of regret to me. The only explanation that I can give is the usual psychological one, which I hope my Honourable friends know very well—that you read too much into what obviously is a matter of enquiry, and not necessarily a charge. It is either a case of guilty conscience. Why do you read more into this Resolution than what in fact it says ? Why do you undertake to say, "We are accused of not having done our duty. Therefore, don't pass this Resolution" ? Why don't you, as men entirely unbiassed in mind, having done your duty,—why all persons must have an unstinted admiration for what was done—why do you read more into it than what the Resolution says ? But you do so in the hope that by so doing you will bring round a few friends by saying "Oh, we are condemned persons and, therefore, please vote for us". That certainly ought not to be the attitude of the gentlemen opposite who are in charge of a big Government,—the so-called national Government of this country. They ought to stand above this ingenious, somewhat astute and somewhat purposeful method of catching votes.

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Sir, in all the great calamities that have occurred, calamities of nature and particularly that which has been most frequent in this country, namely, famine—it has always been the purpose and the duty of Government to hold an inquiry even before that particular event is over as to whether or not the rescue or the relief operations, as they were called, have been carried out in a manner satisfactory to the Government, satisfactory to the public concerned and also for the purpose of providing a lesson for the future. I am one of those who have a vivid memory of the year 1901 when the Macdonald Commission came out and when famine was still raging in large parts of Gujerat and other parts of the country and did the Government then say that an inquiry could not be made as to whether the operations were rightly handled, whether the Government and their officers were ready with every kind of resource, for the purpose of future guidance. In an unprecedented calamity of this kind I would not blame any Government whatever for not having more than what it has at its disposal at the time. That is never the dispute. Let us not make a mistake of imagining that because the soldiers did their duty—I will take it—more than their human duty—we are trying to blame them. I will assume that it was their duty to do what they were called upon to do. I would not be cynical enough to say that if they had failed in their task they would have come in for blame but you cannot at the same time ask us to present an address of congratulation to them for doing what I submit they were bound to do. All honour to them that they did it but, to come and suggest that because we are asking for an inquiry into what might have been omitted, what more might be done and what lessons we may learn for the future, we are trying to blame them—well that is a piece of logic which I cannot understand. It is a method of argument which I cannot possibly understand and have not yet understood. My friend, Sir Hormusji Mody, might understand it, but certainly I have had a little more logic and a little more of business in persuading judges of the Courts to see the right point of view. It is no use pretending that by this Resolution we are condemning anything that is done. What we are attempting to do is to have an inquiry into what was done, what more could have been done with a view to taking a lesson for the future, so that in cases of calamities of this kind, the Government may not find itself unprepared. Geological science has progressed and in fact Government has been in possession of a considerable amount of information with regard to those deltas, those belts, as to whether calamities of this kind may be apprehended at some future date. You must, therefore, remember, that I wish the House not to read more into this Resolution than what it says. When any Member from this side of the House moves a Resolution, it is going to be your attitude “we must put our back to the wall and fight in the last trench”. I think that will be the last trench of a demoralised government which will look on questions from this point of view. Why do you accuse yourself before we accuse you? All we are trying to do is to find out what was done. How can you, within the limits of a quarter of an hour, hope to satisfy this House or the rest of the country as to whether what was done was enough. Why should you shirk an inquiry, if all the glorious deeds on which you ask for our commendation have been already done? If that is so, you will come out all the better out of this inquiry, all the more unscathed and all honour will be given to you. But you come and say “Who

are you to come and tell us what we are to do? We are the Government of this country. What we have done we have done and you shall rest content with that.” Well, that is a position which I am here to repel.

I ask you to read the terms of the Resolution and see whether the stimulated address of my friend, Sir Hormusji, has any basis at all. The terms of the Resolution are these and I submit that any responsible government, having nothing to conceal, would immediately agree to accept it. The terms of the Resolution are these:

“This Assembly recommends to the Governor General in Council that a Committee consisting of officials and non-officials may be forthwith appointed to investigate and report whether the situation arising out of the recent earthquake in British Baluchistan and particularly in the town of Quetta was properly handled.”

Now, what is wrong in that? It does not lay the charge on you that you have mishandled. Where is the accusation. My friend, Mr. Acheson, suggested, that Government is called upon to be accused at the bar—of whom?—of the committee which they will set up? The words are: “whether it was properly handled”. If they are so confident of the work which they have done, they ought cheerfully to consent to this inquiry and say “we will have it. After all, it is not merely a matter of *prima facie* proof. I wish it were possible to arraign you all before a Criminal court.” Then things would take a different shape; but that is not the issue at all. We are here dealing with a much more conciliatory, much more sensible and much more prudent Resolution and after all in every country, whether the Government is responsible or irresponsible, the Government owe it to the people of the country to remove all suspicions from their minds. My friend, Sir Hormusji, suggested, there may be an error of judgment. Let me assume for the sake of argument that there is this suspicion, that there was an error of judgment. It is due to the people at large that you should remove their suspicions. It is up to you to come forward and prove that there was no basis for any suspicion or rumour. But if you say: “you must give us your reasons for your suspicions about our mishandling and it is only then that we shall go before a court of inquiry”, then it is a really a case of who excuses himself accuses himself. All we ask is for an inquiry. If all the glowing accounts that you have given of your conduct are correct, what have you to fear? Are you afraid that some of these unfortunate sufferers will come before the inquiry and give their experiences which may not tally with your accounts? We cannot rest satisfied with your assurances that everything that could be done was done. We want the country to be satisfied. I, therefore, submit, Sir, that when we ask for an inquiry in terms which convey no charge, no insinuation but which undoubtedly demand an inquiry whether or not that matter was properly handled, that it is not a matter that any Government, without, as I say, a guilty conscience and with possession possibly of information which they dare not, and do not wish to, disclose,—it is not a matter that any Government can ignore. If, Sir, neither of these circumstances exist, they ought to cheerfully accept this Resolution: in fact it is the very resistance to Resolutions of this kind which creates and confirms the suspicions of all those people throughout the country as to the manner in which the situation has been handled. (Hear, hear.)

And, now, Sir, I will take you, within the short time at my disposal, to the next two branches of the Resolution which call for an

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inquiry. The Resolution says "particularly". Yes, why do we particularize,—and particularly in the town of Quetta, was properly handled, particularly as regards the search for and rescue of the living, wounded and buried, the salvage of property and the transference of the wounded and injured outside the affected area". Now what is wrong with that Resolution? What is the suspicion behind it? If you say: "we have rescued every person who could have been rescued; we have assisted every wounded that we could have assisted, and we have otherwise properly disposed of all people that have unfortunately struck down by this calamity", what, then, is the objection to our Resolution? What is the insinuation behind it? Sir, I cannot understand it.

But, Sir, there are certain documents published by or under the authority of Government which do really call for an inquiry, for it is easy to make oneself the object of pity and sympathy and to say—"here I am doing my duty, dying to do my duty, dead almost in the act of doing my duty, and here are these ungrateful people who are wanting an inquiry". Well, Sir, that is not, that ought not to be the way of a dignified and an innocent Government. Here, for instance, are certain facts namely, that at 3 A.M. in the night of the 31st May this horrible earthquake took place,—and there is an account given of the rescue work in an earlier statement published in the *Times of India* by the military officer addressed to General Sir Walter Leslie, and you have got a graphic and full account given at the very time, not made up afterwards, which will give you, Sir, the actual course of events that took place. He says, Sir, that: "on the 1st of June rescue work began at 7 A.M. and continued till 6 P.M.". That is the first statement that he makes. Then he continues, and I will continue the same subject of rescue—and he further says:

"Conditions in the bazaar were getting pretty bad." Then at page IV he says: "Second June was a very bad day for the troops and could hardly have been worse. Rescue work started at 7 A.M. and continued until about 2-30 P.M." And then he says: "It was decided at mid-day that rescue operation must cease."

That, Sir, is the account as given in that report that was submitted. Now the same account appears, namely, what was read out by my friend, the Honourable Mr. Tottenham, but the most amazing of all the salvage stories is that of the Indian woman in the city who was buried for two whole days and then it was found that she gave birth to a child! Then, Sir, from the very statement published by Government at page 10 of the red book, it appears that during the interval, meaning thereby, I presume, "up to the end of the mid-day of the 2nd of June", well, the eye-witness records that "during this period nine corpses were being exhumed for every single live person found". Now why must I take it from those who were in charge of these operations that every single person who may have been rescued was dead by the mid-day of the second of June? It is indeed—and I speak with great restraint—it is one of the most callous statements to make? Sir, human life is valuable, as I hope my friends recognize,—and why must it, therefore, have been taken for granted, and now I will deal with the point as to why I say it ought not to have

been taken for granted. It was not because a person here was suffering from an epidemic disease; it was the type of case where say a wall merely of a house tumbled down by reason of this movement of the forces below the earth: and who dare say that though the top-most story may have fallen down, there were not and could not have been very many—as evidenced by the facts disclosed of the case of this woman giving birth to a child after two days of interment, and numerous other similar cases—cases of persons being supported by rafters or otherwise such as were sufficient to keep human beings going and keeping them from being crushed to death who might still have been alive. And now all that is said is that you must assume that at the end of the mid-day of the second of June everybody who could be saved was dead. I submit, Sir, having regard to the nature, the very nature of this calamity, you cannot assume that many persons might not have been entombed and still be alive between the 1st of June and the mid-day of the second of June. Then, Sir, not only that; the matter does not rest there. When a telegram was sent to the Government, the very first answer that they gave was this. The Karachi reply was sent by the Commanding Officer: "No effort is being spared to recover the survivors from the debris of the city.....promiscuous digging has closed.....". But what is the systematic excavation? "Troops detailed were able to cope with all the work"!

Now, either we are to praise the heroism of the six thousand persons engaged in the maintenance of what you may call "utility services" and the remaining six thousand detailed for the purpose of this work! Sir, an immense calamity of this character surely would call for many, many more men indeed being occupied whole days together! And here it is solemnly and seriously said that when 26,000 persons were still buried and entombed, that the six thousand persons detailed were well able to cope with all the work! Sir, I am quite willing to give whatever credit is due to the troops, and we are grateful to them for whatever services they rendered and for which we pay, but at the same time I am not prepared to take every statement that the Government make at its face value. I am here to say that they ought to have realized that the paltry number of six thousand persons doing this duty was certainly most cruelly inadequate for the purpose, for, indeed time was the essence of the matter. Any intelligent person could have realized that the six thousand persons detailed for this work were of little value for the purposes of this huge task, which could easily absorb sixty-thousand men within the space of this time. And yet it is said—"we have done all we could"; and I will give you an idea, Sir, of when and how it could have been well tackled. I will give you, Sir, what is after all common knowledge. Karachi is fourteen hours' journey, Sukkur is seven hours' journey, Shikarpur is five, and Lahore is sixteen: and there must have been large numbers of people at work on the railway lines and otherwise who could surely have been drafted within a space of sixteen hours for undertaking this great work of humanity. And yet I am to be told here—"give us your praise: you are charging us; we have employed six thousand people on this work". But, after all, six thousand men surely were not at all enough to cope with the work that was to be done. And yet, when offer of help was volunteered, this Government turned it



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down! Sir, I ask your leave to read the answer they gave! Sir, it is not a personal question, it is a great question concerning people undoubtedly who were there. Sir, on the 1st of June the people of Shikarpore, through the Local Relief Committee made more extensive arrangements and chartered a special train to convey volunteers, foodstuffs, doctors, nurses and medical equipment. A large number of implements for excavation were also purchased. The special train was actually sanctioned by the authorities at Sukkur and was to leave at 4 P.M. on the first but was cancelled two hours before departure, that is at 2 P.M. on that day. Therefore, it is a matter of trifling with life! You say they are dead. Undoubtedly they are dead! May their souls rest in peace! But nonetheless we cannot accept the excuse that more might not and ought not to have been done. I still make no charge. Government during the course of that inquiry may be in a position to show that it was impossible to get more than 6,000 men to do the work of excavation for the purpose of saving life on the 31st, 1st and 2nd. But it is up to them to show it. After all, we have known what resources they employed and the facts are there. They had only 6,000 men and they would not have any more. Is this House ready to pronounce that they did not need more than 6,000 men and that these 6,000 men were sufficient for the purpose of carrying out excavation work and to save some of the 26,000 lives which were lost? Are we here merely to commend their work and to present them with addresses? Sir, they are burking the issue. We are not here to charge those who have done the work. They have done their work well in the sense that all the 6,000 people put their shoulder to the wheel. We are here to find out whether more men ought not to have been there. We are not saying whether these 6,000 men did not do their work properly but whether it was not up to them to have rescued in a larger measure during the period of time when it was possible to do so. It was a case in which people might have been so entombed and so covered that it might have been possible to rescue them. In fact, it is common ground that only wherever the soldiers heard any sound of a living person crying for help that they attempted to see whether or not it was possible to rescue a living person. But was that enough in a case of this magnitude? Then, Sir, there is another thing to which I must refer. What happened after the 2nd of June? This is what the report says:

"From the 3rd of June to Saturday evening, the 8th of June, troops were hard at work from 7 A.M. to 6 P.M. digging out the property of residents in Civil Lines and Cantonment area."

Now, Sir, what right the man in charge of these operations had to detail the soldiers to do this work? Even if the operations had proved to be futile it was his duty to have employed every single man that was available within the limits of the Quetta City for this rescue work for life even if it had turned out that they could rescue even one life out of one hundred. They had no business to turn away these 6,000 men from the work of rescuing life to the work of rescuing beautiful China. If these 6,000 men were allowed to continue their operations in the "native quarters", and had been able to dig in the hope and expectation that one more life might have been saved, I would have said: "All honour to them." But, on the 2nd of June, they said: "We

shan't do any more. We assume that everybody is dead." And then they go on to do this great work and say: "It is amazing to find the amount of stuff that had been recovered." Sir, what is more amazing to me is that some more lives were not recovered out of that debris. They say: "It is amazing the amount of stuff that was recovered undamaged; furniture, clothing, even jewellery, silver and glass was in many cases dug out from beneath the bricks, etc." Sir, if it was possible to dig out the debris ten feet high in order to get jewellery, silver, glassware, furniture and clothing, might they not have dug ten feet debris in the city during those days, even on the mere off-chance of finding some persons alive? This is a charge that I make but it is not a charge in the sense of making anybody answerable for it. But the point on which I lay great stress is this that the assumption and declaration that on the afternoon of the 2nd of June every single human life had been dead and, therefore, it was not at all necessary to do any further work for the purpose of rescuing life and utilising those persons who were available for the purpose of finding out clothing and jewellery in the Civil Lines and the Cantonment area was a grossly atrocious act. The report goes on to say:

"The troops have been particularly successful in salvaging what the dentists call dental plates. All the owners have had their property restored to them intact and undamaged."

I say no more damaging statement could have emanated from any responsible Government when they say this:

4 P.M. "On the 2nd of June, we assumed that everybody was dead, but we did not assume that every piece of furniture had been broken. We must dig ten feet in order to find furniture, but we must not dig five or ten feet deep and continue to do so for the purpose, or even on the off-chance, of saving human life." That is why we have the second part of the Resolution which says: "particularly as regards the search for and rescue of the living, wounded and buried". Sir, why should anybody assume that on that fateful day, the mid-day of the 2nd of June, everybody had been dead and it was quite unnecessary to use even the resources that were available—let alone anything else—for the purpose of saving more lives? I am afraid I have not got much time at my disposal but there is one other point to which I must call the attention of the House. Offers were received from the Red Cross Association and other bodies and I honour all those who did that great humanitarian work. I wish to emphasise again and again that I honour every single man who engaged himself in this rescue work and did what he could. But that is not the issue. The real issue is: Firstly, why did you not try to have more men and, secondly, did you not apply your available resources to the higher and the better purpose? That is the issue and it is the issue which cannot be burked. That inquiry, I hope and trust, Government for their own purposes and not for the purpose of clearing their character will accept. Of course, they are honourable men and far above any charge but nonetheless there is such a thing as the people of India otherwise they would not have anybody to govern. And, in order to satisfy these people of India, it is necessary to have a committee of inquiry. After all, it is not the Treasury Benches alone who concentrate within themselves and within their own souls all the available vitality and all the useful vitality of this land. I hope and trust that they will imagine that there is a humanity besides those who sit on the

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other side of the House and those who choose to associate themselves by reading red books and other books. I say, therefore, Sir, that it is not the work they did that is condemned. What is condemned is the manner in which they did that work. I have no time to go into the details but the details are all available and will be available if my friends still think it worth while consenting to have a committee of inquiry. Offers were made from time to time from every available source not more than ten hours journey from the scene of disaster in order to render assistance but those offers were turned down with this remark: "We have enough resources and they are adequate enough to cope with the work." Either it was an error of judgment or it was the deliberate policy of Government. Nonetheless if that was the attitude that he took, why should not he stand an inquiry. If he said: "I have got 6,000 men and I have got 60,000 lives to save and I don't care whether they are saved or not but, for some reason or other, I won't allow you to come in", he should be prepared to face an inquiry also and justify his conduct. After all, the people who cared to go were volunteers and they would not have blamed anybody if anything happened to them as the result of the dangers which were mentioned. They were going there in the hope of saving their own brethren, their own kith and kin and their own children whom they would have liked to save even at the risk of their own lives. On such occasions you must take risk and they were prepared to take it. After all conditions were not so bad at Quetta at that time. Water did not fail; sanitation did not fail; epidemics did not break out. Therefore, what I am suggesting is that for the second part of my Resolution, on the materials put by the Government themselves they have made out a perfectly clear case of inquiry.

The third part of my Resolution is:

'the salvage of property and the transference of the wounded and injured outside the affected area.'

I have no time to address myself in detail to the question of salvage of property but it is put in there for the important reason that the task of this committee would be to suggest measures in order that this property may be restored to their true owners in the most expeditious way possible. For indeed there is always an economic disaster following upon such a calamity, limited though it may be, and such disaster should be met and cleared in the shortest possible time. Coming, Sir, to the transit arrangement for the wounded and the injured, I beg to leave to say a few words before I conclude. This is the report shortly made after it had occurred:

"The first train which reached Karachi conveying the Indian wounded contained 288 patients. It was not an ambulance train but an ordinary troop train. The patients with fractured arms, legs, and hip bones were brought all the way from Quetta in a troop train with three berths one over another. An eye witness states that the whole train was stinking as it arrived at Karachi. The sanitary arrangements were inadequate and defective, especially as the movement of patients with broken limbs lying on the two upper berths was difficult. Some patients had developed gangrene. Four had died on the way. Doctors and nurses with the train were insufficient. When the train arrived at the Karachi platform, many of the patients despite their broken limbs had to be taken out through the windows of the compartments."

It is admitted by them that, up to the 8th of June, no ambulance train brought any Indian wounded.

Sir, I have done. My submission to you is this. My Honourable friend, Mr. Acheson, said, he was appealing to those who had not already made up their minds. May I humbly re-echo his words. May I humbly say that to those who have not made up their minds merely to allow the Government, as I said, each time, to adopt this particular obstinate and stubborn attitude of saying, "who are you to question us"—We are not questioning you. We are only humbly knocking at your door in order that you may lay the whole information about all the work you did at the disposal and before an impartial enquiry. But there is a two-fold purpose in this Resolution. It is first to find out what has been done and what ought to have been done and why every offer was rejected and secondly this Commission of Enquiry would also have the purpose of suggesting means and measures and ways of expeditiously dealing with this unfortunate chapter in so far as its economic aspect is concerned. Much more than that, we will know what had been done. We will then know how much has been done and how much we will have to do in future when a calamity of this kind occurs, so that the Government of the future would be prepared as to the best way and the most efficient way of meeting a calamity to the extent to which such unprecedented, unanticipated and unexpected calamities are capable of being met. Sir, I do appeal to the good sense of the House not to raise wrong issues, not to pretend and save their conscience that they have answered them. We are not charging that the troops did not do what they were called upon to do and, therefore, any amount of praise of them is not going to cover the real purpose of the enquiry. All honour to those who did the work. On behalf of those whom I represent, insignificant though we are in power (Laughter), but significant as we are in numbers, on behalf of those whom we represent, and we claim to represent (Hear, hear), it is on their behalf that every assistance given is most suitably and appreciably acknowledged, but we are not going to allow that to be an excuse for burking an enquiry. Therefore, let the issue be clearly faced. We make no charges, enquiry. Therefore, let the issue be clearly faced. We make no charges, we make no insinuations. I would have been very glad if the Government were arraigned at our bar, but at present all we are asking for is to set up a committee, and ask the Government to place all their materials honestly and straightforwardly and candidly and fully. Let us have our say, let the sufferers have their say and let the Commission then pronounce upon it. Therefore, I ask those who have not made up their mind, I call upon them in the name of India, in the name of those who have suffered, in the name of those for whom you pretend to sit here, even though nominated or elected, I call upon each one of you to support a Resolution which conveys no insinuation and which only demands an enquiry. (Applause.)

**The Honourable Sir Henry Craik:** Sir, before I address myself to the specific issues raised by this Resolution, I should like, with your permission, Sir, to say one word to voice the feelings that must, I think, be uppermost in the minds.....

**Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban):** Mr. President, you have now called upon the Honourable the Home Member. Does it mean, Sir, that the debate is over? I want this information. The Honourable the Leader of the Opposition spoke for 32 minutes. Does it mean that the debate is over and the Honourable the Home Member is replying or will other speakers be allowed after the Honourable the Home Member?



**Mr. President** (The Honourable Sir Abdur Rahim) : That question does not arise now.

**Sir Cowasji Jehangir** : May I point out, Sir, that it does arise in this way. The rule is that only 15 minutes are allowed to a speaker, but, by your gracious orders and your permission, the Leader of the Opposition has been allowed 32 minutes. I do not see why other speakers should be deprived of their privilege of addressing the House. I want to know whether I will be deprived of my privilege of speaking.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair has at present called upon the Honourable Sir Henry Craik to address the House, and, when he has finished, and, if the Honourable Member, who has addressed this question to the Chair, rises, then, the Chair will consider. (Hear, hear.)

**The Honourable Sir Henry Craik** : Before I address myself to the specific issues raised in this Resolution, I should like to say one word to voice the feelings of sorrow and sympathy which I think must be uppermost in the minds of every one of us when we consider the terrible calamity which is the subject of our discussions today. It is no conventional expression of sympathy that I voice because it seems to me that there were features about the Quetta tragedy, its terrible suddenness, its finality, its completeness which make a peculiarly poignant appeal even to a generation like ours which has lived through the four most terrible years in recorded history. The tragedy of that peacefully sleeping city wiped out of existence in one second of time surpasses in its stark horror anything I think that occurred even during the four years of the Great War. I think our second thought must be this. How puny a creature is man when confronted with these terrible forces of nature and how infinitely trivial are our petty struggles and disputations and disagreements ! One would have hoped that at a moment like this, the entire sentiment of the whole country without one dissentient voice would have found expression in a resolution of sorrow for the dead and a single-minded desire to do all that is possible to comfort and succour the survivors. Unfortunately, this was not to be. Although the disaster has called forth the deepest sympathy of the whole world and the steps that have been taken to cope with it have evoked the admiration of the whole world, it was left to the Party opposite to strike a note of discord, and in its incessant desire to use any weapon to destroy the prestige of the administration, to use its own words, it has brought forward a Resolution which as I hope to show is founded on prejudice, on unfounded rumours and on distortion of facts.

The speakers for the Resolutions have disclaimed any idea of blaming the troops or the men on the spot. But the three points covered by the Resolution are specific and definite. All of them relate to the action taken by the troops and the men on the spot and all of them call for an enquiry in regard to that action. It is idle to assert, as the Honourable the Leader of the Opposition has asserted, in one breath, that you bring no charge and in the next sentence to bring forward what he himself described as "a most atrocious charge". If that is the Opposition Leader's logic, then in his own favourite phrase I make him a present of it. This specious claim for an inquiry cannot, I submit, for a moment be sustained. We are asked why, if Government have nothing to conceal, do they not agree to an inquiry and indeed why they have not themselves

asked for an inquiry ? That is not my view at all. We inquire when we think there is anything to inquire into. In this case we are perfectly satisfied that our officers and our men did all that was humanly possible in a most difficult situation ; and we are content to accept the verdict already given by the entire civilised world in no hesitating way, that they did their duty in the most humane and courageous manner possible. Throughout these incidents the Viceroy, the Commander-in-Chief, and the Government of India have been in daily and hourly touch with the men on the spot. No step was taken without our fullest approval and nothing was done of which we were unaware. We are not going to cast on the honour of the army, British and Indian troops alike, the slur that would be implied by accepting this Resolution.

Sir, the charge against Government as it was originally framed in the motion of adjournment tabled on the first day of this Session, but not moved for some obscure reason of which I have no knowledge, was that we had refused to grant permission to two political leaders to proceed to Quetta. Our reasons for refusing permission to them were based on no political grounds ; the prohibition was general and everyone was treated alike. The reasons had been explained at length in statements issued by Government, but as they have been discredited or disbelieved by speakers this afternoon, I feel it my duty to repeat them. The reasons why entry into Quetta was refused after, but not before, the 2nd June, when a second and much worse shock of earthquake occurred, were as follows. There was a very grave risk of failure of the water supply. We are told, it did not in fact fail and where was the risk ? It was almost a miracle that it did not fail. Water is brought from a great many miles away and any one of these shocks,—and there have been almost daily shocks since the end of May,—might have broken down the water supply. The second reason was the risk of interruptions on the railway. The railway line on this side of Quetta has many long tunnels and it is only a single track line. One bad shock brings down one tunnel, and the place is cut off from the outer world except by road or by air. Then thirdly, there was the danger of the outbreak of serious epidemics. There again Honourable Members who spoke for the Resolution have taken the sneering line that there was no danger because there was no epidemic. That seems to me to be a completely fatuous line of argument. With thousands of corpses and millions of flies feeding on those corpses, in a place where typhoid, malaria and cholera are always endemic, there was the very gravest fear of an outbreak of disease ; and the more people in the place, the graver the fear. It was only the extremely fine work done by the doctors on the spot and the rapid reinforcement of medical personnel and the supply of medical prophylactics and necessities that averted that danger. Fourthly, there was the scarcity of food supplies and the total absence of accommodation of any kind. That is one thing to which no speaker today has referred. Every house in the place was either flat or was too dangerous to live in, and the only accommodation available was the tents which the military were able to supply. By the 2nd June the supply of tents had been exhausted and there was no accommodation for any one else of any kind whatever. Many of the wounded survivors were at that time necessarily lying out in the open because there was no cover to put them under. Fifthly, there was the necessity of conserving all forms of transport by rail, road or air for the carriage into the affected area of medical personnel and medical stores, and for the carriage out

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of the area of the wounded and refugees who desired to be evacuated. And lastly, there was the danger, which subsequent experience proved to be very well founded, of further shocks of earthquake causing possibly loss of life, in any case loss of nerve, and increasing the difficulties of those who had to deal with the panic-stricken refugees. The situation by the 2nd June. was in short one where there was no need of any further help on the spot. People were being evacuated as quickly as possible; the first duty of the authorities then was to evacuate these panic-stricken people and the sick and wounded from Quetta so that none should be left but the able-bodied and the unwounded, who would naturally be more capable and better fitted to resist disease.

In such circumstances, the arrival of any additional relief party would have merely been embarrassing to the authorities. I should like again to emphasise that up till the 2nd June there was no prohibition. As Mr. Tottenham has pointed out, anybody who arrived up to that date was allowed to come into Quetta; and several small relief parties did arrive and something like 3,000 individual visitors. But, after the 2nd June, any more would have been a hindrance rather than a help and would have greatly added to the difficulties of the men on the spot who had most urgent work to do. Relief work was then in the hands of a large and splendidly disciplined force of men. Casual helpers under no discipline, possibly indifferently led, who had to be fed, accommodated, housed and medically looked after, could have been of no assistance whatever. They would merely have been so many more mouths to feed and would merely have meant turning out into the open people who had a better right to shelter than themselves. The scope for relief work then was in the relief camps started in various parts of India and in these camps splendid work was done by voluntary workers including, I am glad to acknowledge, many Congress organisations. But in Quetta itself at that time there was no scope for unofficial relief work.

I do not know that I need refer further to the question of the exclusion of these two political leaders, but I would make one observation on this point. Mr. Gandhi did not apply to go to Quetta till the 6th June. He then wrote a letter which reached Simla on the 8th or 9th. Even had permission been given to him he could not possibly have arrived there till the 11th or 12th at the earliest. The Congress President, Babu Rajendra Prasad, never made any suggestion that he should go to Quetta himself, but merely asked that relief parties should be allowed to go.

Sir, the gravest of the three charges against Government is as regards the search for and rescue of the living, wounded and dead. I should have thought that Mr. Tottenham's speech this morning had fully met the case on that particular point, but evidently from the speech we have just heard it has not carried the conviction that it ought to have to the Benches opposite. The Honourable the Leader of the Opposition has said it was a callous and a brutal assumption to make that there were no survivors after the 2nd of June. Nobody ever made that assumption: no such assumption was made; it was thought probable—and I think on very good grounds—that those who were buried under the ruins must all have perished by that time; but no assumption was made that there were no living persons under the ruins, and the search for

possible living did not stop on the 2nd of June as has been asserted, but went on continuously till the 7th June. It is true that on the 2nd of June the conditions in the city were so appalling and insanitary that work had to be temporarily suspended, because it was not safe to let men go on working without gas-masks of some kind. But the patrolling of the city went on continuously after that date and by the next day, I think, gas-masks had been served out and parties were working regularly with gas-masks. By the 4th June, a regular salvage corps had been organised of local labour, and was at work again on an intensive scale. The misunderstanding as regards that particular point, I think, has largely arisen from the use in one of the statements of the expression: "The city has been sealed." That was understood to mean that an impenetrable cordon of troops or police had been drawn round it and that nobody, military or civilian, was allowed to go inside. I admit that that was a very misleading expression. In actual fact it only meant that all excepting the military were cleared out of the city on the 2nd of June and that thereafter the only parties allowed to work in the city were military parties. But it does not imply—and that is the point that I want to drive home—that work of searching for possible survivors in the city ceased on the 2nd of June: it did not so cease: it went on continuously till the intensive drive through the city on the 7th June showed conclusively that there could not be a living soul in the city. That precaution which was described as "sealing up" was taken on sanitary grounds. It was impossible, without grave risk of infection from thousands of putrefying corpses, to allow anybody to work there except under the strictest medical precautions and the strictest control and discipline.

I have said that the people on the spot made no assumption that nobody could possibly be alive after the 2nd of June: but the people on the spot did consider that it was most improbable that there were any survivors after that date and, as a matter of fact, the only case of a survivor being dug out alive after the afternoon of 2nd June was the woman who was dug out with a baby on the 4th of June—what has been described as a miraculous escape. The conversation I had the other day with Mr. Hogg, to whom Mr. Tottenham referred, the Leader of the Boy Scouts, who did such magnificent work in handling and disposing of corpses, seemed to me the best possible corroboration of the view taken by the men on the spot on that point. Mr. Hogg went to Quetta on the 10th June and stayed there with his burial parties, as he called them, of Rover Scouts till the 23rd of August when he was struck down by sun-stroke and came here on a few days' holiday: he has now gone back to resume the splendid work that he was doing. All the corpses dug out by the salvage parties were handled by Mr. Hogg's three burial parties: whenever a salvage party came across a corpse, they called up one of these burial parties and Mr. Hogg saw every corpse himself: there were by the time he spoke to me over 600 of them; and he assured me that hardly one of them had not been killed instantaneously. There were none that showed any signs of struggle, and the few, the very, very few, that were found outside their houses and not lying on their beds, were buried under sometimes 8, sometimes 10, sometimes 12, and sometimes more feet of rubble and debris. Their death too must have been instantaneous or practically so. That is the strongest corroboration of the correctness of the deduc-

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tion drawn by those working in the city, that it was exceedingly improbable that after the first forty-eight hours, there could have been any survivors.

Much has been made both in this House and in the newspapers of the statement that in the Bihar earthquake many people were dug out after five or six or seven days. That seemed to be assumed as *a priori* correct. But I had the curiosity the other day to write to the Bihar Government and ask them whether they had heard of any case of such a rescue; and I was told that there was no case whatever on their records, and that though certain stories to that effect had been going about at the time, there was no authentic and proved case of such a rescue. In any case even if there had been an authenticated case, it would prove nothing. The conditions of the Bihar earthquake were completely different from the conditions of the Quetta earthquake. In Bihar the earthquake took place at 2 o'clock on a winter afternoon. Nobody would be asleep at that hour or hardly anybody; and most people would be either out of doors or sitting on their verandahs, and naturally a very large number succeeded in escaping. Moreover, the destruction of buildings was nothing like on the same scale as at Quetta. Many buildings were no doubt destroyed, but there was no case, so far as I know, of the complete and utter destruction of a whole town or even of an entire bazaar. In Quetta city I believe it is correct to say that every building went flat at once.....

**An Honourable Member :** So was the case at Monghyr—two miles long and one mile broad.

**The Honourable Sir Henry Craik :** In Quetta city, I believe, not a single building was left standing and there is no analogy between the extent of the loss of life in Bihar and in Quetta: in Bihar the earthquake was spread over a much wider area, but the loss of life was infinitely less. (Interruption.)

Now, those who assert that many could have survived after the first two or three days have tried to bolster up their theory by a most malicious and cruel story—cruel because it must have caused pain to the man's relations—that appeared in the press of a man who had dug himself out of a shop—a sweetmeat seller's shop, no less than 47 days after the earthquake. This was all related most categorically and circumstantially: the man's name was given and so on: the story of how he had been buried in his shop and how he dug himself out with the iron ladle with which he stirred his sweets. That struck us at once as a most peculiar story and we made investigations. It was found that though there was a man of that name living in Quetta, and though he did keep a sweet shop, he never slept at his shop, but he slept in his house at some distance from his shop; no living soul has since seen him since the earthquake, and the inference is that he as well as his family perished, not in his shop at all but in his house. The inventive malice that can produce a story like that, entirely false and utterly unsubstantiated, is really almost incredible, but I have seen in the press other stories almost as absurd as that. There was one, I remember that appeared in a paper, a strong supporter of the Congress party and a paper that pretends to be very reputable, the *Hindustan Times*,—it claims to be

that,—there was a story of an Anglo-Indian called Brookes, who at the relief camp in Delhi had told the representative of this paper of his own horrible experiences in the earthquake. It was stated that he was serving in the Government Dairy Farm or Grass Farm,—I forget which,—at Quetta, and when his house collapsed, he was left with his head and shoulders sticking out, but his wife was less lucky, as only her hands were above the surface. Some soldiers came along and they pulled him out at his urgent request. After they had been hacking about with their spades—and it was said that they broke several peoples' arms and legs in their indiscriminate digging operations,—they came near the debris where his wife was lying helpless, and he said "Rescue my wife, her hands are still moving", but he alleged that they callously walked away and left her to die. That story was printed with every circumstance of detail, with every appearance of truth. We made investigations, and we found out that not only was there no man of the name of Brookes employed by the Grass Farm, Dairy Farm or any other department in Quetta, but for six years there had been no one of that name on the roll of any Military department in Quetta. The Grass Farm was outside the zone of the earthquake, and no damage was done there at all. Brookes himself was found to be a drunken, half-witted loafer who was taking shelter in the Delhi relief camp along with other refugees, and he is now, so far as my inquiries have carried me, in a lunatic asylum. That is the sort of stuff out of which foul charges are manufactured against the soldiers!

There was another instance about which my friend, Mr. Satyamurti, was good enough to make inquiry across the floor of the House the other day, and this came to our notice in this way. At the end of a political meeting in England which was addressed by a lady whose name must be familiar to many Honourable Members, the Duchess of Atholl, an Indian from the audience came up to her and handed her a letter which he had received from his brother in Karachi. The brother related the experiences of a friend who had kept a draper's shop at Quetta. The draper had told his friend in Karachi, who had written to his brother in England, the following story, that his shop collapsed, that though he himself was uninjured, he saw many people all round buried under the debris, and British soldiers came along and deliberately tore off the rings from the hands of dead or dying women. They then looted this man's shop and helped themselves freely to his stock. He then in despair went to the officer in charge of transport and asked for a pass on the railway. The officer refused to give him a pass unless he paid him a bribe. That was pretty detailed and pretty circumstantial, names were given and so on. We got hold of the brother in Karachi. We got hold of the actual draper. The former was described by the officers who interviewed them as an unreliable youngman and likely to be influenced by unreliable stories. But the actual man (the draper), who had been in Quetta, denied the truth of every allegation repeated in the other man's letter and denied that he had ever made any such statements. That is the kind of thing with which we had to compete in the press. But that by no means exhausts the abominable stories.

A Cawnpore paper published a statement alleged to have been made by a gentleman called Dr. Muhammad Ismail, Medical Officer to His Highness the Khan of Kalat. This Doctor is said to have told a

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representative of a paper that if salvage operations had not been delayed, many more live persons could have been saved from the debris, and the complaint was that the work of digging was not done properly and that the soldiers worked very carelessly. Well, there again was an allegation we could follow up. We found Dr. Ismail, who is or was the Medical Officer to His Highness the Khan of Kalat. He denied that he made any statement of that kind to any newspaperman. He is alleged to have made the statement to a newspaper correspondent at Amritsar. It was discovered that he never even left his railway carriage at Amritsar on his journey to his home which was further south. He had made no mention of the subject of Quetta or relief work during the whole of his journey to any correspondent of any newspaper, either in Amritsar or elsewhere.

Then, there was another story in the *Hindustan Times*, that stalwart organ of the Congress party. Here again full names were given. Patram, son of Ishwardas, contractor, made written statement, it was said, to the camp authorities at Quetta, the substance of which was that his Munshi had notes worth Rs. 500, when some soldiers turned up and snatched away the money and distributed it among themselves. We traced with some difficulty Mr. Patram, who actually turned out to be a mason working on daily wages. He made a statement to the effect that British soldiers took away no money of his, but on the contrary they helped him in every way they could, and had treated him with the greatest kindness. (Official Cheers.)

Then a Saharanpur paper produced what I may call a really horrifying story of the atrocities committed by the military. Terrible stories of women who were refused help, and who recounted "the diabolical nature of the military administration". The military forcibly took away what jewellery they could get hold of. No name was mentioned, and we could not follow it up, but the paper was challenged, and the editor admitted that the whole story was an absolute lie from beginning to end and published an apology. I have said enough to illustrate the kind of stories, the kind of foul slanders that have disfigured a certain section of the press. Then I am asked to agree to an enquiry which, in spite of the moderation of the speeches made in this House, is, in essence, based on that kind of rumour, that kind of allegation. In every single case where it was possible to follow up the allegation, it was followed up and shown to be entirely and utterly without foundation except a foundation of malice and hatred. As I say, in essence the demand for an enquiry is based, as was admitted by many Honourable Members who spoke on the Resolution, on the fact that there are rumours about, and I have given you some specimens of these rumours. Into such rumours I entirely refuse to enquire further than I have done. If Honourable Members opposite would realise the contempt and indignation roused among the troops themselves by this kind of horrible slander, they would have hesitated before bringing forward such a Resolution.

The Leader of the Opposition has favoured the House with one of his usual brilliant orations. This time he indulged beforehand, like a popular *prima donna*, in a preliminary flourish of advertisement. We were told in another organ of the Congress Party, *Roy's Weekly*, just before the Session began.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Is it a Congress organ ?

The Honourable Sir Henry Craik : Is it not ? Then, all I can say is, I do not know why it publishes accounts of the debates in this House in the way in which it does. However, that paper said in an issue of last month that the Leader of the Opposition would speak on Quetta. Then, mind you, there was an adjournment motion contemplated, but apparently the Leader of the Opposition thought that it was better to have a wider field for his talents. We were told that his speech would be "the most sensational speech of the Session", that the Leader of the Opposition would not say a word that we was not "heavily docketed with incontrovertible facts". We were warned in advance that all those who wanted to hear his epoch-making speech should immediately apply for tickets to the gallery. I do not know whether the House considers that his speech has lived up to that preliminary puff. For myself I admit I entirely enjoyed it, and with all sincerity I congratulate the Leader of the Opposition. I have never heard a worse case more ably presented. (Cheers.) His case is as weak as any one I have ever heard. Specious pleas are put forward. "Grant an enquiry. What have you to lose ? You have nothing to hide. Grant an enquiry. We make no charges". And in the next breath most disgraceful charges are made ! In fact, we are to go into the dock, as the Honourable the Foreign Secretary said, with the charges ready framed against us, and to submit ourselves to what I suppose would be called an impartial jury largely composed of Honourable gentlemen opposite.

An Honourable Member : Are we not impartial ?

The Honourable Sir Henry Craik : Thank you, very much. We are not going to accept that invitation.

Sir, we have often heard from Honourable Members opposite the use of the term exploitation,—that we are exploiting the starving masses of India and so on. Is there a lower form of exploitation than exploiting this dreadful tragedy which has horrified the whole world, in order to gain a political advantage ? That is the lowest form of exploitation I can imagine. Sir, as I have said, every step taken at Quetta was taken with the approval of His Excellency the Viceroy, His Excellency the Commander-in-Chief and the whole Government. If anything wrong has been done, we assume the responsibility. The responsibility is not that of the men on the spot ; the responsibility is ours. And we are to walk into the dock on these unspecified and unprovable charges ! If we are satisfied with what our agents have done, why should we agree to an enquiry ? (Cries of "Oh !" from the Congress Party Benches.) As regards the men on the spot, as I have said, we are perfectly content to leave their actions to the judgment of the world at large, and I claim that the civilised world has pronounced its verdict in an unmistakable fashion on the splendid action taken by the troops, on the courage and humanity with which they discharged their duty. We shall not have an enquiry, and we shall not be deflected from our decision by any arguments put forward by a political party whose only object is to employ any means, to exploit any incident in order to discredit the Government. (Loud Applause.)

Some Honourable Members : Let the question be now put.

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representative of a paper that if salvage operations had not been delayed, many more live persons could have been saved from the debris, and the complaint was that the work of digging was not done properly and that the soldiers worked very carelessly. Well, there again was an allegation we could follow up. We found Dr. Ismail, who is or was the Medical Officer to His Highness the Khan of Kalat. He denied that he made any statement of that kind to any newspaperman. He is alleged to have made the statement to a newspaper correspondent at Amritsar. It was discovered that he never even left his railway carriage at Amritsar on his journey to his home which was further south. He had made no mention of the subject of Quetta or relief work during the whole of his journey to any correspondent of any newspaper, either in Amritsar or elsewhere.

Then, there was another story in the *Hindustan Times*, that stalwart organ of the Congress party. Here again full names were given. Patram, son of Ishwardas, contractor, made written statement, it was said, to the camp authorities at Quetta, the substance of which was that his Munshi had notes worth Rs. 500, when some soldiers turned up and snatched away the money and distributed it among themselves. We traced with some difficulty Mr. Patram, who actually turned out to be a mason working on daily wages. He made a statement to the effect that British soldiers took away no money of his, but on the contrary they helped him in every way they could, and had treated him with the greatest kindness. (Official Cheers.)

Then a Saharanpur paper produced what I may call a really horrifying story of the atrocities committed by the military. Terrible stories of women who were refused help, and who recounted "the diabolical nature of the military administration". The military forcibly took away what jewellery they could get hold of. No name was mentioned, and we could not follow it up, but the paper was challenged, and the editor admitted that the whole story was an absolute lie from beginning to end and published an apology. I have said enough to illustrate the kind of stories, the kind of foul slanders that have disfigured a certain section of the press. Then I am asked to agree to an enquiry which, in spite of the moderation of the speeches made in this House, is, in essence, based on that kind of rumour, that kind of allegation. In every single case where it was possible to follow up the allegation, it was followed up and shown to be entirely and utterly without foundation except a foundation of malice and hatred. As I say, in essence the demand for an enquiry is based, as was admitted by many Honourable Members who spoke on the Resolution, on the fact that there are rumours about, and I have given you some specimens of these rumours. Into such rumours I entirely refuse to enquire further than I have done. If Honourable Members opposite would realise the contempt and indignation roused among the troops themselves by this kind of horrible slander, they would have hesitated before bringing forward such a Resolution.

The Leader of the Opposition has favoured the House with one of his usual brilliant orations. This time he indulged beforehand, like a popular *prima donna*, in a preliminary flourish of advertisement. We were told in another organ of the Congress Party, *Roy's Weekly*, just before the Session began.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban): Is it a Congress organ?

The Honourable Sir Henry Craik: Is it not? Then, all I can say is, I do not know why it publishes accounts of the debates in this House in the way in which it does. However, that paper said in an issue of last month that the Leader of the Opposition would speak on Quetta. Then, mind you, there was an adjournment motion contemplated, but apparently the Leader of the Opposition thought that it was better to have a wider field for his talents. We were told that his speech would be "the most sensational speech of the Session", that the Leader of the Opposition would not say a word that we was not "heavily docketed with incontrovertible facts". We were warned in advance that all those who wanted to hear his epoch-making speech should immediately apply for tickets to the gallery. I do not know whether the House considers that his speech has lived up to that preliminary puff. For myself I admit I entirely enjoyed it, and with all sincerity I congratulate the Leader of the Opposition. I have never heard a worse case more ably presented. (Cheers.) His case is as weak as any one I have ever heard. Specious pleas are put forward. "Grant an enquiry. What have you to lose? You have nothing to hide. Grant an enquiry. We make no charges". And in the next breath most disgraceful charges are made! In fact, we are to go into the dock, as the Honourable the Foreign Secretary said, with the charges ready framed against us, and to submit ourselves to what I suppose would be called an impartial jury largely composed of Honourable gentlemen opposite.

An Honourable Member: Are we not impartial?

The Honourable Sir Henry Craik: Thank you, very much. We are not going to accept that invitation.

Sir, we have often heard from Honourable Members opposite the use of the term exploitation,—that we are exploiting the starving masses of India and so on. Is there a lower form of exploitation than exploiting this dreadful tragedy which has horrified the whole world, in order to gain a political advantage? That is the lowest form of exploitation I can imagine. Sir, as I have said, every step taken at Quetta was taken with the approval of His Excellency the Viceroy, His Excellency the Commander-in-Chief and the whole Government. If anything wrong has been done, we assume the responsibility. The responsibility is not that of the men on the spot; the responsibility is ours. And we are to walk into the dock on these unspecified and unprovable charges! If we are satisfied with what our agents have done, why should we agree to an enquiry? (Cries of "Oh!" from the Congress Party Benches.) As regards the men on the spot, as I have said, we are perfectly content to leave their actions to the judgment of the world at large, and I claim that the civilised world has pronounced its verdict in an unmistakable fashion on the splendid action taken by the troops, on the courage and humanity with which they discharged their duty. We shall not have an enquiry, and we shall not be deflected from our decision by any arguments put forward by a political party whose only object is to employ any means, to exploit any incident in order to discredit the Government. (Loud Applause.)

Some Honourable Members: Let the question be now put.



**Mr President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the question be now put.”

The Assembly divided :

# AYES—57.

Aaron, Mr. Samuel.  
Abdullah, Mr. H. M.  
Aney, Mr. M. S.  
Asaf Ali, Mr. M.  
Ayyangar, Mr. M. Ananthasayanam.  
Ba Si, U  
Banerjee, Dr. P. N.  
Baqui, Mr. M. A.  
Bardaloi, Srijut N. C.  
Bhagavan Das, Dr.  
Chattopadhyaya, Mr. Amarendra Nath.  
Chettiar, Mr. T. S. Avinashilingam.  
Chunder, Mr. N. C.  
Das, Mr. B.  
Das, Mr. Basanta Kumar.  
Das, Pandit Nilakantha.  
Datta, Mr. Akhil Chandra.  
Desai, Mr. Bhulabhai J.  
Deshmukh, Dr. G. V.  
Gadgil, Mr. N. V.  
Ghulam Bhik Nairang, Syed.  
Giri, Mr. V. V.  
Gupta, Mr. Ghansham Singh.  
Hosmani, Mr. S. K.  
Jedhe, Mr. K. M.  
Jogendra Singh, Sirdar.  
Khan Sahib, Dr.  
Khare, Dr. N. B.  
Lalchand Navalrai, Mr.

Maitra, Pandit Lakshmi Kanta.  
Malaviya, Pandit Krishna Kant.  
Mangal Singh, Sardar.  
Mudaliar, Mr. C. N. Muthuranga.  
Murtuza Sahib Bahadur, Maulvi Syed.  
Nageswara Rao, Mr. K.  
Paliwal, Pandit Sri Krishna Dutta.  
Pant, Pandit Govind Ballabh.  
Parma Nand, Bhai.  
Raghubir Narayan Singh, Choudhri.  
Raju, Mr. P. S. Kumaraswami.  
Ranga, Prof. N. G.  
Saksena, Mr. Mohan Lal.  
Sant Singh, Sardar.  
Satyamurti, Mr. S.  
Sham Lal, Mr.  
Sheodass Daga, Seth.  
Singh, Mr. Ram Narayan.  
Sinha, Mr. Anugrah Narayan.  
Sinha, Mr. Satya Narayan.  
Sinha, Mr. Shri Krishna.  
Som, Mr. Suryya Kumar.  
Sri Prakasa, Mr.  
Thein Maung, Dr.  
Thein Maung, U  
Umar Aly Shah, Mr.  
Varma, Mr. B. B.  
Vissanji, Mr. Mathuradas.

# NOES—65.

Abdoola Haroon, Seth Haji.  
Abdul Aziz, Khan Bahadur Mian.  
Abdul Matin Chaudhury, Mr.  
Acheson, Mr. J. G.  
Ayyar, Diwan Bahadur R. V. Krishna.  
Ayyar, Rao Bahadur A. A. Venkatarama.  
Azhar Ali, Mr. Muhammad.  
Badi-uz-Zaman, Maulvi.  
Bajoria, Babu Baijnath.  
Bajpai, Sir Girja Shankar.  
Bewoor, Mr. G. V.  
Bhagechand Soni, Rai Bahadur Seth.  
Bhat, Mr. Madhusudan Damodar.  
Blackwell, Mr. J. H.  
Bower, Mr. E. H. M.  
Boyle, Mr. J. D.  
Chapman-Mortimer, Mr. T.  
Chatarji, Mr. J. M.  
Clow, Mr. A. G.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
Desai, Mr. S. P.  
DeSouza, Dr. F. X.  
Essak Sait, Mr. H. A. Sathar H.  
Fazl-i-Haq Piracha, Khan Sahib Shaikh.

Gajapatiraj, Maharaj Kumar Vijay Ananda.  
Gauba, Mr. K. L.  
Ghiasuddin, Mr. M.  
Ghuzaavi, Sir Abdul Halim.  
Graham, Sir Lancelot.  
Griffiths, Mr. P. J.  
Grigg, The Honourable Sir James.  
Hands, Mr. A. S.  
Hidayatallah, Sir Ghulam Hussain.  
Hockenhull, Mr. F. W.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Jehangir, Sir Cowasji.  
Lal Chand, Captain Rao Bahadur Chaudhri.  
Laljee, Mr. Husenbhai Abdullahai.  
Leach, Mr. F. B.  
Lee, Mr. D. J. N.  
Lister, Mr. T.  
Lloyd, Mr. A. H.  
MacLachlan, Mr. D.  
Mehr Shah, Nawab Sahibzada Sir Syed Muhammad.

# NOES—contd.

Milligan, Mr. J. A.  
Mody, Sir Hormusji Peroshaw.  
Morgan, Mr. G.  
Muhammad Nauman, Mr.  
Mukherjee, Rai Bahadur Sir Satya Charan.  
Owen, Mr. L.  
Rajah, Rao Bahadur M. O.  
Rau, Mr. P. R.  
Row, Mr. K. Sanjiva.  
Sarma, Mr. B. S.

Scott, Mr. J. Ramsay.  
Sher Muhammad Khan, Captain Sardar.  
Singh, Mr. Pradyumna Prashad.  
Sircar, The Honourable Sir Nripendra.  
Tottenham, Mr. G. R. F.  
Yakub, Sir Muhammad.  
Yamin Khan, Mr. Muhammad.  
Zafrullah Khan, The Honourable Sir Muhammad.  
Ziauddin Ahmad, Dr.

The motion was negatived.

**Mr. Bhulabhai J. Desai** : I am quite ready if they want further discussion. It was not our object to shut out discussion, but we had no other alternative but to ask for a vote. We have only this last non-official day allowed for Resolutions. If any one is under the impression that we wanted to shirk discussion, he is under a misapprehension. What we did desire was a decisive vote of the House one way or the other, and I do not mind if they do not want it.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : The leader of a party has been insulted in a manner which I have never known before. Whatever may be the intention of the learned Leader of the Opposition, he always says one thing and means another thing.....

**Mr. President** (The Honourable Sir Abdur Rahim) Order, order. The Chair cannot allow a matter like this to be discussed. There has been a division, and it has been declared that the “ Noes ” have it. The discussion will proceed either today or will continue on another day, if one is allotted. (*Honourable Members on the Government Benches* : “ No, no.”) Then the Chair is prepared to sit till six or half past six.

**Sir Cowasji Jehangir** : Although I am under certain disabilities, I trust the House will really excuse me for intervening at this stage. As I was not in India when this terrible calamity occurred I was not able to follow the controversy between Government and some very worthy citizens of India on what should be done and what should not be done or what should have been done and what should not have been done at Quetta. I was unfortunately not present here this morning for no fault of my own. Suffering under these disabilities, I venture to say a few words.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Pandit Govind Ballabh Pant, one of the Panel of Chairmen].

From what I could make out from the speeches made this afternoon, it appears that neither the Mover nor any of the speakers who may have preceded the Honourable the Leader of the Opposition ever intended to contend that the army at Quetta behaved in any other than in the most creditable manner. That, I understand, was the trend of the speeches and, what is more, I understand that the Mover of the Resolution actually said so. Now, Sir, if that be the intention of the Mover or the Resolution and of others,—I do not include amongst all those who

[Sir Cowasji Jehangir.]

intended not to cast a slur upon the army, the Leader of the Opposition,—I mean if all those who intended that no slur should be cast upon the army, I would ask the House to read the Resolution a little more carefully. Sir, what does the Resolution ask the proposed Committee to consider? "... particularly as regards the search for and rescue of the living, wounded and buried". Who was responsible for that search? None other but the army that was present at Quetta at the time of this terrible catastrophe! It was the army who could alone serve the devastated area by "a search for and rescue of the living, wounded and buried". No other organization could have done this work, Sir, and, it was merely by chance, by the act of Providence, that the army was enabled to do this work, for, as somebody said, if the earthquake had taken just slightly another turn, there might have been no army to do this work: and, therefore, the investigation that is desired is to see whether the army that was there at the time did do its work of rescuing the dying and the wounded properly. Then, again, what else does this Resolution want?—to report on—"the transference of the wounded and injured outside the affected area". Well, Sir, in the first instance, again, it was only the army who could help; the other organizations came into existence for this purpose at a much later date: and, therefore, let it not be said that we do not read this Resolution correctly when we state that it was originally framed with the idea of a nasty, dirty insinuation that there was something wrong, something suspicious in the way in which the army acted in the first five days. I maintain, Sir, that that is the insinuation behind this Resolution, and it is that insinuation which has been so strongly repudiated by, I understand, all my friends on the Congress Benches except the Leader of the Opposition. Sir, never has it been my misfortune to listen to a more grossly atrocious speech than the one delivered by Mr. Bhulabhai Desai (*Cries of "Hear, hear"* from the Official and some of the Independent Benches). Sir, my Honourable friend himself used the words "grossly atrocious". Never has it been my misfortune in this Assembly to hear a more atrocious, and a more grossly atrocious, speech (*Cries of "Hear, hear"* from the Official Benches),—a more illogical speech, containing more specious arguments, unworthy of a Leader of the Opposition (*Cries of "Hear, hear"* from the Official Benches), unworthy of a great lawyer. (*Cries of "Hear, hear"* from the Official Benches.) Does he believe he was addressing a police Court? Sir, he first admitted that he was the author of this Resolution, that it was his marvellous brain that produced this wonderful Resolution! Well, Sir, all I can say is that my Honourable friend has three mentalities,—one when he drafted the Resolution, another when he began his speech, and a third mentality, very much like the first, when he began really to tackle what he thought was an argument: he really intended, when he drafted this Resolution, that there should be a sting in it. Now, having found the temper of the House not inclined to take that view, he tried to change it. Then, when he began to read the Resolution to the House, he found he had to put up some justification, and his mentality went back to the original day. Sir, he first stated that he endorsed the speeches which were meant to convey that there was no insinuation against the Army in this

Resolution. He asked—why should anybody read into the Resolution any idea or sentiment that was never intended to be conveyed? Well, I can understand that. I can understand a man sitting down to draft a Resolution and conveying in that Resolution in black and white ideas and sentiments which he never intends. That has often happened. There is nothing very strange about it. But he did not stop at that. He went much further, and went on to accuse the men on the spot on that occasion of having a mentality which did not care for the life or for the sufferings of humanity, for he said—"what does life matter to these men?"—These men who, in the middle of the night, were called out to serve afflicted humanity, and who, perhaps, were really only doing their duty and who did it really well,—for them to be accused in this way to-day,—against them to use such a malicious insinuation that they had no regard for life and suffering—and these are the words he used—is monstrous! Then he went on to state that because in his imagination they did not go on in their search for the dead—which was contradicted by the Honourable the Home Member, and which I believe has been contradicted on more than one occasion before—he went on to say that this was a grossly atrocious act! Now, Sir, if this is the kind of justification for this Resolution which we have read correctly and which is intended to be an insinuation against those Indian troops,—not only against British but against those Indian troops at Quetta who were there heroically doing their duty (*Hear, hear*), who were instrumental, Sir, in saving thousands of lives, then I shall refuse—if I call myself an "Indian"—to associate myself with that speech, the dastardly speech made by the Honourable the Leader of the Opposition. (*Cries of "Hear, hear"* from the Official Benches.)

Mr. Chairman, I regret that you should be in the Chair, a worthy representative of the Congress, when I am forced to make a speech like this. But, after all, I feel and I hope and trust many of my friends on the Congress side also do believe—that their Leader over-stepped the mark. (*Cries of "No, no"* from the Congress Party Benches.) Let me hope that he did it unconsciously. (*Cries of "No, no"* from the Congress Party Benches.) If he did it deliberately, then I have no further words to state. I have only used the very words that were used by the Leader of the Opposition. I have not used words which he has not used himself. They were all men of honour and acted like men of honour and there were Indians who acted with the greatest credit to their country and the Leader of the Opposition called them men who acted atrociously. He has doubted their *bona fides*; he has doubted their humanity; and I, as an Indian, will not listen to this in silence. Mr. Chairman, all I have got to say is that there has been more than enough justification for our believing that the Resolution was intended to be an insinuation—a veiled insinuation if you like—against men who acted nobly and honourably. I won't say that they acted like heroes because I do not like exaggerated terms but I will content myself by saying that they acted honourably and I for one will not go into the lobby to support a Resolution which is a disgrace to our own people.

Mr. M. S. Aney (Berar Representative): Sir, I had no mind to intervene in this debate today because I thought that the question had been discussed sufficiently but for the speech which my Honourable friend,



[Mr. M. S. Aney.]

the Leader of the Independent Party, Sir Cowasji Jehangir, has made. It is that speech which compelled me to break my silence. And I thought that before recording my vote on this Resolution, if it comes to vote at all, I should have my say. I want, at the outset, to protest strongly against the manner in which my friend expressed his difference with my Honourable friend, Mr. Bhullabhai Desai, the Leader of the Opposition. His opposition to the views propounded by the Leader of the Opposition is not a surprise to me but the way and the vehemence with which he put forth his views was nothing but—to use his own language—simply atrocious.

**Sir Cowasji Jehangir :** That word was used by the Leader of the Opposition.

**Mr. M. S. Aney :** But it was worst for you to have used it, knowing that it was a bad word. My Honourable friend singled out this expression from its entire context in the speech of the Leader of the Opposition and tried to show that the Leader of the Opposition described the work of the military, who undoubtedly did good work, as a piece of atrocious act. That I positively say he never meant and it was interpreted in a wrong way. It was a deliberate and mischievous interpretation that he put on it. With all the harmony that exists between various Parties, I never expected that he would go so much out of his way and try to characterise the whole expression of his views as 'atrocious'. I am sure in his sober moments he will certainly repent for having said what he did. I have no doubt about that in my mind. I have been working in this House for so many years and I know him. He probably never meant what in a moment of fit and excitement he unwittingly gave out.

Sir, I will try to take as detached a view as possible of all the facts that have been brought to our notice during the course of this debate on this unfortunate calamity that occurred at Quetta. I will not try to import into it any feeling or heat whatsoever. I would like to look at the question only from one point of view—whether a case for an inquiry has been made out or not. Whether a case has been made out and whether such a case, if made out, would amount to any insinuation against the military are two different matters. The whole question has been clouded here on account of the particular angle from which it has been looked at by this Party and by that Party. If the facts that have been brought before us show that there is a *prima facie* case for an inquiry into the matter, then I believe there should be no difficulty for the Government to accept this Resolution if we are prepared to make a frank and candid statement that there is no intention to cast the slightest insinuation against those who have taken part in these rescue operations and have acted so nobly and heroically in saving human life. With that clear assurance given to us, it is possible for us to take a detached view of the facts that have been placed before the House. I shall place only two facts for the consideration of the House. It is admitted that at some stage the rescue work was stopped. That fact is admitted by both the Parties. According to the red pamphlet, which is an official and more authentic document according to them, it was stopped on the 3rd of June.

**Mr. G. R. F. Tottenham :** It was stopped on the 7th of June.

**Mr. M. S. Aney :** According to Government, it was stopped on the 7th of June. Now, it has been stated here in another pamphlet that the work was stopped either on the 3rd of June or on the 2nd of June. I shall read out to you an extract from the letter of the correspondent of the *Times of India* who was probably present on the spot and who gives his opinion after having seen things for himself. It is from the *Times of India*, dated the 20th June. He says :

"I need not enlarge the conditions under which the troops worked. They were too ghastly to bear description. (He is referring to the stink and so on.).....It was decided at mid-day (he is giving the description of 2nd of June) that rescue operations must cease."

Now, here are two versions. The person who was an eye-witness said that the decision was taken by the authorities that the rescue operations must cease on the 2nd of June. There might have been excavations going on up to the 7th of June for various purposes. It is not said that all work must stop. But here is a statement of an eye-witness to the effect that decision was taken to stop rescue operations on the mid-day of 2nd of June. There is another version here. The two versions are conflicting. The one version is given by the correspondent of the *Times of India*. He does not belong to the Congress or the Extremist party. In this letter you will find that the correspondent of the *Times of India* has given credit to the work that has been done by the troops. With all that he has said, I should like to associate myself and I will take off my hat to the soldiers, noble ladies and all others who have done their work most admirably. I associate myself with all the compliments that have been paid to the troops. At the same time, you will see, Sir, that here is a person who is not at all biased against the Government. On the other hand he is interested in upholding the honour of the troops as much as the Honourable Members of the Government are interested in upholding that. This correspondent makes a statement that during the mid-day of the 2nd June a decision was taken to stop rescue work. It is an important piece of evidence before the House. The House has to decide whether, in view of these two conflicting versions, it is not necessary to find out what is the exact position. I submit, Sir, that a *prima facie* case has been made out for a Committee to enquire into the truth about this matter because the question of stoppage of rescue work has got much to do with regard to the ultimate decision which we can take upon the general question whether there was any possibility of further saving any human life or not. It is only when we are able to find out exactly the hour at which rescue work was stopped, we will be able to come to a proper decision about the question whether further more human lives could have been saved or not. *Prima facie*, there are two versions given by witnesses whose veracity cannot be easily impeached. Even if nothing else has been proved excepting this one thing which we have got from the correspondent of the *Times of India*, I maintain that a *prima facie* case has been made out for an enquiry.

The next point is this. We were told that up to 2nd June persons were allowed to have free access to the City of Quetta. It is stated in this book also and Honourable Members of Government repeat that. If my Honourable friend, Mr. Lalchand Navalrai, has succeeded in proving demonstrably anything, it is that on his own personal knowledge, train-loads of people on hearing of the news of the great calamity that overtook

[Mr. M. S. Aney.]

Quetta on the morning of 31st May, were going to that place and they were stopped at Sibi. That is a statement which has been made by my Honourable friend, Mr. Lalchand Navalrai, on the floor of the House. I am not prepared to think that he made that statement without knowing the meaning of what he was saying. He referred to the stoppage of people from going in trains to Quetta at Sibi and he also referred to some other stations beyond which the people were not allowed to go. I cannot say whether it was or was not a proper step for the authorities to stop the people from going in trains at those stations. The fact remains that the people who wanted to render help to their relations who might have been the victims of the calamity were not allowed to proceed to Quetta to render such help, sometime before 2nd of June. Immediately after they got the news of the calamity in Quetta, they went to afford relief to their relatives, but they were not allowed.

**The Honourable Sir Henry Craik :** I do not accept the statement that anybody arrived at Quetta on June 1st.

**Mr. M. S. Aney :** I am only trying to show that here is a piece of information which is different from that of the Government.

**The Honourable Sir Henry Craik :** To the best of my belief, the line was damaged, and no trains could get through to Quetta on the 1st.

**Mr. M. S. Aney :** I do not vouch for the accuracy of this version. That only strengthens my plea that there are two different versions and two conflicting explanations which deserve to be considered very carefully by the Government and this House. In the absence of any further evidence coming forth is it possible for this House to come to a decision as to whether what the Honourable Member on the Government side says is the reality and what the non-official Member says is absurd? It is difficult for us to accept the statement of the one as against the statement of the other. I am sure my Honourable friend, the Home Member, is acting upon the information supplied to him by his officers at Quetta. He is not in a position to give first hand information based on his own personal knowledge. It is quite possible that the information supplied by the correspondent of the *Times of India* who was on the spot and by my Honourable friend, who was living in the vicinity of the tract where the calamity took place, is the correct one and that subsequent information given to Government by somebody else may not be quite correct. My point is this. I am not going to impeach the veracity of anybody. I am trying to put before the House the fact that there is at any rate a doubtful point on which two conflicting versions are there. The proper solution of these two important conflicting versions has got much to do to enable us to know whether all has been done to rescue the people there, whether the excavation and salvage operations were properly done and so on. If we know the real version we can decide with some degree of certainty whether all that was possible to be done was done and whether anything more that was possible was left undone. To make up our minds on that point, it is necessary for us to ascertain all these facts. I believe there has been sufficiently conflicting opinions on this point coming from quarters whose veracity it is not possible for us to question. Simply because one Party says, 'Yes' and the other party says, 'No', nobody is in a position to state which is the correct version. We do not know how

far those people on whom the Government relied for accurate information gave such correct information. We, therefore, do not know whether what the correspondent of the *Times of India* says is the true version or what the Government say is the true version. If I have succeeded in proving the Government say is the true version. If I have succeeded in proving that on these two points which are of vital importance for the sake of knowing the exact nature of the rescue operations and when they were stopped, there is evidence of a conflicting nature before the House, then I think a *prima facie* case has been made out for an enquiry. We should know whether the particular remedy that was taken, whether the steps that were taken were sufficient to cope with a calamity of such magnitude. If I have made out these two points to the satisfaction of the House, then I think I am entitled to ask both Parties to forget their differences, forget all the possible insinuations which are alleged to contain in the language of the Resolution. I would ask the Government and the Independent Party to accept the candid explanation given before the House by those who have sponsored the Resolution and I would appeal to them to consent to an impartial enquiry such as that suggested in the Resolution. I think, having proved both the points, I am entitled to ask both the Parties to take a detached view of the situation, and I believe if they would do that, we will come to the conclusion that there is a *prima facie* case made out for asking the Government to institute an enquiry of the kind suggested. I would have appreciated the observations of my Honourable friend, Sir Cowasji Jehangir, and even of the Honourable the Foreign Secretary and of the Honourable the Home Member if they had suggested some suitable alterations to the Resolution to meet their objections. If my Honourable friend, Sir Cowasji Jehangir, had suggested some amendment to make the Resolution less offensive in his eyes, I would have gladly understood his position. If any such suggestion had been made, I think the Congress Party would have also considered it. On the other hand if the object of my Honourable friend, Sir Cowasji Jehangir, and his friends, is to see that the enquiry is stopped, then we take strong exception to the attitude of those who persist in such obstinacy against the Resolution. I think the Honourable the Home Member and his colleagues standing behind him would see that it is eminently desirable to have an enquiry in order to show to the public at large that all the steps taken by Government were adequate or inadequate to cope with the situation in Quetta. I concede that the Government had to do everything at a very short notice with troops numbering about 6,000. They had to do everything within three or four days with such small resources of men. I am prepared to say that they did everything in their power that was humanly possible for them to do and that they did everything that was necessary to be done. But we are not able to pronounce any opinion on the question whether it was not possible for the Commander in charge of the troops to allow outside help. It is only if we have a dispassionate enquiry of the kind suggested in the Resolution that we will be able to come to the right decision on all these points. If we look at this question not so much from the point of view of the possibility of any insinuation or any charge or observation being implied against those who had done their work nobly, if the inquiry is conceded, but from the point of view of finding out what should have been done then, then we will succeed in drawing proper lessons that may be useful to us to cope with similar calamities if, unfortunately, they should recur again anywhere. If the House should take the latter view, then I am sure there would be no difficulty for Honourable Members on

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this side of the House whether they belong to the Independent Party or no party or whether they belong to the official party or any other party to record their vote in favour of the motion for holding an enquiry into this matter. Sir, with these few observations, I support the motion before the House. (Applause.)

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I want to intervene in this debate not because I have practical experience of the earthquake in Quetta or I would not have been here to speak, but because I heard the whole story from persons who themselves had first hand experience. Five of my students were in Quetta at the time of the earthquake and they survived. Three brothers, who were there, told me when they came back to Aligarh that their grandmother, by some divine instinct, advised the whole family to sleep outside in the verandah and only one female servant was sleeping inside. The result was that the whole family was saved with the exception of this particular female servant who was sleeping inside. These students, who were there at the time of the actual catastrophe, who were there for several days subsequently, told me verbally about the splendid work which the military did in rescuing the people, and in providing every possible comfort. Of course I do not go by the reports of the newspapers because I know what value to attach to them and how far they can be relied upon. I myself have been a victim of these newspaper rumours and I have seen a number of articles published in various papers speculating the amount of salary which I should be drawing as Vice-Chancellor of the Aligarh University ; and not a single paper has ever published the fact that according to the statutes of the Aligarh University the Vice-Chancellor is not entitled to any salary, honorarium or allowance of any kind sumptuary or otherwise. Even when I have to do the work of a Professor it must be honorary. No newspaper ever pointed this fact although a large number of them had been quoting as an established fact the amount which I must be drawing as Vice-Chancellor of the University. Therefore I do not go by the reports of newspapers but I go by the evidence of persons who have actually been in the scene of action, who have gone and seen everything for themselves and whose opinions are not prejudiced. They are all students and some of them are schoolboys of ages 13 and 15. There is no reason why they should tell me anything which is not true. And they spoke very highly of the splendid work which the soldiers had done for them and for everybody else, and they all praised enormously the work which they had seen themselves.

Then, another difficulty has arisen now to which I should like to take this opportunity of drawing the attention of Government and it was also hinted by my Honourable friend, Haji Abdoola Haroon. The refugees who have been sent away are now living with their relatives and friends. They can accommodate them only for a short time but not for a long time, and the question naturally before them is how to rescue their property in minimum time. This is one of the most important matters for investigation, how the property belonging to these people may be handed over to them with the minimum amount of delay.

Now, coming to the case of these Aligarh students who came to Aligarh they had not a single penny to pay their arrears nor they could pay their college dues. We have this relief to them. We admitted them

free ; but I wonder whether other refugees who had gone to their relatives or friends would be given the same relief as was given to our Aligarh boys.

Now, as regards entry into Quetta, as soon as we heard that there was this catastrophe a large number of Aligarh students volunteered to go and help in the salvage work. I telegraphed immediately that a party of Aligarh students were willing to offer their services for this work, but I was told that the whole thing was under the control of the military and it was not necessary to have the help of these students for whom there was neither food nor accommodation.

**Pandit Krishna Kant Malaviya** (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : When was this ?

**Dr. Ziauddin Ahmad** : I do not exactly remember, but it was immediately after the report was published. Sir, I got a wire from the Officer in charge whose name I do not remember, as I have not got the papers with me here, to the effect that they will not be useful. The same reply was given to other volunteers and it is verified by the report published in this blue book. I will not read the details but I will draw the attention of Honourable Members to page 49 of this book which is published by the Bureau of Public Information. The *Hindustan Times* reports a statement made to them :

“ From my experience of the situation in Quetta, I am convinced that the authorities acted wisely in banning entry of outsiders into Quetta, as otherwise rations would have been exhausted, causing a serious situation.”

The *Free Press* also says :

“ With all the wealth of Quetta lying buried in the debris, we can appreciate the need of circumspection in allowing the entry of outsiders into the ruined city.”

The *Forward* also says :

“ The Government may have good reasons to take some steps to regulate the entry of outsiders into the devastated area. Probability of the failure of water and food supply as well as of infection are strong reasons why any and every person should not be allowed entrance into Quetta.”

I do not lay stress on what is published here. Our students were rather anxious to go to Quetta and help the authorities there, but the authorities for reasons which I can well appreciate and understand did not like that outsiders should interfere in the work which they planned out in a particular manner. Then they advertised for medical help. We also offered 40 beds, if there be any need, but the wounded persons were all accommodated in the hospitals of neighbouring Provinces and none of them came as far as the United Provinces and, therefore, our offer was not availed of. From the experience of the persons who were there actually in the field I came to the conclusion that the Military had the situation well in hand. Now coming to the question of—stopping salvage work after the third day, I am not a medical man and I am no authority to say whether salvage work ought to have been stopped on the fourth day or not. It is for the medical people to determine ; but as a practical man I can only say this, that after three days the chances of finding alive a wounded person were rather remote, and it is exceedingly difficult to locate and search for men still alive in such a wide field of devastation.

In conclusion, I emphasise once more the point that a committee may be appointed,—to find out a speedy method of restoring the property

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to their lawful owners, and help to remove the financial miseries of survivors.

**Mr. Ghansham Singh Gupta** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I only want to make one point and I do not think I shall take more than five minutes. It is said that the conditions in Bihar and the conditions in Quetta were different. That is admitted. My point is that on the first two days people were rescued alive. Therefore, it is clear that people were living in the first two days and that they did not die, because the conditions of Quetta and the conditions of Bihar were different. There were living persons. Now if there were living persons after two days or within two days and they were rescued, then it cannot be said that they were not living after two days. If persons were living after the earthquake then the only medical point of view that there can be was that they would have died of suffocation. If they died of suffocation they must die within a few hours and not within a few days. So, so far as the question of their being alive is concerned, the difference between Quetta and Bihar does not matter. Then if there were living persons inside the debris after two days, it is not a question for medical men to say whether a man who has not died at the first shock and who has not received any injury can or cannot remain alive for five or six days. It is ordinary common sense, I think : it is not a question for the medical man to say that a man who has not died of suffocation and who is inside the debris can or cannot remain alive, if he has remained alive for more than two days, after that time for three or four or five days. This is the point which I cannot understand and this is the point which I want to make out.

**Sir Muhammad Yakub** : Mr. Chairman, the esteemed and respected Leader of the Opposition has, this afternoon, delivered another very fluent and eloquent speech, which has won for him the status of a successful Leader of the Opposition Party.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

No doubt, Sir, the speeches of the Honourable Leader of the Opposition are couched in very flowery and fluent language : they attract attention all round and the same was the case this afternoon. But if we apply the test of cold logic to the substance of his speech, we find after sifting and removing the flowery phrases, that very little substance can be found in it. This afternoon he was trying to show that there was a *prima facie* case for instituting an inquiry into the after-effects of the disastrous earthquake at Quetta. We have to see whether he has succeeded, in the smallest degree, in establishing his proposition. Mr. President, the Honourable the Leader of the Opposition spent about 15 minutes in saying that the Resolution did not mean any attack on those who saved the lives of the people, those who worked hard for days and nights in performing their duty ; and then he said that if a man performs his duty he does not deserve any commendation or any approbation. I would ask Honourable Members of the Opposition themselves whether they would accept this argument or whether they will put any value on it. If this were true, then no processions of Congress leaders should be taken out, no addresses, in bombastic language, should be presented to the leaders of

the community when they go from town to town, because they only perform their duty—they are patriots and they are doing nothing more than performing their duty. So, if the performance of duty does not demand any approbation from the public, then, of course, it is for the opposition to judge what course they would in future take with their leaders : and it is all the more surprising when such an argument comes from an astute lawyer like the Leader of the Opposition.

His other argument was that when a disaster, or a calamity of this nature, happens, naturally there must be an inquiry. Unfortunately, only a year before the Quetta earthquake, we had another disastrous earthquake in Bihar. Of course in intensity that earthquake was not so severe as the one in Quetta, but still many hundreds of lives were lost in that earthquake and property worth lakhs and lakhs of rupees was involved. Was there any inquiry demanded about that earthquake ? Did the Members of the Opposition, or anybody in the country, say that as a calamity has fallen upon the country there must be an inquiry ? On the other hand, we find that the Bihar Earthquake Fund was opened by the worthy Congress president and in the country there were rumours, there were suspicions raised about the manner in which that subscription was spent. We saw in the papers also that money which was collected for the purposes of the earthquake in Bihar was spent over the last Assembly elections. (Laughter.) When this was the state in the country, did the Congress institute an inquiry to find out whether the money was properly spent or not ? Then, where is the force in saying that when there is a calamity of this magnitude an inquiry must be instituted ? Arguments like these are not worthy of a great lawyer like the Leader of the Opposition.

The Honourable the Leader of the Opposition said that there was some possibility, even after three days, if the work of rescue had been continued on a gigantic scale, as it was done for the first two days, some chance of some living person being discovered. But, do we not know under what difficulties this work of rescue was continued even for two days ? The heroic Indian soldiers, at the risk of their lives, put on masks on their noses and faces and they were performing this voluntary duty. Now, would it be wise, would it be patriotic even to say that the lives of these heroic men or a large number of them, should be endangered only on the assumption that it was possible that some people might be living or may be found in the debris ? I really am surprised. Most of these soldiers who were working under these hard conditions—some of them, at least, had their own relatives involved in the calamity, their houses had fallen, they were suffering under a great calamity and they were still working, with masks on their faces, and the stink was so severe that nobody could stand there. The probability was that if they had gone there after three days in such large numbers, they would themselves have got the poison and a large number of these heroic Indians would have died. Is it proper to say that they should endanger their lives merely because the Honourable the Leader of the Opposition thinks that probably a rat or dog living might be found in the debris ? Such is the force of the arguments which were used by him.

Again we know that this earthquake calamity fell three or four minutes after three o'clock, early in the morning ; and it is proved, and has not been denied, that within half an hour a number of soldiers were present in the city and were doing rescue work. Some of them reached

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there at 5, some at 5/30 and some at 6 A.M. But by that time all the available soldiers in Quetta were performing rescue work. They did that work labouring under so many difficulties. They had to face the difficulty of water, there were incessant earthquake shocks, almost every day, for a few days, but in spite of all these difficulties, these people were there, for over two days in large numbers doing most magnificent work. Has anybody on the side of the Opposition even suggested what other methods could have been adopted, what other more expeditious devices could have been found, to do relief work in a more efficient and expeditious manner than what was done there? Sir, I was not at Quetta, but I had met some of the earthquake victims. I have also read a lot about the happenings at Quetta in the newspapers, not only in Anglo-Indian papers but also in the Nationalist papers, and I find that most of them have not levelled the charge that any life was lost in Quetta due to the negligence of the soldiers working there. Sir, I shall not weary the House by recounting how the work was performed there. That has been narrated by many of the speakers who preceded me. I propose to deal only with two points which were raised by my friend, Mr. Aney. My friend, Mr. Aney, like a clever lawyer, knew he had a very weak case to argue, because he himself said, at the outset, that he did not want to take part in this debate, but he made his speech only because he wanted to defend the Honourable the Leader of the Opposition, and did not want to oppose the Resolution seriously. Like a clever lawyer as he is, he tried to put at least two points and said there was room for an inquiry. His first point was that he had read in some statement in an Anglo-Indian paper that a decision was taken that that rescue work should be stopped at noon on the 2nd June. Now, if my friend were to advance such an argument in a Court of law, I ask him to say whether he would not be asked to show proof as to whether this decision was acted upon or not. Taking the statement at its face value, I admit it is correct,—a decision was taken that at noon on the second day rescue work should be stopped, but has my friend got any material to produce that this decision was acted upon and the work was actually stopped at the time stated by the correspondent in the press? He tried his level best to coin some argument, and the only argument he could produce was this, that a decision was taken. I submit, Sir, that this argument is not sufficient to justify the instituting of an inquiry.

Then, my friend's second argument was that the Honourable Mr. Lalchand Navalrai said that a number of people were stopped at a certain station and they were not allowed to proceed to Quetta on the second day. I submit that statement of my friend may be quite correct, for, Sir, have we not examined the difficulties which were confronting the authorities at Quetta? Are we not aware of the fact that each and every house in the Indian quarters was demolished? Do we not know that there was scarcity of water? Do we not know that there was great scarcity of food and provisions for the wounded and injured persons who were lying there? Is there any force in the argument that because my friend, Mr. Lalchand Navalrai, made his statement therefore, we should institute an inquiry? These were the only two *primâ facie* facts which my friend, Mr. Aney, through his ingenuity, was able to advance before the House.

Now, Sir, it was asked—why do you shirk an inquiry? Why are you afraid of an audit? To this, I submit that it is not a question of your

accounts being correct. We all know that the heaviest calamity has fallen on that small spot of the country. We also know that property and goods valued at lakhs and lakhs are lying buried under the debris. Now, the process of removing the debris and recovering the property is proceeding apace. Very valuable property is buried under the debris, and if at this moment, when this important work is going on, we allow a foreign committee to sit in judgment of their work and if we allow witnesses to go to Quetta it is quite clear that the influx of the people and the work of this Committee would greatly interfere with the more urgent and more important work of removing the debris and recovering the property of the people, and, therefore, I submit, that the present time is most inopportune, it is the worst time to institute an inquiry, suggested in the Resolution.

Then, again, if we accept this Resolution, the question will arise as to who should be the members of the Committee. Only 6 P.M. the other day a Committee was appointed by the Government in the Punjab. There was a section of the press which said that they had no confidence in the members, that those members were not proper representatives, that they would not accept their Report. The same case would happen here. If certain non-official members were appointed, I am sure that more than half the press in the country would raise the cry that they were Government men, that the country had no faith in them only because they were nominated by the Government. Then it would also be said: "Oh, Government men are in a majority and others are in a minority". Then there would certainly be a Note of dissent and probably a minority Report also with it. Now, if there were two Reports, what would be the criterion to judge as to which Report should be accepted, and to which Report effect should be given. So I submit, Sir, that it has been established beyond doubt that there is no case for an inquiry on this subject. ("Hear, hear" from Official Benches.) On the other hand, the Commanding Officer and other officers and men under him, both Indians as well as Europeans, who performed the heroic and magnificent work of rescue operations, deserve the approbation and congratulations at the hands of this House. (Official Cheers.) Sir, if we do not value or appreciate the work of our own countrymen, then all our cry for Indianization of the army, and things like that, is only a cry in the wilderness. (Cries of "Oh, Oh" from the Congress Party Benches.) With these words, Sir, I oppose the Resolution.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways): Sir, I intervene for a very few minutes at this stage in the debate. Although over 3½ months have passed since the terrible morning of the 31st May, I have no hesitation in confessing that I still approach the subject of Quetta with a great deal of awe. Sir, it is not my purpose this afternoon to level charges or to condemn the making of charges. A good deal of that has already been done. But there are one or two matters with regard to which I desire to place certain factors before the House.

One matter to which I wish to draw the attention of the House is why Government found it imperative to refuse permission to relief parties to proceed to Quetta after the second or third day of the disaster. It is easy after any kind of calamity, sitting in comfortable conditions and circumstances, to pass armchair judgments upon what should have been done and



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what should not have been done. There has been no event of any importance in the world with regard to which critics subsequently looking back could not have pointed out factors which would have been far better managed by them than were managed by people who had actual charge of the situation. The fallacy underlying that kind of attitude of mind is that it forgets the actual conditions under which the situation had to be handled. And, if for one brief moment we shall try to revive in our minds the conditions under which rescue work had to start in Quetta and had to continue there, I think we would be far less critical and far more admiring of the work that was done and accomplished under the most trying conditions. I am aware that a mood of praise and admiration has been rendered from all sections of the House to those who were employed in this kind of work. Nevertheless, I submit that the conditions under which that work started and had to be continued have not been sufficiently kept in mind. Everybody here is aware that this great calamity overtook the sleeping town of Quetta a few minutes after three o'clock on the morning of the 31st May. Within twenty five minutes of the calamity a certain section of the troops had already been turned out and were on their way to the devastated city to render such assistance as they could. And it must not be imagined that while the town was in that condition the troops that had to render assistance were under normal conditions. They had themselves passed through this nerve shaking experience. I am lost in admiration of men who, within twenty five minutes of an experience of that kind, an experience which would shake the strongest nerves for weeks, were ready to turn out and to go and do their duty out of a sense of common humanity and out of a sense of common brotherhood. (Cheers.) Then within two hours of it, the entire military force available at Quetta had turned out and was engaged in rescue work. That does not reveal an attitude either on the part of General Karslake, who most fortunately was in command of Quetta on the 31st May, or on the part of his troops in Quetta, to neglect any chance that offered itself of rendering such aid as was possible to the injured and the wounded and to rescue those who were buried under the debris. This rescue work continued under most trying conditions. Everything had been upset. Although the railway track continued to be serviceable, one of the culverts had been damaged and had to be repaired. There was a grave danger of any of the eighteen tunnels, which the railway line between Sibi and Quetta has to pass collapsing at any moment as tremors and even severe shocks continued for days. Some of the *karez*s from which drinking water is obtained in Quetta had already collapsed. There was serious danger of the water supply being upset altogether. These were only some of the difficulties with which the troops had to contend. On the other hand, in that isolated part of the country, there was grave danger of marauders, hearing of the disaster, making a combined attack upon the city to loot and plunder. Order had to be kept, some sort of an organisation had to be set up among the survivors who were too terrified to shift for themselves. All food supplies in the City had been destroyed and the army had to throw open their own provisions for the maintenance of the survivors. These were the conditions under which the work started and had to be continued. We must not imagine that it was a sort of stage show or an army manoeuvre, after preparation and notice of what had happened

and what was about to happen. In the conditions prevailing at Quetta General Karslake was the best judge of how much material he could utilise for rescue work, and he being of the opinion that the forces at his disposal were as much as he could usefully employ for that work, permission to relief parties to proceed to Quetta would only have added to the confusion and hindered the rescue work. That is one factor which I wanted to stress.

I think during the debate we have been too apt to regard the relief work at Quetta as a sort of demonstration under ideal conditions as the result of which we had to award praise or blame. It was heroic work carried out under most terrifying conditions. The question is not what should have been possible under ideal conditions. The question is what was humanly possible under the conditions that prevailed and continued to prevail at Quetta, and the question is whether what was humanly possible under those conditions has or has not been done. The Honourable the Home Member has informed the House that His Excellency the Viceroy and his Government were in hourly touch with conditions at Quetta, and although what we did or what we left undone is no measure or standard for Honourable Members opposite, all that we can on this side assert is that with the fullest sense of responsibility that involved upon Government under the shadow of this terrible calamity Government were at all hours most watchful that nothing should be omitted that was possible, which would help either the injured or those that had survived and had to be looked after. It is quite possible—and I say it in no spirit of cynicism—that any other Government, composed of another set of human beings, might have done better, or even have done very much better. But the Government can only be judged from the standard which is applicable in the sense whether they did do what was humanly possible for them to do. But, Sir, I did not stand up merely to reinforce the point of view of Government. It can be said, it has been said: "You are always very self-complacent, you are always quite self-satisfied, you think that all that was possible was done by you, but we are not satisfied. You did all that was possible for you to do, but in any event it was possible for other people to have done very much better and you do not come up to that standard." In such a calamity it would be difficult to get first hand evidence. But fortunately, first hand evidence of a character to which I venture to think no objection could be taken on the opposite side is available, and at a very early stage I did satisfy myself, as an individual, Member of Government or no Member of Government—that whatever was humanly possible had been actually done on the spot by the people who were in charge of the situation, and that, on the basis of evidence to which I shall refer in a moment, and to which, as I have said, I venture to think Honourable Members opposite could take no objection. That, Sir, is the evidence of a gentleman who is a lawyer and a municipal commissioner at Multan, who, shortly after learning the details of this calamity at Quetta, organised a fairly big relief party and managed to get to Quetta before control was established and whose help was welcomed and utilised to the fullest degree during the week or so that he and his helpers continued to be at Quetta. That gentleman is Chaudhuri Sham Lal. After his return from Quetta, he issued a statement to the press to which wide publicity was given at the time. He then came up to Simla and among various people, he also did me the honour of paying me a call.

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He reminded me that we had been associated together in Lahore in a certain connection and I had a long conversation with him over the details of the work that had been going on at Quetta. That, Sir, was pure non-official and unbiassed evidence. In the meantime, certain rumours had been started in the press, and although as I have said I was fully satisfied from official accounts that whatever was possible was being done, yet, having noticed some of these rumours to which currency had been given in the press, I pointedly questioned Chaudhuri Sham Lal with regard to these matters and I was assured by him in a heart to heart conversation, confined entirely to us, when nobody else was present, that none of the allegations that were being made in the press were justified in the slightest degree except one and that I am bound to state. In one instance there was a complaint against an Indian soldier that he had interfered with a trunk which contained some property and he was promptly punished. Well, now, this is the party that went to Quetta and this is the statement that Chaudhuri Sham Lal made in the press. He says :

"Soon after the harrowing details of the havoc wrought by the earthquake in Baluchistan were received in Multan, I immediately organised a large relief party and proceeded to Quetta. It included volunteers from the local D. A. V. High School staff, Arya Samaj, College section, Sewa Samiti and Krishna Dal, prominent among whom were Lala Sukhu Ram, Doctor Vishnu Dutt, Bhagat Parmanand, Seth Rup Narain, Mr. Nand Lal and Seth Jindu Ram. We had taken a fair stock of provisions and medicines with us and further increased our supplies from Chaman and Pashin."

The composition of this relief party and the names of its leaders are given here and I am perfectly certain that they would give entire satisfaction to Honourable Members opposite at least from this point of view that if any of these gentlemen during the week or so that they were in Quetta noticed any omissions on the part of the military or on the part of such civil authorities as could hastily be set up after almost the entire civil establishment had been wiped out, they would certainly not have failed to give expression to their dissatisfaction with the manner in which the rescue work was going on. In the rest of the statement which it would take too long to read out, Mr. Sham Lal has nothing but praise for everybody, troops, British as well as Indian, ladies, British as well as Indian and such volunteers as were available, with regard to the spirit of co-operation and humanity which all of them displayed in dealing with a very difficult situation. Now, Sir, that is the kind of evidence which would bring conviction to the minds of every one and my own conviction over this matter which I would respectfully place before the House is based not only upon knowledge of all the details which went to the organisation of the official rescue work but also upon assurances received from men like Chaudhuri Sham Lal with whom, as I have said, I had a long conversation and who satisfied me, as he had already stated in his statement to the press, to which I have referred, that there was nothing done during their presence in Quetta to which any reasonable objection could be taken. One matter I will make particular reference to with regard to what Chaudhuri Sham Lal told me. He has made a reference to that in his statement to the press also. He and his volunteers helped in the rescue work inside the town and he gave me a solemn assurance, because I was naturally anxious to satisfy myself on this point, that the rescue work was continued so long as there was any reasonable hope of rescuing human life. Sir, I am entirely at one with Honourable Members

on the other side regarding the sanctity of human life and the necessity of directing efforts towards saving every single human life that it was possible to save. I questioned Chaudhuri Sham Lal rather closely on this point and he told me that he and his men worked along with the military on the rescue work in the City and that the work was not stopped till the stench became so overpowering that human beings could not bear it. As I have said, Sir, I only wanted to put these facts before the House before it comes to a decision on the motion under discussion.

One point has been raised by the Honourable Member from Karachi, and it has also been emphasized by my Honourable friend, Dr. Ziauddin Ahmad, that with regard to the salvage of property and the distribution of property, some measures ought to be taken in which outside opinion might be associated with the work that is being carried on. With regard to that, I have been authorised by the Honourable the Home Member to make this statement : he would have made it himself but for the fact that he has already spoken in this debate—that while not prepared to agree to any inquiry regarding the past, Government are quite ready to agree to the appointment of an advisory or consultative committee to assist the authorities with regard to (a) the salvage of property and (b) the questions connected with the resettlement of the civil population. Government are further prepared to extend facilities to parties of Members of this Honourable House who may care to visit Quetta and see the condition of things for themselves. Sir, with these words, I oppose the motion.

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I am aware of the lateness of the hour at which I have stood up. The importance of the subject and the remarks that had been made are my apology for intervening at this stage. Sir, I regret that a gentleman of the position of Sir Cowasji Jehangir should have made the speech that he made today, which was utterly unworthy of him. I will not say more. It was just like the pleading of a man who has no case and seeks shelter in rank abuse against his adversary. Sir the Honourable the Home Member found a substitute for reason and argument in vehemence of language. He told us that he had never known such a vile exploitation of a calamity for political purposes. I have never heard a more audacious statement than that. I should like to put a few questions to the Honourable the Home Member as to when, according to him, this process of exploitation began. Even he, I hope, will have the generosity to concede that earthquakes are not controlled by the Congress Party. A Government like this may control earthquakes as King Canute once pretended to control the waves but a popular party can never put forth any such claim. Then, Sir, does he suggest that the Congress organizations were responsible for the rumours and the reports that took root and that spread from one end of the country to the other from the very day the earthquake occurred ? Does he hold us responsible for what was said from one end of the country to the other ?

**The Honourable Sir Henry Craik** : Yes.

**Pandit Govind Ballabh Pant** : If he says that, then I have no more to argue with him ; and, if he thinks that the Congress organization set afloat a number of rumours and reports immediately after the occurrence of the earthquake with a view to preparing the ground for this Resolu-



[Pandit Govind Ballabh Pant.]

Member was not personally present on the spot. He cannot personally vouch for the correctness of the statements he has made.

**The Honourable Sir Henry Craik :** Yes, I can.

**Pandit Govind Ballabh Pant :** After, all, he has collected information from others. All that the Honourable the Home Member could say is that he believes that his information is correct. He cannot assert that he has personal knowledge and that he has himself perceived that these facts are correct. And that makes all the difference in the world. People can arrive at two different conclusions on the basis of the same data and why should not the Honourable the Home Member, when he feels the necessity of refuting the statements of facts that have been made here, give a chance to an independent and impartial tribunal to adjudge between the two versions so that it may give its own impartial findings on them? They are holding the authority and the power that they happen to, today and it is easy for him to say "we will not have an inquiry" but will that satisfy the public mind? Will all the doubts and the suspicions that are entertained be removed and allayed on that account? Nothing of the kind. On the other hand, it will have the reverse effect. So, it is worth his while even at this late stage to reconsider the position and to agree to an inquiry. Sir, it is easy to say that those responsible for this Resolution are actuated by malice just as it would be easy for others to retort that those who debarred public men from going to Quetta at the hour of need of Quetta were actuated by malice. It was because the Government had taken lesson from the firm hold that the public had gained during the time of the Bihar earthquake by disinterested service of the people that they denied them the opportunity of serving their brethren at Quetta. Sir, it is easy to attribute motives; it is easy to befog and sidetrack issues; it is easy to make noise and smoke. But that does not help anybody one way or the other. We were told that it was not possible to save life after three days. I heard, while these papers were being read, that the operations were stopped during the night even on the very first day! They were conducted in the day time and were suspended in the night! I was surprised to hear this. I wonder if people in Quetta do not die in the night under debris, otherwise I see no reason why these rescue operations should have been suspended in the night. That, by itself, is a clear omission which shows that there was carelessness, recklessness and—I will not use a stronger expression—callous disregard for that sanctity which human life demands and deserves. Sir, much could be said but it is a late hour and I would not like to take more time. I hope the Resolution will be adopted and accepted by the House.

**Several Honourable Members :** The question may now be put.

**Mr. President (The Honourable Sir Abdur Rahim) :** Does the Mover of the Resolution want to reply?

**Mr. P. S. Kumaraswami Raju :** No, Sir.

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

"That this Assembly recommends to the Governor General in Council that a Committee consisting of officials and non-officials may be forthwith appointed to investigate and report whether the situation arising out of the recent earthquake in British Baluchistan and particularly in the town of Quetta was properly handled,

particularly as regards the search for and rescue of the living, wounded and buried; the salvage of property and the transference of the wounded and injured outside the affected area."

The Assembly divided :

AYES—57.

Aaron, Mr. Samuel.  
Abdul Matin Chaudhury, Mr.  
Aney, Mr. M. S.  
Asaf Ali, Mr. M.  
Ayyangar, Mr. M. Ananthasayanam.  
Azhar Ali, Mr. Muhammad.  
Ba Si, U  
Banerjee, Dr. P. N.  
Baqui, Mr. M. A.  
Bardaloi, Sriput N. C.  
Bhagavan Das, Dr.  
Chattopadhyaya, Mr. Amarendra Nath.  
Chettiar, Mr. T. S. Avinashilingam.  
Chunder, Mr. N. C.  
Das, Mr. B.  
Das, Mr. Basanta Kumar.  
Das, Pandit Nilakantha.  
Datta, Mr. Akhil Chandra.  
Desai, Mr. Bhulabhai J.  
Deshmukh, Dr. G. V.  
Essak Sait, Mr. H. A. Sathar H.  
Gadgil, Mr. N. V.  
Giri, Mr. V. V.  
Gupta, Mr. Ghansham Singh.  
Hosmani, Mr. S. K.  
Jedhe, Mr. K. M.  
Jogendra Singh, Sirdar.  
Khare, Dr. N. B.  
Lakhand Navalrai, Mr.

Maitra, Pandit Lakshmi Kanta.  
Malaviya, Pandit Krishna Kant.  
Mangal Singh, Sardar.  
Mudaliar, Mr. C. N. Muthuranga.  
Murtuza Sahib Bahadur, Maulvi Syed.  
Nageswara Rao, Mr. K.  
Paliwal, Pandit Sri Krishna Dutta.  
Pant, Pandit Govind Ballabh.  
Parma Nand, Bhai.  
Raghubir Narayan Singh, Choudhri.  
Raju, Mr. P. S. Kumaraswami.  
Ranga, Prof. N. G.  
Saksena, Mr. Mohan Lal.  
Sant Singh, Sardar.  
Satyamurti, Mr. S.  
Sham Lal, Mr.  
Shaukat Ali, Maulana.  
Sheodass Daga, Seth.  
Singh, Mr. Ram Narayan.  
Sinha, Mr. Anugrah Narayan.  
Sinha, Mr. Satya Narayan.  
Sinha, Mr. Shri Krishna.  
Som, Mr. Suryya Kumar.  
Sri Prakasa, Mr.  
Thein Maung, Dr.  
Thein Maung, U  
Varma, Mr. B. B.  
Vissanji, Mr. Mathuradas.

NOES—61.

Abdoolah Haroon, Seth Haji.  
Abdul Aziz, Khan Bahadur Mian.  
Abdullah, Mr. H. M.  
Acheson, Mr. J. G.  
Ayyar, Diwan Bahadur R. V. Krishna.  
Ayyar, Rao Bahadur A. A. Venkatarama.  
Bajoria, Babu Baijnath.  
Bajpai, Sir Girja Shankar.  
Bewoor, Mr. G. V.  
Bhagchand Soni, Rai Bahadur Seth.  
Bhat, Mr. Madhusudan Damodar.  
Blackwell, Mr. J. H.  
Bower, Mr. E. H. M.  
Boyle, Mr. J. D.  
Chapman-Mortimer, Mr. T.  
Chatarji, Mr. J. M.  
Clow, Mr. A. G.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
Desai, Mr. S. P.  
DeSouza, Dr. F. X.  
Fazli-Haq Piracha, Khan Sahib Shaikh.  
Gajapatiraj, Maharaj Kumar Vijay  
Ananda.

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Ghiasuddin, Mr. M.  
Ghuznavi, Sir Abdul Halim.  
Graham, Sir Lancelot.  
Griffiths, Mr. P. J.  
Grigg, The Honourable Sir James.  
Hinds, Mr. A. S.  
Hidayatallah, Sir Ghulam Hussain.  
Hockenhull, Mr. F. W.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur Sardar  
Sir.  
Jehangir, Sir Cowasji.  
Lal Chand, Captain Rao Bahadur  
Chaudhri.  
Laljee, Mr. Husenbhai Abdullahai.  
Leach, Mr. F. B.  
Lee, Mr. D. J. N.  
Lister, Mr. T.  
Lloyd, Mr. A. H.  
MacLachlan, Mr. D.  
Mehr Shah, Nawab Sahibzada Sir Syed  
Muhammad.  
Milligan, Mr. J. A.  
Mody, Sir Hormasji Peroshaw.

NOES—*contd.*

|                                          |                                              |
|------------------------------------------|----------------------------------------------|
| Morgan, Mr. G.                           | Sher Muhamad Khan, Captain Sardar.           |
| Muhammad Nauman, Mr.                     | Singh, Mr. Pradyumna Prashad.                |
| Mukherjee, Rai Bahadur Sir Satya Charan. | Sircar, The Honourable Sir Nripendra.        |
| Owen, Mr. L.                             | Tottenham, Mr. G. R. F.                      |
| Rajah, Rao Bahadur M. C.                 | Yakub, Sir Muhammad.                         |
| Rau, Mr. P. R.                           | Yamin Khan, Mr. Muhammad.                    |
| Row, Mr. K. Sanjiva.                     | Zafrullah Khan, The Honourable Sir Muhammad. |
| Sarma, Mr. R. S.                         | Ziauddin Ahmad, Dr.                          |
| Scott, Mr. J. Ramsay.                    |                                              |

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 20th September, 1935.

## LEGISLATIVE ASSEMBLY.

*Friday, 20th September, 1935.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## MEMBERS SWORN.

The Honourable Sir Girja Shankar Bajpai, K.B.E., C.I.E.  
(Member for Education, Health and Lands) ; and

Mr. John Carson Nixon, C.I.E., M.L.A. (Government of India :  
Nominated Official).

## QUESTIONS AND ANSWERS.

## PROTECTION OF THE INDIAN TRADE IN CHINESE TURKISTAN.

523. \*Pandit Sri Krishna Dutta Paliwal : Will Government please state the steps they propose to take to protect the Indian trade in Chinese Turkestan from Russian menace ?

Mr. J. G. Acheson : The matter is under the consideration of the Government of India, in consultation with His Majesty's Government.

Mr. S. Satyamurti : How long has this matter been under consideration, and what is the latest position ?

Mr. J. G. Acheson : It has been under consideration for some months past.

Mr. S. Satyamurti : What is the latest position ? Have they heard from His Majesty's Government about this ?

Mr. J. G. Acheson : I am afraid I am not in a position to give any further information at present.

Mr. S. Satyamurti : But are Government assiduously pursuing all the steps necessary to protect Indian trade in this territory ?

Mr. J. G. Acheson : The matter is under consideration. I am afraid that is all that I can say at present.

Mr. S. Satyamurti : But what is under consideration ? Is it the position or the steps they are going to take ?

Mr. J. G. Acheson : The steps have not yet been decided on.

Mr. S. Satyamurti : When do they hope to decide this matter ?

Mr. J. G. Acheson : As soon as possible.

Mr. S. Satyamurti : Is it likely to be in time to prevent any serious damage to this trade ?

Mr. J. G. Acheson : I hope so, Sir.

( 1379 )

## LOCATION OF THE AERODROME AT CHITTAGONG.

524. \*Mr. Muhammad Anwar-ul-Azim : Will Government please state whether they have yet decided anything about the location of the Aerodrome at Chittagong? Are Government aware that it takes a long time to get to the Aerodrome by river, and will Government please state whether they propose to make the Patanga Beach road motorable in the immediate future?

Mr. A. G. Clow : The Government of India have decided to retain the existing landing ground at Chittagong (Gupta Point). Government are aware of the position and the question of the construction of a road connecting the landing ground with the city of Chittagong is under consideration.

## POSITION OF MUSLIMS IN THE AERODROMES AT MINGALADON, AKYAB AND CHITTAGONG.

525. \*Mr. Muhammad Anwar-ul-Azim : (a) Will Government please state what is the position of Mussalmans in the Aerodromes at Mingaladon, Akyab, and Chittagong?

(b) Will Government please state whether the Home Department circular does not apply to this Department of Government, in matter of recruitment?

Mr. A. G. Clow : (a) No Muslim is employed in the aerodrome offices at Mingaladon and Akyab and there is at present no aerodrome staff at Chittagong.

(b) The circular applies to the Civil Aviation Directorate, including its local offices.

## GRIEVANCES OF THE INDUSTRIAL EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

526. \*Mr. Amarendra Nath Chattopadhyaya : (a) Is it a fact that the Honourable Member-in-charge, Department of Industries and Labour, stated in the Council of State on the 25th February, 1935, that the Works Committees of the Government of India Presses are ordinary departmental channels through which representations can be made to the authorities?

(b) Is it a fact that the Honourable Member stated on the 25th February, 1935, in the Council of State that any grievances represented through the ordinary departmental channels would receive the most sympathetic consideration?

(c) Is it a fact that the Works Committee in the Government of India Press, Calcutta, represented the following grievances of the industrial hands to the Honourable Member through the Controller of Printing and Stationery and the Manager on the 18th December, 1934 :

- (i) that the concession of 15 minutes late attendance after normal working hours which the said press employees used to enjoy for a long time in the past, has been discontinued;
- (ii) that payment for meal hour is not allowed to the press-employees whenever they are requisitioned for morning overtime work; and

(iii) that the concession of late excuse and one hour's early leave on a holiday is not allowed to them as before whenever they are requisitioned to work on a gazetted holiday?

(d) Is it a fact that the Works Committee in the Government of India Press, Calcutta, represented in the months of June, July, August and September, 1926, the arbitrary actions of the Checkers and the consequent disastrous effect of the same on the Piece-Workers?

(e) If the answers to (a) and (b) are in the affirmative, will the Honourable Member-in-charge be pleased to state what decisions have been arrived at with regard to the grievances stated in parts (c) and (d)?

Mr. A. G. Clow : (a) and (b). Yes.

(c) No such representation has been received.

(d) This apparently relates to a matter of nine years ago and I am unable to trace the receipt of any such representation.

(e) Does not arise.

## GRIEVANCES OF THE INDUSTRIAL EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

527. \*Mr. Amarendra Nath Chattopadhyaya : (a) Is it a fact that the Honourable Member-in-charge, Department of Industries and Labour, stated that any grievance properly represented through the ordinary departmental channels would receive the most sympathetic consideration?

(b) Is it a fact that the Industrial employees of the Government of India Press, Calcutta, submitted memorials in November, 1933, to the Controller of Printing and Stationery through the Manager, Government of India Press, Calcutta, praying for granting of medical leave from the date of appointment as before?

(c) Is it a fact that the industrial employees of the Government of India Press, Calcutta, further submitted memorials to the Honourable Member through the Controller and Manager in August, 1934, praying for granting of medical leave from the date of appointment as before?

(d) Is it a fact that the several binders of the Government of India Press, Calcutta, submitted a petition for making them permanent on the 20th July, 1930, and which was returned by the then Manager with a note which said amongst other things that "I am certain that those who can claim a fair amount of service will have their posts converted to permanent posts before very long"?

(e) Is it a fact that the temporary binders in the Calcutta Press claiming services from 12 to 22 years submitted memorials to the Honourable Member through proper channel in September, 1934, with a prayer to include them in the permanent staff so that they may enjoy the privileges of Government service?

(f) If the answers to parts (a) to (e) be in the affirmative, will the Honourable Member-in-charge, be pleased to state whether the grievances as in parts (b) to (e) have been redressed and how? If not, why not?

Mr. A. G. Clow : (a) to (e). Yes.

(f) The question refers to two prayers of which one, namely that relating to medical leave, has been granted. The attention of the

Honourable Member is invited to the Finance Department Resolution, dated the 8th August, 1935, which was published in Part I of the Gazette of India, dated the 10th August, 1935. The other prayer is under consideration. The latter part of the question does not, therefore, arise.

#### GRIEVANCES OF THE COMPOSITORS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

528. \*Mr. Amarendra Nath Chattopadhyaya : (a) Is it a fact that the Piece Enquiry Committee recommended and Government accepted the principle that the older hands in Government Presses, should be given lighter works ?

(b) Will Government be pleased to state whether the principle stated in (a) has been applied in the Calcutta Press ?

(c) Will Government be pleased to lay on the table a statement showing :

- (i) the names of the compositors in the Calcutta Press whose ages range between 42 and 50 ;
- (ii) the nature of works given to each of them in the years 1931, 1932, 1933, 1934 and upto July, 1935 ;
- (iii) the earnings of each of them in the years 1931, 1932, 1933, 1934 and upto July, 1935 ?

Mr. A. G. Clow : (a) Yes, as far as practicable.

(b) I understand that the principle is not being followed completely in the Calcutta Press as some difficulties have been experienced in giving effect to it. The Controller of Printing and Stationery is enquiring into the matter.

(c) I regret that I cannot furnish the information required by the Honourable Member as its collection would involve an amount of time and trouble disproportionate to the result.

#### WORKS COMMITTEE IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

529. \*Mr. Amarendra Nath Chattopadhyaya : (a) Is it a fact that there is a Works Committee in the Government of India Press, Calcutta, which is composed of the representatives of the superior officers as well as of the representatives of the industrial employees ?

(b) Is it a fact that the following important subjects, amongst others, are discussed in the said Committee :

- (i) distribution of work by section-holders and Heads of Branches ;
- (ii) questions regarding the cutting of time, etc., by the Checkers ;
- (iii) questions regarding computing ; and
- (iv) punishments and individual grievances ?

(c) Are Government aware that the representatives of the industrial employees have to challenge, in the course of the discussion, the validity of the orders of the superior officers regarding cutting of time, distribution of work or of computing ?

(d) If the answer to part (c) be in the affirmative, what steps do Government propose to take to safeguard the interests of these representatives ? If in the negative, will Government be pleased to lay on the table a statement showing the orders of punishments, if any, in the service sheets of the following employees in the Calcutta Press, before and after the period they had been elected to the Works Committee ?

- |                                   |             |
|-----------------------------------|-------------|
| (i) Golam Mustafa .. ..           | Compositor. |
| (ii) Narayan Chandra Sarkar .. .. | Do.         |
| (iii) Surendra Nath Bose .. ..    | Do.         |
| (iv) Dwarka Gopal .. ..           | Do.         |
| (v) Amullaya Gupta .. ..          | Do.         |

Mr. A. G. Clow : (a) and (b). Yes.

(c) The correct position is that the employees are afforded regular opportunities of discussing with the supervising staff at the committee meetings any inequalities and difficulties which may arise under working conditions.

(d) None of the five persons mentioned is now working in the Government of India Press, Calcutta, and no papers can be traced to show whether any punishment was inflicted on them.

#### COMMUNAL COMPOSITION OF THE INDUSTRIAL EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

530. \*Mr. Amarendra Nath Chattopadhyaya : Will Government be pleased to lay on the table a statement showing the number of industrial workers employed in the Calcutta Press under each of the following category :

- (i) Hindus,
- (ii) Muhammadans,
- (iii) Anglo-Indians, and
- (iv) Europeans ?

Mr. A. G. Clow : A statement is laid on the table.

#### *Communal Composition of Industrial Workers, Calcutta Press.*

There are 370 Hindus, 312 Muslims, 6 Anglo-Indians, and no Europeans.

#### PROTECTION OF INDIANS IN ABYSSINIA.

531. \*Pandit Sri Krishna Dutta Paliwal : (a) Will Government please state what steps, if any, they have taken to protect the Indian settlers in Abyssinia, in the event of war breaking out between that country and Italy ?

(b) How and by whom was India represented at the League of Nations when the dispute between Italy and Abyssinia was brought forward before that body ?

Mr. J. G. Acheson : (a) The Honourable Member is referred to the answer given on the 3rd September, 1935, to a short notice question on the same subject by Mr. Satyamurti.

(b) The only authority of the League which has hitherto handled the dispute is the Council of which India is not a member.

**Mr. S. Satyamurti :** Is the Honourable Member aware that the Assembly has met and has considered this question ?

**Mr. J. G. Acheson :** No, Sir.

#### CANCELLATION OF THE PASSPORT OF MR. MASANI OF BOMBAY.

532. **\*Pandit Sri Krishna Dutta Paliwal :** Is it a fact that the passport of Mr. Masani was impounded as a result of reports submitted by the Government of India ? If so, will Government please lay a copy of the report on the table ? What is the basis of the report ?

**The Honourable Sir Henry Craik :** With your permission, Sir, I will answer questions Nos. 532, 547, 556 and 632 together. I would refer the Honourable Members concerned to the replies given by me on the 12th September, 1935, to Professor Ranga's question No. 315 and the supplementary questions on this subject. I am unable, on grounds of public interest, to lay any of the correspondence on the table of the House.

**Mr. S. Satyamurti :** Was this Government consulted, before the Secretary of State granted a passport to Mr. Masani to go to certain countries in Europe ?

**The Honourable Sir Henry Craik :** Yes, Sir.

**Mr. S. Satyamurti :** And what was the information which this Government gave on that consultation ?

**The Honourable Sir Henry Craik :** I am not prepared to reveal that.

**Mr. S. Satyamurti :** Did this Government take at any time the position that Mr. Masani's holding certain opinions on reform of society disentitled him to travel to certain countries ?

**The Honourable Sir Henry Craik :** No.

**Mr. Sri Prakasa :** Is the Honourable Member aware that the Secretary of State said in the House of Commons that Mr. Masani had advocated violence ?

**The Honourable Sir Henry Craik :** Yes : I understand the Secretary of State said that he seemed to recollect something of that sort.

**Mr. Sri Prakasa :** Did the Government of India inform the Secretary of State that what he was saying was false and did they see to it that an Indian subject was not libelled like that ?

**The Honourable Sir Henry Craik :** There is another question on the paper about this.

**Prof. N. G. Ranga :** Is the Honourable Member aware of the fact that Mr. Masani is one of the General Secretaries of the All-India Congress Socialist Party, which is wedded to non-violence ?

**The Honourable Sir Henry Craik :** I am aware that he is one of the Secretaries of the All-India Congress Socialist Party.

**Mr. Sri Prakasa :** The question referred to by the Honourable the Home Member may never come up this Session : will not the Honourable Member reply at once ?

**The Honourable Sir Henry Craik :** No.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member has referred to some question which comes later ; is that likely to be reached this Session ?

**The Honourable Sir Henry Craik :** I cannot say : I should think it was doubtful.

**Prof. N. G. Ranga :** Is the Honourable Member aware that the Congress Socialist Party is a part of the Indian National Congress and is also wedded to non-violence like the Congress itself ?

**The Honourable Sir Henry Craik :** I understand that the Congress Socialist Party is a part, but not a very concordant part of the Congress.

**Prof. N. G. Ranga :** Is he aware of the fact that its main creed is non-violence ?

(No answer.)

#### FALL IN THE EXPORT OF OIL AND OIL CAKES FROM INDIA TO GREAT BRITAIN.

533. **\*Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that the export of oil and oil cakes from India to Great Britain have fallen during the last two years ?

(b) Is it also a fact that Great Britain proposes to raise the duty on India's oil and oil cakes ?

(c) What steps, if any, have Government taken to prevent Great Britain from taking that step ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) No.

(b) Government have no reason to believe that this is so.

(c) Does not arise.

**Mr. S. Satyamurti :** Did Government make any inquiries after receipt of this question with regard to clause (b) ?

**The Honourable Sir Muhammad Zafrullah Khan :** No.

**Mr. S. Satyamurti :** Why did not Government make any inquiry ?

**The Honourable Sir Muhammad Zafrullah Khan :** Because, if anything was in contemplation of that description, I have no doubt that Government would be informed of it in due course.

**Mr. S. Satyamurti :** Is it the Government of India's position that the Government in Great Britain will not levy any such duty, without consulting the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is not the Government's position.

**Mr. S. Satyamurti :** Then, how do the Government of India expect to be consulted ?

**The Honourable Sir Muhammad Zafrullah Khan :** As there is a good deal of communication going on all the time, I did not say they would be consulted, but that they would get information.

**Mr. S. Satyamurti :** Officially, or through the newspapers ?

**The Honourable Sir Muhammad Zafrullah Khan :** Officially.

**Mr. S. Satyamurti :** Will the Government of India be given an opportunity to state their case before Great Britain makes up its mind and imposes a duty ?

**The Honourable Sir Muhammad Zafrullah Khan :** That I cannot say ; but, before a final decision is taken, I have no doubt Government will have an opportunity of putting their views for His Majesty's Government to consider.

**Mr. S. Satyamurti :** With reference to part (a), may I know what the latest figures are ?

**The Honourable Sir Muhammad Zafrullah Khan :** The latest figures are Rs. 126.9 lakhs for 1934-35.

**Mr. S. Satyamurti :** How does it compare with the previous years' figures ?

**The Honourable Sir Muhammad Zafrullah Khan :** It compares with Rs. 95.8 lakhs for 1932-33 and Rs. 106.6 lakhs for 1933-34.

#### FACILITIES FOR THE EDUCATION OF THE CHILDREN OF THE INDIAN AND EUROPEAN STAFF OF THE INDIAN RAILWAYS.

534. \***Pandit Sri Krishna Dutta Paliwal :** (a) Will Government please state the facilities they give for the education of the children of the (1) Indian, and (2) European staff of the Indian railways, respectively ?

(b) Will Government please state the reasons why they give greater facilities to the children of the European staff ?

(c) Are Government prepared to consider the advisability of helping the children of the Indian staff up to the High School Standard which is the minimum educational qualification for engagement in the service ?

**Mr. P. R. Rau :** (a) The information is contained in the " Rules governing the grant of assistance from railway funds to employees of State-managed Railways towards the education of their children", a copy of which is in the Library of the House.

(b) The present rules are the same for Indian and European staff.

(c) This is one of the questions for discussion at the next meeting of the Central Advisory Council for Railways.

**Pandit Lakshmi Kanta Maitra :** Is the Honourable Member aware that, at the last Delhi Session, I gave notice of a question inquiring as to what steps the Eastern Bengal Railway administration was going to take for giving facilities for the education of the children of its Indian employees ?

**Mr. P. R. Rau :** The facilities are contained in the rules to which I have already invited the attention of the Honourable Member.

**Pandit Lakshmi Kanta Maitra :** Does the Honourable Member remember that at the last Session the Honourable Member told me that

nothing so far had been done for giving such facilities to the children of its Indian employees, while much had been done for the Anglo-Indians and Europeans ?

**Mr. P. R. Rau :** I do not remember to have said anything of the kind.

**Mr. Lalchand Navalrai :** Is there any arrangement for training in vernacular in places where their mother tongue is not the language ?

**Mr. P. R. Rau :** I suggest my Honourable friend might read the detailed rules and then ask me questions on that.

**Pandit Lakshmi Kanta Maitra :** Is it not a fact that the Eastern Bengal Railway Administration is paying a certain amount by way of allowances to the European and Anglo-Indian employees in proportion to their pay and to the number of children, whereas nothing has been done for Indians ?

**Mr. P. R. Rau :** The first is correct, but not the second. Indian employees are also entitled to certain assistance under the rules governing the grant of assistance.

**Pandit Lakshmi Kanta Maitra :** Is it not a fact that the allowance referred to by the Honourable Member is disproportionately small compared with that given to the Anglo-Indian and European employees ?

**Mr. P. R. Rau :** The rules contain all the information that there is available in the matter, and I would ask my Honourable friend to study the rules before asking questions.

**Mr. Lalchand Navalrai :** Where are the rules to be got from ?

**Mr. P. R. Rau :** In the Library of the House.

#### PAYMENT OF INTEREST ON SECURITY AMOUNT DEDUCTED FROM THE PAY OF THE RAILWAY EMPLOYEES.

535. \***Pandit Sri Krishna Dutta Paliwal :** (a) Will Government please state if they propose to pay interest, on the security amount deducted from the pay of the railway employees since February, 1931, at the Government rate ? If so, when ? If not, why not ?

(b) Do Government intend to refund the securities of those members of the railway staff whose provident fund account exceeds the amount of security asked for ? If so, when ? If not, why not ?

**Mr. P. R. Rau :** (a) Government decided in February, 1934, that interest should not be paid in future from railway funds on security deposits in cash. If a person depositing cash security wishes that his deposits should earn interest, such deposits can be made in the form of Government securities or the amounts deposited in post office savings banks and hypothecated to Government.

(b) No. There is no connection between the two.

**Mr. Sri Prakasa :** Sir, Seth Govind Das has authorised me in writing to ask his questions on his behalf : No. 536.

#### STATE PRISONERS IN DIFFERENT PROVINCES.

536. **\*Mr. Sri Prakasa** (on behalf of Seth Govind Das) : (a) Will Government be pleased to state the number of State Prisoners in the different provinces of this country ?

(b) What is the duration of their imprisonment (separately) and the different charges on which they are booked ?

(c) Will Government be pleased to state the total annual expenditure incurred by Government with regard to their detention ?

(d) How is the expenditure so incurred met with—whether from the provincial revenues of the province to which the prisoner belongs, or from the Central revenues ?

(e) Will Government state the basis on which personal and family maintenance allowances have been allotted ?

(f) Will Government state the exact amount of their family and personal allowances in each case ?

(g) Do their personal allowances vary according to the provinces of detention ?

(h) If so, how is the difference in allowances in the different provinces based ?

(i) What is the provision made for their recreation ?

(j) Will Government state whether these provisions vary in the different jails of various provinces ? If so, what are the reasons ?

**The Honourable Sir Henry Craik :** (a), (b) and (f). I would refer the Honourable Member to the statement laid on the table on the 14th August, 1934, in reply to question No. 555. I now lay on the table a further statement bringing the information given there up to date.

(c) and (d). All expenditure in connection with State Prisoners under Regulation III of 1818 and the cognate Regulations in Madras and Bombay is a Central charge and is met from the head "29—Political, Refugees and State Prisoners", amounts being placed at the disposal of Local Governments according to the requirements of the State Prisoners and Refugees within their jurisdiction. As regards the expenditure incurred on State Prisoners I would refer the Honourable Member to part (b) of the reply given by me on the 8th March, 1935, to question No. 738 on this subject.

(e), (g) and (h). In accordance with the requirements of the Regulation, suitable provision is made for the State Prisoner according to his rank in life, and to his own needs and those of his family. The allowances are fixed after careful consideration of all the facts of each case. The personal allowances vary according to the requirements of each State Prisoner and to local conditions.

(i) and (j). Games and implements for recreation are provided under the rules on consideration of the requirements and local circumstances of each case, and such expenditure as is reasonable is sanctioned.

*Supplementary Statement regarding State Prisoners. Modifications in entries in previous list.*

| No.   | Names of State prisoner.       | Date of arrest.                 | Amount of allowances sanctioned               |                                | Remarks.                                  |
|-------|--------------------------------|---------------------------------|-----------------------------------------------|--------------------------------|-------------------------------------------|
|       |                                |                                 | for the State prisoner himself.               | for his family and dependents. |                                           |
| 1     | Sarat Chandra Bose             | } have been released from 1818. |                                               |                                | Regulation III of                         |
| 19    | Abdul Ghaffar Khan             |                                 |                                               |                                |                                           |
| 20    | Dr. Khan Sahib ..              |                                 |                                               |                                |                                           |
| 8     | Suresh Chandra Das             | 2-1-32                          | Rs. 20 p.m.<br>plus Rs. 1/8 per diem.         | Rs. 100 p.m.                   |                                           |
| 9     | Manoranjan Gupta               | 24-11-31                        | } Rs. 1/12 per diem for diet plus Rs. 34 p.m. | Nil.                           |                                           |
| 10    | Arun Chandra Guha              | Do.                             |                                               | Nil.                           |                                           |
| 11    | Bhupendra Kumar Datta.         | Do.                             |                                               | Rs. 20 p.m.                    |                                           |
| 12    | Satya Bhusan Gupta             | Do.                             |                                               | Rs. 40 p.m.                    |                                           |
| 14    | Surendra Mohan Ghosh.          | 23-11-31                        | Rs. 1/4 per diem for diet plus Rs. 32 p.m.    | Rs. 30 p.m.                    |                                           |
| 18    | Bhupendra Kishore Rakshit Roy. | ..                              | Re. 0/12/0 per diem for diet plus Rs. 32 p.m. | Rs. 35 p.m.                    |                                           |
| 36    | Sardar Abdull Jan..            | 21-12-25                        | Rs. 600 p.m.                                  | ..                             |                                           |
| 37    | Sardar Abdul Hamid Khan.       | 21-12-25                        | Rs. 500 p.m.                                  | ..                             |                                           |
| 38    | Sardar Abdul Quayyam Khan.     | 27-7-34                         | Rs. 450 p.m.                                  | ..                             |                                           |
| 40    | Khan Baba ..                   | 15-11-33                        | Rs. 30 p.m.                                   | ..                             | In addition Rs. 1 per day for diet.       |
| 41-44 | ..                             | 15-11-33                        |                                               |                                |                                           |
| 45    | Atta Mohammad ..               | 15-11-33                        | Rs. 60 p.m.                                   |                                |                                           |
| 47    | Ismail ..                      | 15-11-33                        | Rs. 60 p.m.                                   |                                |                                           |
| 48    | Mohd. Jan ..                   | 15-11-33                        | Rs. 60 p.m.                                   |                                |                                           |
| 53    | Khwaaja Karim. Abdul           | 23-12-33                        | *Rs. 45 p.m.                                  | Rs. 40 p.m.                    | *In addition Rs. 1-8-0 per diem for diet. |
| 54    | Mohd. Nasir ..                 | 23-12-33                        | *Rs. 45 p.m.                                  | ..                             | *Do.                                      |



| No. | Names of State prisoner.  | Date of arrest.                        | Amount of allowances sanctioned |                                | Remarks.                                  |
|-----|---------------------------|----------------------------------------|---------------------------------|--------------------------------|-------------------------------------------|
|     |                           |                                        | for the State prisoner himself. | for his family and dependents. |                                           |
|     |                           | <i>Additions to the previous list.</i> |                                 |                                |                                           |
|     | Taj Muhammad ..           | 23-10-34                               | Rs. 60 p.m.                     |                                |                                           |
|     | Abdur Rahman Jan          | 15-2-35                                | *Rs. 45 p.m.                    | ..                             | *In addition Rs. 1-6-0 per diem for diet. |
|     | Sardar Abdul Khaliq Khan. | 6-4-35                                 | Rs. 50 p.m.                     | Rs. 70 p.m.                    |                                           |
|     | Ghulam Jilani ..          | 29-4-35                                | Rs. 50 p.m.                     |                                |                                           |
|     |                           | <i>Madras Regulation II of 1819.</i>   |                                 |                                |                                           |
|     | Amir Haidar Khan          | 31-8-34                                | Rs. 60 p.m.                     |                                |                                           |

**Mr. Sri Prakasa :** How is the Honourable Member able to find out and decide the rank of a prisoner and the needs of his family ?

**The Honourable Sir Henry Craik :** By making inquiries.

**Mr. Sri Prakasa :** What is the source of the inquiries ? To whom are those inquiries directed ?

**The Honourable Sir Henry Craik :** To the Local Governments concerned, and the officer in whose charge the prisoner is, and, if necessary, from the prisoner himself.

**Mr. Sri Prakasa :** From the members of the family of the prisoner also ?

**The Honourable Sir Henry Craik :** Yes.

**Pandit Lakshmi Kanta Maitra :** Is the premium on the life policies held by the prisoners paid by the Government ?

**The Honourable Sir Henry Craik :** In one or two exceptional cases those premia were paid, I believe, but not as a rule.

**Pandit Lakshmi Kanta Maitra :** May I know why special consideration was shown in the case of one or two prisoners and not in the case of all prisoners who hold life insurance policies ?

**The Honourable Sir Henry Craik :** I don't see that Government are under any obligation to pay premia on life policies.

**Mr. Sri Prakasa :** Then, why does it pay in the case of one or two prisoners ?

**The Honourable Sir Henry Craik :** I said that, in the case of one or two prisoners, premia were paid, but not as a general rule.

**Sardar Sant Singh :** May I know, Sir, whether the reply given to part (a) of question No. 536 giving the number of State Prisoners in

the different provinces of this country includes the *ex-Maharaja of Nabha* also ? Does this number include the *ex-Maharaja of Nabha* ?

**Mr. J. G. Acheson :** I want notice of that question, Sir.

**Sardar Sant Singh :** Why notice ?

**Mr. President (The Honourable Sir Abdur Rahim) :** There may be a large number of State Prisoners. The Honourable Member may recollect all the names.

**The Honourable Sir Henry Craik :** I have now looked up the tement I laid on the table in August last year, and I find that it does include the *ex-Maharaja of Nabha*.

**Pandit Lakshmi Kanta Maitra :** Are Government aware that frequent complaints are made by State Prisoners about the inadequacy of provisions ?

**The Honourable Sir Henry Craik :** They often make representations.

#### STATE PRISONERS IN THE CENTRAL PROVINCES JAILS.

537. **\*Mr. Sri Prakasa** (on behalf of Seth Govind Das) : Will Government be pleased to state :

- the number of State prisoners at present in the central and sub-jails, separately, of the Central Provinces ;
- whether sub-jails are adequately equipped, with regard to medical and recreation facilities for State prisoners ;
- the facilities extended to them for exercise and games ;
- whether their personal allowances have been reduced as a result of their transfer to this province from another, if so, to what extent and for what reasons ;
- whether Central Provinces is regarded as a cheaper province than any other, such as Bengal and Madras ; and
- what the relevant motive of the Government is to keep transferring State prisoners from one province to another and particularly to sub-jails ?

**The Honourable Sir Henry Craik :** (a), (b) and (c). There are four State Prisoners in the Central Provinces, all of whom are confined in Amoh, not in the jail building proper but in a separate building formerly used as a *tahsil* which is adjacent to the jail and has a yard which allows them ample space for exercise. They are allowed to move out freely in the yard and have been provided with parallel bars and badminton court. The health of the prisoners is satisfactory and the medical facilities available to them are adequate.

(d) and (e). The rate of personal allowance is fixed in consultation with Local Governments after taking into consideration local conditions. The Bengal State Prisoners now confined in the Central Provinces get a personal allowance of Rs. 20 per mensem. In the case of one of the prisoners transferred in April, 1934, from Madras, where the rate of personal allowance is Rs. 32 per mensem the allowance was reduced to bring it to the level fixed for the other State Prisoners in the Central Provinces.

(f) The suggestion behind the Honourable Member's question is quite incorrect. The transfer referred to in my reply to parts (d) and (e) was made at the request of the prisoner concerned.

**Pandit Lakshmi Kanta Maitra :** Is it a fact that State Prisoners in jails and sub-jails are subject to ordinary jail rules ?

**The Honourable Sir Henry Craik :** No. There are special rules dealing with State Prisoners.

**Pandit Lakshmi Kanta Maitra :** Are they governed by special regulations in jails and sub-jails ?

**The Honourable Sir Henry Craik :** Yes, there are special rules for them.

**Mr. T. S. Avinashilingam Chettiar :** Are they always transferred at their request ?

**The Honourable Sir Henry Craik :** Not always. In this particular case, the suggestion was that Government transferred the prisoners without consulting him. In this particular case, the prisoner asked for a transfer.

**Mr. Mohan Lal Saksena :** Will the Honourable Member kindly keep a copy of the special rules on the table of the House ?

**The Honourable Sir Henry Craik :** I think those are confidential.

**Prof. N. G. Ranga :** Do these rules vary from jail to jail ?

**The Honourable Sir Henry Craik :** I must have notice of that question.

**Mr. Sri Prakasa :** Is the allowance paid directly to the prisoner concerned or it is kept for him at the jail gate ?

**The Honourable Sir Henry Craik :** I must have notice.

#### FACILITIES FOR PLAYING GAMES OUTSIDE THE JAIL COMPOUNDS ALLOWED TO STATE PRISONERS.

538. **\*Mr. Sri Prakasa** (on behalf of Seth Govind Das) : Will Government be pleased to state :

- whether State prisoners in this country are given the facility of playing games outside the jail compounds in certain jails and not so in some others ;
- the reason for this discriminative treatment ;
- whether the discriminative decision entirely rests at the sweet will of the jail officers ; and
- whether one rule with regard to such treatment is applied to all State prisoners in all the jails ?

**The Honourable Sir Henry Craik :** Facilities for exercise vary according to local circumstances. Arrangements are made by the Superintendent with due regard to the maintenance of jail discipline and the safe custody of the State Prisoners. They are allowed to exercise in the open air in the mornings and evenings, and where conditions permit and they so desire arrangements are made for badminton, Indian clubs, and other forms of exercise.

**Mr. Sri Prakasa :** Are they allowed to have doctors from outside ?

**The Honourable Sir Henry Craik :** Yes, if necessary.

**Mr. Sri Prakasa :** Who is to decide the necessity of an outside doctor,—the prisoner himself or the jail authorities ?

**The Honourable Sir Henry Craik :** The Medical Officer of the jail.

**Mr. Sri Prakasa :** It is the Superintendent, I take it. In my province, the Medical Officer is the Jail Superintendent, and I take it that he decides whether any further outside medical aid is necessary or not ?

**The Honourable Sir Henry Craik :** Not always.

**Prof. N. G. Ranga :** In case these prisoners are allowed to have outside medical men, who pays for medical treatment ?

**The Honourable Sir Henry Craik :** To the best of my belief, Government pay.

**Mr. Sri Prakasa :** Not out of their allowance ?

**The Honourable Sir Henry Craik :** No.

#### STATE PRISONERS IN THE DAMOH SUB-JAIL IN THE CENTRAL PROVINCES.

539. **\*Mr. Sri Prakasa** (on behalf of Seth Govind Das) : Will Government be pleased to state :

- whether they are aware that the State prisoners in the Damoh sub-jail in Central Provinces have had distinguished Congress careers in Bengal ;
- since when the majority of the terroristic crimes commenced in Bengal ;
- whether they possess a full *dosier* of their career in connection with the Indian National Congress ;
- whether these State prisoners were arrested before most of the crimes under terrorism commenced ;
- whether these State prisoners, now in the Damoh sub-jail, were arrested for revolutionary activities ;
- whether they will be pleased to lay such record on the table to give an opportunity to this House to judge the justification of their detention over five years ;
- what the full record of their detention since 1915 is ;
- the crimes and the laws under which they were so detained and arrested from time to time ;
- whether their detention, without trial, under the Defence of India Act, and the Bengal Regulation III of 1818, in 1915, has any connection with their detention at present of 5½ years, and, if so, what they are ;
- whether they desire keeping these prisoners under detention without trial for their entire lives ;
- why Government do not prosecute them in a Criminal Court of law and prove their guilt, if guilty they really are ;

(l) if they cannot prosecute them in a court, whether they propose to consider the desirability of releasing them at this time of peace ;

(m) if so, when they are likely to be released ; and

(n) if not, why not ?

**The Honourable Sir Henry Craik :** (a) and (c) to (i). It is a fact that the persons referred to in his question, who were described by the Government of Bengal, in 1931, as "active revolutionaries and leaders in the present terrorist movement", were also prominent members of the Congress in Bengal. According to my information one of them was the Secretary and another the Assistant Secretary of the Bengal Provincial Congress Committee, while a third was the President of the Chinsurah Congress Committee. Each of them was detained under the Defence of India Act or Regulation III of 1818, on account of their terrorist activities, before 1920. All four were released in 1920. They were again detained first under Regulation III and later under the Bengal Criminal Law Amendment Act, 1925, between 1923-24 and 1928 when again all four were released. They were again arrested under the Bengal Criminal Law Amendment Act, 1930, and in 1931 their detention was changed to Regulation III in order that they might be confined in a place outside Bengal. I cannot in the public interests lay on the table of the House the evidence which justifies their present detention which has been examined by two Judges and found by them to be sufficient for that purpose.

(b) After a period of intensive preparation in 1928-30 terrorist crimes became numerous in 1930 and were at their height in 1931 and 1932.

(j) to (n). The prisoners will be detained so long as their detention is necessary in the public interests. They have not been prosecuted because the evidence against them is not of a nature that can be put into Court.

**Prof. N. G. Ranga :** In view of the fact that these people have been kept in detention for five years without trial, will Government consider the advisability of releasing them on parole so that they may have at least some family life ?

**The Honourable Sir Henry Craik :** No, Sir.

**Mr. S. Satyamurti :** What is the evidence which is in the possession of the Government, but which is not fit for Courts to look at ? Is it the information of informers and spies, or anything more than that ?

**The Honourable Sir Henry Craik :** I have said that I cannot, in the public interest, lay it on the table of the House, nor can I disclose it here.

**Mr. S. Satyamurti :** I want to know what is the nature of the evidence. Have Government got the statements of any independent respectable witnesses ?

**The Honourable Sir Henry Craik :** I am not prepared to add anything to what I have already said.

**Mr. S. Satyamurti :** Is it only the evidence of spies and informers ?

**Dr. N. B. Khare :** Why do not Government put these people on open trial ?

**The Honourable Sir Henry Craik :** I have explained that.

**Prof. N. G. Ranga :** Will Government pay allowances to their dependents and their families ?

**The Honourable Sir Henry Craik :** That does not arise out of my reply.

**Pandit Lakshmi Kanta Maitra :** Is it not a fact Sir, that most of these people were arrested long before the outbreak of any terrorist crimes in Bengal ?

**The Honourable Sir Henry Craik :** I have given details in my reply.

**Mr. M. Ananthasayanam Ayyangar :** May I know who were the two Judges who sat to consider this matter ? Who are those Judges ? Are they Judges of the High Court or Sessions Judges ?

**The Honourable Sir Henry Craik :** Sessions Judges.

#### CENSOR CENTRES FOR CENSORING THE LETTERS OF STATE PRISONERS AND DETENUS.

540. **\*Seth Govind Das :** Will Government be pleased to state :

(a) the number of censor centres in this country where the letters of the State prisoners and detenues are being censored ;

(b) the number and permanent staff attached thereto ;

(c) the nature of their functions ;

(d) the kind and parts of communications deleted by them from the letters of or for the prisoners ;

(e) the annual expenditure of such offices ;

(f) which Government (Central or Provincial) meets the expenditure so incurred ;

(g) whether the staff so attached is sufficient to dispose of the work from day to day ;

(h) whether Government receive frequent complaints with regard to the delay in delivery of such letters ;

(i) what actions, if any, do Government take to remedy the evil ;

(j) whence the staff attached to such offices are drawn ;

(k) whether there are any Inspectors of Police or from the special branch of the Intelligence Department of the Government in this staff ;

(l) whether the practice of this office is to delete the matters even with regard to bad state of health whether of the prisoners or their people while exchanging communications ;

(m) whether this office brings out any annual administrative report ; and

## STATE PRISONERS IN BAD HEALTH.

(n) whether they are prepared to lay on the table a copy of such report ?

**The Honourable Sir Henry Craik :** (a) to (c), (g), (j) and (k). I presume the Honourable Member is referring to the arrangements made for the censorship of the correspondence of the Bengal State Prisoners and Detenus. The Government of India are not concerned with detenus in Bengal, but in the case of those detained in the Camps there and in the Deoli Camp Jail, the censorship is done by the Camp Commandant. In the case of other Bengal detenus and State Prisoners detained in jails outside Bengal, the censorship of their correspondence is done in the Central Intelligence Bureau, Calcutta, by a staff consisting of two Inspectors and two Sub-Inspectors who also review books and examine manuscript note-books found in possession of State Prisoners and detenus, in addition to attending to the censorship of the correspondence of terrorist convicts in the Andamans. The staff is overworked, especially at times when large batches of letters are received.

(d) The main object of censorship is to prevent communication with members of terrorist or revolutionary organisations and such references are deleted as well as false statements and improper language or matters relating to Government policy and information in regard to jail administration.

(e) and (f). Information is not readily available and I cannot, therefore, say what expenditure, if any, is charged to Central revenues.

(h) and (i). Complaints are occasionally received and these are passed on to the Local Government for investigation. Delay in censorship is due to enquiries having to be made regarding persons mentioned in correspondence, and often results from disregard of the standing rules which require the writers of letters to furnish particulars of persons named in correspondence so as to facilitate enquiries.

(l) It is not the practice to delete portions referring to the state of health either of State Prisoners or detenus or of their relatives except when such portions grossly exaggerate the facts relating to the prisoners themselves with a view to providing material for propaganda. When such deletions are made by the Central Intelligence Bureau, Calcutta, enquiries are made simultaneously from the jail authorities to ascertain the real facts.

(m) No.

(n) Does not arise.

**Prof. N. G. Ranga :** Are Government aware that several complaints had been made by State Prisoners in Madras in regard to clause (l) of the question, that portions of their letters relating to their health had been deleted by the censors ?

**The Honourable Sir Henry Craik :** I have already answered that.

**Prof. N. G. Ranga :** Have Government received any complaint to that effect ?

**The Honourable Sir Henry Craik :** I have said that complaints are occasionally received.

541. **\*Seth Govind Das :** Will Government be pleased to state :

- (a) the number of State prisoners who are at present in bad health ;
- (b) those that are in very bad health ;
- (c) the names of the prisoners and the jails they are detained in
- (d) names of State prisoners (with the names of jails) who are suffering from violent type of tuberculosis ;
- (e) the names of the jails that are regarded to be the best for such maladies ;
- (f) whether State prisoners in those jails are kept in separate wards ;
- (g) whether all the State prisoners that are suffering from phthisis are kept in such jails ;
- (h) if not, whether they will arrange to transfer all phthisis patients to such jails which are regarded good for such diseases ;
- (i) whether there are any helpless cases among them ;
- (j) whether they propose to consider the advisability of sending them to sanatoriums or to release them to live or die amidst their relations and family surroundings ;
- (k) if not, why not ?

**The Honourable Sir Henry Craik :** (a) and (b). The health of a State Prisoners confined in jail is reported to be satisfactory. Three State Prisoners have in the past not kept the best of health, but have lately improved.

(c) Does not arise.

(d) There is no case of any violent type of tuberculosis among the State Prisoners. One State Prisoner, who has a phthisical family history, has suffered from tuberculosis but for some time he has not had any signs of active disease and his present state of health is satisfactory.

(e) to (k). Do not arise.

**Mr. G. Morgan :** Is the Honourable Member in a position to state how many of these State Prisoners are in very much better state of health than before they became State Prisoners ?

**Mr. S. Satyamurti :** Why should not the Honourable Member himself go there ? He may also improve in health !

**Mr. Sri Prakasa :** In view of the fact that Superintendents of Jail are themselves Medical Officers, will the Honourable the Home Member take steps to see that qualified outside doctors examine the health of these prisoners from time to time ?

**The Honourable Sir Henry Craik :** That is done when it is necessary.

**Mr. T. S. Avinashilingam Chettiar :** Who are the three people referred to in part (b) of the question ?

**The Honourable Sir Henry Craik :** One is Jiban Lal Chatterjee in the Central Jail at Bellary, Madras, one is Rasiklal Das in the Bareilly Central Jail, and the third is B. K. Rakshit Roy, also in the Bareilly Central Jail.

**Prof. N. G. Ranga :** Will Government consider the advisability of publishing an annual report about the health condition of each one of these State Prisoners ?

**The Honourable Sir Henry Craik :** We get a six-monthly report about their health.

**Prof. N. G. Ranga :** Will Government consider the advisability of publishing the report, so that the public and the relatives of these prisoners may have the benefit of it ?

**The Honourable Sir Henry Craik :** There is no intention of doing so.

**Pandit Lakshmi Kanta Maitra :** May I know what steps have been taken in this particular tubercular case ?

**The Honourable Sir Henry Craik :** I cannot give that in detail, but I know that for some time the man has not shown any sign of active disease, and his present state of health is satisfactory.

**Pandit Lakshmi Kanta Maitra :** Does the Honourable Member mean that the detenu has been cured of his disease ?

**The Honourable Sir Henry Craik :** It looks as if he has been cured.

#### DELAY IN THE ANNOUNCEMENT OF THE APPOINTMENTS TO THE LISTED POSTS OF THE UNITED PROVINCES JUDICIAL SERVICE BY THE PUBLIC SERVICE COMMISSION.

542. **\*Mr. Muhammad Azhar Ali :** (a) Are Government aware of the general dissatisfaction expressed during the last Budget Session of the United Provinces Legislative Council about the delay in announcing the appointments to the listed posts of the United Provinces Judicial Service, by the Public Services Commission ?

(b) Are Government aware that at present three posts amongst the District and Sessions Judgeships of the United Provinces and four posts amongst the Agra Sessions and Subordinate Judgeships and consequently and likewise in Oudh are lying vacant since the 14th November, 1934 and the 16th June, 1933, respectively ?

(c) Are Government aware that this delay in the announcement of promotions entails great hardship on all the Judicial Service people in regard to postings, reversions and taking of leave, etc. ?

(d) Are Government prepared to prevent delays in future and to ask the Department concerned (i.e., the Public Services Commission or others) to call for the recommendations to the listed posts from the Allahabad High Court and the Oudh Chief Court six months before the vacancy occurs ?

(e) Does the delay in selections amongst the Subordinate Judgeships under the Chief Court of Oudh act as a bar to selections under the Allahabad High Court or vice versa ?

(f) Will Government please state if the delay is due to the Public Services Commission or to some other agency ?

**The Honourable Sir Henry Craik :** (a) to (f). The question, except so far as it concerns the Public Service Commission, is one which concerns the Local Government and could be more appropriately asked in the local Legislative Council. The duty of the Public Service Commission under their Functions Rules, 1926, is limited to advising the Governor General in Council whether the candidates nominated by the Local Government have the requisite character and ability for the service to which it is proposed to appoint them. The Commission have no power to call for recommendations to fill vacant listed posts. There has been no delay on the part of the Commission in dealing with the recommendations of the Government of the United Provinces.

**Mr. Muhammad Azhar Ali :** Am I to take it that these cases are lying with the Local Government or with the High Court and that the Public Service Commission has no hand in it ?

**The Honourable Sir Henry Craik :** The Public Service Commission was asked for advice, and, as I have explained, they have given that advice. There was no delay in giving that advice.

**Mr. Muhammad Azhar Ali :** What I wanted to know was, are these cases lying with the Local Government or with the Chief Court or the Allahabad High Court ?

**The Honourable Sir Henry Craik :** I cannot say.

#### NON-APPLICATION OF THE CHILD MARRIAGE RESTRAINT ACT TO CANTONMENTS IN CENTRAL INDIA.

543. **\*Mr. M. Asaf Ali :** (a) Will Government please state to which of the non-regulated provinces, administered areas, and cantonments, the Sarda Act has not yet been applied ?

(b) Is it a fact that the said Act has not been applied to Cantonments in Central India ? If so, why ?

**The Honourable Sir Henry Craik :** (a) I place on the table a statement showing the Administered Areas and Cantonments outside British India in which the Child Marriage Restraint Act, 1929, has not been applied. I am in some difficulty as to the significance of the Honourable Member's reference to "non-regulated" provinces. He presumably realises that by virtue of its extent clause the Act applies *proprio vigore* to the provinces formerly known as non-regulation provinces and that the only areas in British India to which it does not apply *proprio vigore* are certain of the areas declared to be backward tracts under subsection (2) of section 52-A of the Government of India Act and certain other so-called deregulationised areas. The Government of India are not aware whether the Local Governments concerned have applied the Act to any of the areas in question.

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(b) The Act has not been applied to Cantonments in Central India, but the matter is under discussion with the Agent to the Governor General.

*Statement.*

|                                |    |                                                                                                                                                                    |
|--------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Western India States Agency .. | .. | Rajkot Civil Station.<br>Wadhwan Civil Station.<br>Sadar Bazar.                                                                                                    |
| Central India Agency ..        | .. | Mhow Cantonment.<br>Nimach Cantonment.<br>Nowgong Cantonment.<br>Bhopal Agency Area.<br>Indore Residency Bazaars.<br>Civil Lines of Nowgong.<br>Sutna Agency Area. |
| Gwalior Residency ..           | .. | Gwalior Residency Area.                                                                                                                                            |
| Rajputana Agency ..            | .. | Abu.                                                                                                                                                               |
| Kolhapur Residency ..          | .. | Kolhapur Civil Station.                                                                                                                                            |
| Assam ..                       | .. | British Reserve in Manipur.<br>Shillong (Rifle Range) Cantonment.                                                                                                  |

**Mr. M. Asaf Ali :** Can the Honourable Member kindly throw some light on the subject a little further and tell us why these cantonment areas have been excluded from the operation of this Act? Is there any reason for it?

**The Honourable Sir Henry Craik :** As far as I know, these are cantonment areas outside British India, and it does not rest with the Government of British India to extend the Act.

**Mr. M. Asaf Ali :** Is it suggested that cantonment areas are not included in British India? By whom are they administered?

**The Honourable Sir Henry Craik :** I think that question ought to be addressed to the Foreign and Political Department. Some of the cantonments are used as cantonments and some are abandoned cantonments, I think.

EXHIBITION OF THE FILMS "INDIAN SPEAKS" AND "BENGALI".

544. **\*Mr. Akhil Chandra Datta :** (a) Have Government been informed by the Secretary of State for India what steps, if any, have been taken to stop the exhibition of the films "India Speaks" and "Bengali"?

(b) What has been the effect of such steps?

(c) Have any effective steps been taken by the Secretary of State for India or by the Government of India to prevent any future production and exhibition in any country of films vilifying India?

(d) Will Government be pleased to lay on the table the representation addressed by the Government of India to the Secretary of State for India in this matter and the reply of the Secretary of State thereto?

**The Honourable Sir Henry Craik :** (a) to (d). I would invite the Honourable Member's attention to the reply given by me on the 16th September, 1935, to Dr. Banerjea's question No. 377.

**Pandit Lakshmi Kanta Maitra :** May I know if Government have got any definite policy as to how to fight against the campaign of vilification against Indians?

**The Honourable Sir Henry Craik :** I gave a very full reply on that point in my answer to Dr. Banerjea's question.

**Dr. P. N. Banerjea :** Has the attention of Government been drawn to a telegram from Geneva which appears in the *Advance* in which it is stated that certain vagabonds are being paraded all over Switzerland for an "Indian show". These persons are made to stand in shabby dress and among them there are some women and children? (*Cries of "Shame!"*).

**The Honourable Sir Henry Craik :** What date is that?

**Dr. P. N. Banerjea :** Will Government kindly take note of this? I will hand over the extract to them.

**Mr. Sri Prakasa :** Are posters of these films exhibited in public streets of foreign countries? I ask this in view of the fact that the Honourable Member is perhaps more interested in posters than in films themselves.

**The Honourable Sir Henry Craik :** I cannot say about the film "India Speaks", but, as regards the film called "Bengali", which, I understand, is the same as the "Lives of a Bengal Lancer", certainly such posters are exposed.

DEFAMATORY PASSAGES ABOUT INDIANS IN A PUBLICATION ENTITLED "SOUVENIR PROGRAMME OF MALAYAN CELEBRATIONS".

545. **\*Mr. Akhil Chandra Datta :** (a) Has the attention of the Government of India been drawn to the article "Modern Singapore" that appeared in His Majesty King George V Silver Jubilee Souvenir Programme (Malayan Celebrations) edited by one James H. Martin and published by T. B. Rogers & Co., Ltd.?

(b) Have Government noticed that in a certain passage in that article (at page 84 of the Souvenir Book), a most insulting and unwarranted attack was made on the whole of the Indian community in Malaya?

(c) Are Government aware that the said article caused bitter resentment and indignation amongst the members of the Indian community and for a time, it threatened a serious breach of peace in Malaya?

(d) Are the Government of India aware that in view of the Governor's message appearing on the 1st page of the Souvenir Book, the general impression in Malaya was that the said article and the sentiment expressed therein had the sanction and approval of the Colonial Government?

(e) Will the Government of India be pleased to state what steps have been taken by them in respect of the publication of the said article?

**The Honourable Sir Girja Shankar Bajpai :** (a), (b), (c) and (e). The attention of the Honourable Member is invited to the reply given by me to Mr. Satyamurti's question No. 224 on the 9th September, 1935.

(d) Any such impression should have been dispelled by the published expression of His Excellency the Governor's regret that the reputation of the Indian community should have been subjected to an odious and unjustified attack.

#### REFUSAL OF ADMISSION TO INDIAN STUDENTS IN ENGLAND TO A SWIMMING POOL.

546. \*Mr. Akhil Chandra Datta : (a) Has the attention of Government been drawn to the fact that two Indian students in England were refused admission to a swimming pool even after the sale of admission tickets to them on the ground that they were coloured people ?

(b) If so, has the Government of India taken any steps to make amends to the aggrieved students and to put a stop to such a thing in future ?

The Honourable Sir Girja Shankar Bajpai : (a) and (b). The Secretary of State for India investigated the matter in July last. The swimming pool in question is owned and controlled by a commercial firm which excludes non-Europeans and has expressed its inability to relax the practice in favour of Indian students.

Mr. M. Asaf Ali : Referring to these swimming pools, is the Honourable gentleman aware that even in Delhi, the Capital of India, certain swimming pools are not open to Indians ?

The Honourable Sir Girja Shankar Bajpai : That does not arise out of this question.

#### CANCELLATION OF THE PASSPORT OF MR. MASANI OF BOMBAY.

†547. \*Mr. Akhil Chandra Datta : (a) Has the attention of Government been drawn to the fact that the passport—for travel on the continent—of Mr. Massani, a Bombay Congress socialist, has been cancelled in England ?

(b) Will Government be pleased to state the reasons for the impounding of the said passport ?

(c) Was the said order passed at the instance of the Government of India ? If not, were the Government of India consulted, before the said order was passed, by the Home Government ?

#### POSITION OF THE INDIAN EMPLOYEES OF THE POSTAL DEPARTMENT IN BURMA AFTER THE SEPARATION.

548. \*Mr. S. Satyamurti : Will Government be pleased to state :

(a) whether they have considered the position of the employees of the Post Office Department, especially of the Indian Ministerial staff, now serving in Burma, under the separation ;

(b) whether their interests are likely to be adversely affected ; and

(c) whether Government will take steps to see that their legitimate interests are safeguarded ?

†For answer to this question, see answer to question No. 532.

Mr. G. V. Bewoor : With your permission, I shall reply to questions Nos. 548 and 549 together. The position of employees of the Central Government in Burma, after separation, is at present under consideration, and the Honourable Member may rest assured that Government will take such measures as may be necessary for the protection of their interests.

Mr. S. Satyamurti : Will those steps be taken before separation becomes a fact ?

Mr. G. V. Bewoor : Yes, Sir.

#### RESOLUTIONS PASSED AT THE MEETING OF THE RANGOON POSTAL UNION.

†549. \*Mr. S. Satyamurti : Will Government be pleased to state :

(a) whether their attention has been drawn to the resolutions passed at the meeting of the Rangoon Postal Union ;

(b) whether Government have considered the suggestions contained therein ; and

(c) what action Government propose to take thereon ?

#### VISIT OF THE HONOURABLE THE COMMERCE MEMBER TO COCHIN.

550. \*Mr. S. Satyamurti : Will Government be pleased to state whether the visit of the Honourable the Commerce Member to Cochin was in connection with the arriving at a settlement with regard to the Cochin Port ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

Mr. S. Satyamurti : May I know what is the work that the Commerce Member did in Cochin, in regard to this matter ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will explain what he means by the work I did there in connection with this matter, I shall be happy to answer the question.

Mr. S. Satyamurti : I am referring to work connected with the settlement of the outstanding questions between the Government of India and the Cochin Government, with regard to the future of the Cochin port.

The Honourable Sir Muhammad Zafrullah Khan : Consultations were held with the authorities in Cochin.

Mr. S. Satyamurti : What are the outstanding questions ? Are they administrative and financial, or are there any other questions outstanding ?

The Honourable Sir Muhammad Zafrullah Khan : With regard to financial questions, a provisional agreement has already been arrived at. The other questions relate both to the administration of the harbour as well as to the jurisdiction to be exercised over the harbour.

Mr. S. Satyamurti : With regard to the question of jurisdiction, what is the claim of Cochin and what is the position of the Government of India ?

†For answer to this question, see answer to question No. 548.



**The Honourable Sir Muhammad Zafrullah Khan :** I do not think that is a matter which I could deal by way of question and answer.

**Mr. S. Satyamurti :** At what stage do the negotiations now stand ?

**The Honourable Sir Muhammad Zafrullah Khan :** They are still proceeding.

**Mr. S. Satyamurti :** Has work been stopped on the further progress of Cochin harbour, or is it going on ?

**The Honourable Sir Muhammad Zafrullah Khan :** The third stage has been completed and the matter rests where it was when it was completed.

**Mr. S. Satyamurti :** May I take it that the fourth stage has not begun ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Mr. S. Satyamurti :** May I know how long Government anticipate these negotiations will take before they are concluded and the last stage taken in hand ?

**The Honourable Sir Muhammad Zafrullah Khan :** That depends mainly on Cochin.

**Mr. S. Satyamurti :** Have the Government of India forwarded their final views to the Cochin Government on these two outstanding matters ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Government of India hold certain views with regard to these two questions, and the Cochin Government are in possession of those views.

**Mr. S. Satyamurti :** Is there going to be a conference on this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** If at any time the hope arises that a conference might lead to a final settlement of the question, the Government of India will most certainly be prepared to call a conference.

#### POSITION OF INDIANS IN ZANZIBAR.

551. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the reply of Mr. Malcolm MacDonald, Secretary for the Colonies, in the House of Commons in answer to a question from Mr. Paling (Labour), about the position of Indians in Zanzibar ;

(b) whether the Government of India was consulted in the matter, and if so, what their advice was ; and

(c) whether they propose to take further action in order to press the Indian point of view on the British Government, and through the British Government, on the Sultan of Zanzibar ?

**The Honourable Sir Girja Shankar Bajpai :** (a) Yes.

(b) and (c). Government have recently received the text of resolutions on the subject which were passed at a mass meeting of Zanzibar Indians held on the 30th June, 1935. It is understood that copies were

also sent to His Majesty's Government and apparently the communication had not reach the Secretary of State for the Colonies at the time he gave his reply to Mr. Paling's question. The matter is receiving the attention of the Government of India.

**Mr. S. Satyamurti :** Have the Government of India received copies of the resolution ?

**The Honourable Sir Girja Shankar Bajpai :** That is what I have said.

**Mr. S. Satyamurti :** Have they forwarded them to the Secretary of State for the Colonies ?

**The Honourable Sir Girja Shankar Bajpai :** The Secretary of State for the Colonies has received copies of the Resolutions direct, and what the Government of India have to do, if they wish to do anything, is to send their own comments to the Secretary of State for the Colonies.

**Mr. S. Satyamurti :** Have they done so ?

**The Honourable Sir Girja Shankar Bajpai :** The matter is still under consideration.

**Mr. S. Satyamurti :** May I put the usual question, and ask how long the Government of India hope to take before coming to a settlement ?

**The Honourable Sir Girja Shankar Bajpai :** I think I can enlighten my friend. I hope it will be by the third week in October.

**Mr. S. Satyamurti :** I am greatly relieved.

#### NEWSPAPERS PUNISHED FOR ADVERSELY COMMENTING ON GOVERNMENTS' POLICY IN QUETTA.

552. **\*Mr. Mohan Lal Saksena :** (a) Is it a fact that the Government of India issued a circular to the Local Governments regarding action to be taken against the Press adversely commenting on the Government's policy in Quetta ? If so, will Government be pleased to lay on the table a copy of the same ?

(b) Will Government lay on the table a statement giving the names of papers and the amount of security forfeited in this connection ?

(c) Will Government be pleased to make a comprehensive statement regarding the losses sustained by Government because of earthquake ?

(d) Will Government be pleased to state, if any non-official agencies were permitted to administer relief in Quetta ? If so, what are their names ?

(e) Will Government be pleased to state the names of individuals and associations who were refused permission to enter Quetta for purposes of administration of relief ?

(f) Will Government state the reasons for refusing permission to Mahatma Gandhi ?

(g) Are Government aware of the fact that the Government's refusal to allow Mahatma Gandhi and others to visit Quetta led to the spreading of all sorts of rumours ?

(h) Are Government prepared to appoint an enquiry committee consisting of non-official Members of the Legislative Assembly to enquire into and report on the adequacy of measures adopted by Government to administer relief to the earthquake victims ?

(i) Will Government be pleased to state if any military stores have been damaged by the earthquake ? If so, what ?

**The Honourable Sir Henry Craik :** (a) I would refer the Honourable Member to the reply given by me to parts (a) and (b) of Mr. Satyamurti's starred question No. 401 on the 16th September, 1935.

(b) Such a list was laid on the table by me in reply to Pandit Sri Krishna Dutta Paliwal's starred question No. 365 on the 13th September, 1935.

(c) The Honourable Member's attention is invited to the reply given to part (a) of Seth Haji Abdoola Haroon's starred question No. 163 on the 6th September, 1935, which gives the losses as regards buildings. No figures of other material damage have yet been collected.

(d) and (e). The Honourable Member's attention is invited to the reply given to Mr. Satyamurti's starred question No. 283 on the 11th September, 1935.

(f) I would refer the Honourable Member to the reply given by me to Mr. Satyamurti's starred question No. 219 on the 9th September, 1935.

(g) Government are aware that there were rumours but they are not prepared to express any opinion as to their cause.

(h) No.

(i) Yes. The preparation of the list of stores damaged would involve an expenditure of time and labour which would be incommensurate with the value of the results.

**Mr. S. Satyamurti :** What is the value of the military stores ?

**The Honourable Sir Henry Craik :** That question should be addressed to the Army Department.

#### LAWS RESTRICTING THE LIBERTY OF THE PRESS.

553. **\*Mr. Mohan Lal Saksena :** Will Government be pleased to lay on the table a statement giving the names of laws restricting the liberty of Press at present in force, in British India ?

**The Honourable Sir Henry Craik :** I lay a statement on the table giving the information required. In addition to the Acts mentioned there are, as the Honourable Member is no doubt aware, certain provisions in the Indian Penal Code and the Criminal Procedure Code which deal with the publication of incitements to sedition and to communal and religious animosity.

#### *Statement of the Laws dealing with the Activities of the Press.*

1. The Indian Press (Emergency Powers) Act, 1931, as amended by,
2. The Indian Criminal Law Amendment Act, 1932 (Sections 14—16).
3. The Indian States (Protection) Act, 1934 (Section 3), and
4. The Bengal Criminal Law Amendment Act, 1934 (Sections 6—8).

#### GRANT OF GENERAL AMNESTY TO POLITICAL PRISONERS BEFORE THE INTRODUCTION OF NEW CONSTITUTION.

554. **\*Mr. Mohan Lal Saksena :** Is it a fact that Government is contemplating to grant amnesty to all political prisoners before the introduction of the new Constitution as was done in 1919 before the introduction of the present Reforms ? If so, will they be released in time to enable them to participate in elections if they so choose ?

**The Honourable Sir Henry Craik :** The answer to the first part is in the negative. The second part does not arise.

#### PRISONERS CONVICTED IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT NOT YET RELEASED.

555. **\*Mr. Mohan Lal Saksena :** What is the total number of prisoners in India who were convicted in connection with the civil disobedience movement and who have not yet been released from jail ? Will Government state the reason for not releasing them so far ?

**The Honourable Sir Henry Craik :** The total number of civil disobedience prisoners who were still in jail at the end of July last was 31.

As regards the second part of the question I would refer the Honourable Member to the reply given by me to parts (b) and (c) of Mr. S. Satyamurti's starred question No. 782 on the 9th March, 1935.

#### CANCELLATION OF THE PASSPORT OF MR. MASANI OF BOMBAY.

†556. **\*Mr. Mohan Lal Saksena :** Is it a fact that the Government of India requested the Secretary of State for India to impound the passport of Mr. Massani, Bar-at-Law, Bombay ? If so, will Government be pleased to lay on the table a copy of the letter ?

#### INSTRUCTIONS REGARDING PASSPORTS.

557. **\*Mr. Mohan Lal Saksena :** Will the Government of India state if it has issued any instructions to the Local Governments regarding granting passports ?

**The Honourable Sir Henry Craik :** Yes.

**Mr. S. Satyamurti :** What are the instructions, Sir ?

**The Honourable Sir Henry Craik :** They are confidential.

**Prof. N. G. Ranga :** Have Government issued special instructions regarding the issuing or refusing of passports to Socialists ?

**The Honourable Sir Henry Craik :** No.

**Mr. S. Satyamurti :** Are the Government of India using this right to give or refuse passports, as a means of punishing the holding of certain political opinions and the propagation of them ?

**The Honourable Sir Henry Craik :** No.

**Mr. S. Satyamurti :** What are the criteria by which the Government of India want Local Governments to be guided in the issuing or refusing of passports ?

**The Honourable Sir Henry Craik :** Public interest.

†For answer to this question, see answer to question No. 532.

## RETURN OF MR. SUBHASH CHANDRA BOSE TO INDIA.

558. \*Mr. Mohan Lal Saksena : (a) Will Government state how long will B. Subhash Chandra Bose not be allowed to return to India ?

(b) In view of the unconditional release of B. Sarat Chandra Bose, do Government propose to consider the feasibility of removing restrictions from B. Subhash Chandra as well ?

The Honourable Sir Henry Craik : (a) and (b). Apart from the fact that his passport is only valid for certain foreign countries, no restrictions are at present imposed on Mr. Bose.

Dr. P. N. Banerjee : Will Mr. Subhas Chandra Bose be allowed to come back to India ?

The Honourable Sir Henry Craik : Yes—unless any restriction is imposed before he returns. (Laughter.)

Mr. Sri Prakasa : Why was Mr. Bose released at all ? Was not this House informed that he was a dangerous man, when we met in Delhi ? How has "public interest" suddenly changed in his favour ?

The Honourable Sir Henry Craik : That does not arise out of any answer I have given.

## DISTRIBUTION OF THE GRANT FOR RURAL UPLIFT.

559. \*Mr. Mohan Lal Saksena : (a) Will Government be pleased to make a comprehensive statement regarding the manner in which the grant of rupees one crore and thirteen lacs for rural uplift has been distributed in the provinces ? Will they also lay on the table the schemes of rural uplift prepared by the various governments for utilising the grants ?

(b) Will Government state what proportions of this, if any, will be spent in removing illiteracy ?

(c) Will Government be prepared to state the total number of persons who have been engaged under the scheme in the various provinces ? Will Government state the maximum and minimum salary sanctioned to them ?

(d) Are Government aware that these persons are being used to carry on anti-Congress propaganda in villages ?

(e) Are Government prepared to issue strict orders that these persons should not take any part in the elections to local boards or legislatures ?

The Honourable Sir James Grigg : (a) and (b). The Honourable Member is referred to the statement laid on the table in reply to question No. 162 asked by Mr. Basanta Kumar Das.

(c) Information is not available.

(d) Government have no reason to suppose that this allegation contains any element of truth.

(e) Such persons are appointed for the performance of specific duties. The Local Governments will no doubt satisfy themselves that they discharge those duties and do not engage in politics.

Prof. N. G. Ranga : Will Government see that the discretionary funds placed at the disposal of these Collectors are spent on the purpose specified in the communications and papers making these grants ?

The Honourable Sir James Grigg : I do not think the Government of India should act as a policeman over the Local Governments : the grants have been made for specific purposes, and the Government of India will assume that the Local Governments will spend the grants on those objects.

Prof. N. G. Ranga : Sir, in regard to certain provinces, certain conditions have been specifically laid down—especially in Bengal and Madras—conditions under which the Collectors should spend these discretionary funds, but in other provinces no such conditions have been fixed at all, and there the Collectors are entirely free to spend the funds as they like.

The Honourable Sir James Grigg : These grants have been made for the welfare of the villages, and we take it they will be so spent.

Mr. T. S. Avinashilingam Chettiar : What was the answer to clause (d) of the question ?

The Honourable Sir James Grigg :

"Government have no reason to suppose that this allegation contains any element of truth."

Mr. M. Ananthasayanam Ayyangar : Why is it that, in suggesting the items of the proposed expenditure, the Government of India have not included among the items any expenditure for the improvement of rural industries ?

The Honourable Sir James Grigg : The Government did not circumscribe in any way the freedom of Local Governments in putting forward such schemes as they liked ; the Government of India themselves suggested certain kinds of scheme which they would be prepared to accept without question, but the Local Governments were perfectly free to propose what schemes they liked, outside that list, and a good many of them, in fact, have done so.

Mr. M. Ananthasayanam Ayyangar : Did not the Government of India themselves suggest certain schemes ?

The Honourable Sir James Grigg : This is exactly what I have said.

## INTRODUCTION OF THE BALLOT SYSTEM OF VOTING.

560. \*Mr. Mohan Lal Saksena : (a) Are Government aware of the difficulty experienced by the illiterate voters in keeping their votes secret in provinces where they are required to mark the ballot paper ?

(b) Are Government prepared to consider the feasibility of introducing throughout India ballot system similar to that as obtains in Bihar to obviate this difficulty and to ensure the secrecy of the ballot box ?

The Honourable Sir Nripendra Sircar : (a) No.

(b) The Honourable Member is referred to my reply to starred question No. 658 asked on the 5th March, 1935, by the Honourable Member himself.

## GOLD EXPORTED FROM INDIA SINCE ENGLAND WENT OFF THE GOLD STANDARD.

561. \*Mr. Mohan Lal Saksena : Will Government state the total weight of Gold exported from India since England went off the gold standard till the 25th August, 1935 ?

The Honourable Sir James Grigg : The attention of the Honourable Member is invited to the answer that I gave to starred question No. 201 asked by Mr. S. Satyamurti during the current Session.

## COUNTRIES RESTRICTING THE FREE FLOW OF GOLD.

562. \*Mr. Mohan Lal Saksena : Will Government state, if they are in a position to do so, the countries in which the State has restricted the free flow of gold ?

The Honourable Sir James Grigg : The attention of the Honourable Member is invited to the answer that I gave on the 18th February, 1935, to starred question No. 324 asked by Sardar Sant Singh.

Prof. N. G. Ranga : What are the steps being taken by other countries to prevent the export of gold beyond their boundaries ?

The Honourable Sir James Grigg : I must have notice of that.

Prof. N. G. Ranga : Will Government consider the advisability of yielding to public opinion for once and prohibit the export of gold at least ?

Mr. President (The Honourable Sir Abdur Rahim) : That is not a proper form of question, and the Chair will not allow it.

Mr. Mohan Lal Saksena : Question No. 563.

Mr. President (The Honourable Sir Abdur Rahim) : That has been disallowed.

†563. \*

Mr. Mohan Lal Saksena : Question No. 564.

## HARDSHIPS OF PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

564. \*Mr. Mohan Lal Saksena : (a) Are Government aware of an article published in *Advance*, dated the 27th June, 1935, on Andamans in reply to Dewan Bahadur Chetti's report ? If so, what action did Government take on it ?

(b) Is it a fact that the cells in Cellular jail are smaller than cells in Bengal jails and they are ill-lighted and ill-ventilated ? Is it also true that cells situated on ground-floor are damp ?

(c) Is it a fact that rain-water leaks inside some of the cells and they have not been repaired notwithstanding the fact that it has been repeatedly brought to the notice of Jail Superintendent ?

(d) Is it also a fact that the Chief Engineer has twice declared Block No. V as un-inhabitable, and the prisoners were consequently removed from that building, and were retransferred after the rainy season ? If so, are Government prepared to consider the feasibility of demolishing Block V and rebuild the cells on an improved model ? Are Government prepared to direct that necessary repairs be immediately made to save the prisoners from inconvenience ?

(e) Is it a fact that the working sheds in the cellular jail are in a tottering condition and have no ceiling, and are covered with corrugated tin ? If so, are Government aware that prisoners experience a lot of hardship to work under these sheds because of equatorial climate ? Are Government prepared to consider the advisability of providing roofs or covering them with tiles instead of corrugated sheets ?

(f) Is it a fact that the Cellular Jail was originally meant for lodging for short periods, of prisoners sentenced to transportation, prior to their being housed in other quarters outside the jail, and it was not built with

†This question was disallowed by the Honourable the President.

the idea of keeping prisoners confined for longer periods ? Is it also a fact that the sanitary arrangements are as unsatisfactory as has been stated in the aforesaid article, viz., the drains are seldom disinfected and the latrines are totally inadequate ?

(g) Is it true that the water, prisoners get, is rain water stored in tanks outside jail, and that the supply is not adequate specially during the periods when rains fail ?

(h) Will Government state what arrangements, if any, have been made for filtering of water for drinking ? Is it correct that the dysentery epidemic breaks out in the jail almost every year ? If so, have Government made any enquiry as to its cause and what steps, if any, have been taken to prevent its recurrence ?

The Honourable Sir Henry Craik : (a) Government have seen the article published in the *Advance* newspaper of June 27, 1935, and have made enquiries about the allegations made in it, practically every one of which was found to be false.

(b) The cells in the Cellular Jail are of practically the same size as the cells in the Bengal Jails. The cells are in three storeys, and have good ventilation and an excellent outlook. The ground floor is free from damp.

(c) No.

(d) This is not a fact. In August, 1934, the Executive Engineer noticed a horizontal crack along the springing of the arches of the second floor of wing No. 5. Though the crack was not serious, immediate steps were taken by the Executive Engineer to carry out the necessary repairs. The work took about two months, as it was necessary to order the material from Calcutta, and during that period the second floor of wing No. 5 was vacated. No further cracks have been noticed since, and Government see no reason for demolishing it.

(e) The work-sheds were thoroughly repaired in 1934. They are large, airy, in excellent repair and have watertight roofs.

(f) The Cellular Jail was not built solely to house prisoners for short periods only ; it was intended also for the confinement of prisoners who could not be released in the Settlement. The statement that the sanitary arrangements are unsatisfactory is untrue. The drains are cleaned every morning and flushed with seawater. They are inspected every evening, and any rubbish seen is immediately removed. They are also daily treated with standard Cresol solution. The latrine accommodation is more than sufficient.

(g) and (h). The drinking water for the Cellular Jail (and for the greater part of Port Blair) is drawn from a catchment-area tank which, as elsewhere, receives rain water ; but the water is filtered before reaching the jail and is boiled and cooled before being issued as drinking water. The water supply was improved in July, 1934. The quantity is sufficient to supply about 40 gallons per prisoner per day. It is also incorrect to say that an epidemic of dysentery breaks out in the jail almost every year. The incidence of dysentery in the Cellular Jail in 1933 (the last year for which we have comparative figures) was much less than in the jails in most provinces in India.

Pandit Lakshmi Kanta Maitra : May I ask, Sir, if the Honourable Member has any personal knowledge of these jails ?

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**The Honourable Sir Henry Craik :** I have never been to the Andamans, but I have obtained a long report from the Chief Commissioner and I have also had a long conversation on the subject with Colonel Barker who was stationed for many years in the Andamans and who visited it recently.

**Pandit Lakshmi Kanta Maitra :** Has any responsible officer of the Government of India been deputed by the Honourable Member to inspect for himself the actual conditions prevailing in these jails ?

**The Honourable Sir Henry Craik :** I think Colonel Barker has already proceeded to the Andamans or is about to go.

**Mr. M. Ananthasayanam Ayyangar :** Has Mr. Chetty made any recommendation regarding the further improvement of jail life in the Andamans ?

**The Honourable Sir Henry Craik :** I cannot say off-hand. That does not arise.

**Mr. Mohan Lal Saksena :** Sir, I have not been able to follow the answer to clauses (f), (g) and (h).

**The Honourable Sir Henry Craik :** I do not see why I should read them again. The Honourable Member will see them in the official report.

#### STATEMENT OF BUSINESS.

**The Honourable Sir Nripendra Sircar** (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.

On Monday, the 23rd, motions will be made to take into consideration and to pass the Indian Coffee Cess Bill and the Jubbalpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Bill. Tuesday, the 24th, has been allotted for the discussion of non-official Bills. On Wednesday, the 25th, the following business will be brought forward, namely :

- (1) Demands for Supplementary Grants,
- (2) Demands for Excess Grants, and
- (3) Motion for the consideration of the report of the Public Accounts Committee for the year 1933-34.

So far as I can see, I do not think it will be necessary for the House to sit beyond Wednesday, the 25th.

#### SHORT NOTICE QUESTIONS AND ANSWERS.

##### PLIGHT OF INDIAN SUBJECTS IN ABYSSINIA.

**Pandit Nilakantha Das :** (a) Has the attention of Government been drawn to the news published in the *Hindustan Times* of the 10th September, 1935, page 3, under the heading "Plight of Indian subjects in Abyssinia" ?

(b) If so, will Government be pleased to state whether the British Consul has asked the Indians to send their families back to India within eight days ?

(c) Is it a fact that Indian British subjects have been told by the British Consul that the British Government have no responsibility in their case ?

(d) If so, will Government be pleased to state whether in similar circumstances during previous wars the British Government took responsibilities for Indians and their properties ?

**Mr. J. G. Acheson :** (a) Yes.

(b) For some time past British Consuls under instructions from His Majesty's Minister, Addis Ababa, have recommended to all British subjects without distinction to send their families out of the country if they could do so without inconvenience. No time limit has, however, been set.

(c) Of course not.

(d) Does not arise.

##### LIMIT OF EXCHANGE APPLIED TO INDIAN SUBJECTS IN ABYSSINIA.

**Pandit Nilakantha Das :** (a) Is it a fact that it has been announced that the Bank in Abyssinia will give Indians exchange up to Rs. 300 for their money, and no more ?

(b) If so, will Government please state whether this limit of exchange applies only to Indian British subjects, or to European British subjects as well ?

(c) Will Government be pleased to state whether any differential treatment is being meted out to Indians in this respect ? If so, why ?

**Mr. J. G. Acheson :** (a) and (b). The Bank of Ethiopia, which is an Ethiopian institution, has practically no foreign exchange to sell to anyone. Sale has accordingly been restricted to travelling expenses for persons leaving the country. Nevertheless, on a representation from His Majesty's Minister, a fair share in the exchange available has been reserved for Indians.

(c) Does not arise.

##### REGISTRATION OF PROPERTIES OF INDIANS IN ABYSSINIA.

**Pandit Nilakantha Das :** (a) Is it a fact that registration of properties of Indians in Abyssinia by the British Consul has been stopped ? If so, what are the reasons ?

(b) Have the properties of British subjects other than Indian been all registered now ? If so, why has registration of Indians' properties been refused ?

**Mr. J. G. Acheson :** (a) and (b). Consular registration of inventories of property is allowed to all British subjects including British Indians. I am unable to say how far the British and Indian communities, respectively, have availed themselves of this privilege.

**Mr. M. Ananthasayanam Ayyangar :** Will Government take steps to intimate to the Indian settlers there that there is such a provision and they can easily take advantage of it ?

**Mr. J. G. Acheson :** I believe they are already aware of it.

**Mr. M. Ananthasayanam Ayyangar :** How many Indians have taken advantage of it till now ?

**Mr. J. G. Acheson :** I am afraid I cannot give answer to that. I have not got the information.

**Pandit Nilakantha Das :** Have arrangements been made that Indians will feel no difficulty in this matter ?

**Mr. J. G. Acheson :** Certainly, Sir.

#### ALLEGED CONDITIONS APPLIED ON CERTAIN INDIANS IN ABYSSINIA.

**Pandit Nilakantha Das :** (a) Is it a fact that Indians willing to reside in Zeila and Behra have been asked to keep ready money with them, or else they have been threatened to be ejected ?

(b) If the answer to part (a) be in the affirmative, do these conditions also apply to all other British subjects ? If not, what is the reason for this differentiation ?

**Mr. J. G. Acheson :** (a) and (b). No such conditions have been applied or even contemplated.

#### RETURN OF INDIAN WAGE EARNERS FROM ABYSSINIA.

**Pandit Nilakantha Das :** (a) What arrangement have Government made for the return to India of such Indian wage earners and their families from Abyssinia as have got no money with them to defray the expenses ?

(b) Are Government prepared to pay for the costs of the return passage for the Indian labourers and their families and other destitute Indians now living in Abyssinia ? If not, why not ?

**Mr. J. G. Acheson :** (a) and (b). Under the existing practice British Indian subjects who are stranded in foreign countries are repatriated at Government expense on their giving undertakings to repay the amount which the Government may spend on such repatriations. This practice will be observed if necessity arises.

**Pandit Nilakantha Das :** In cases where they are unable to pay the amount, what will happen to them ?

**Mr. J. G. Acheson :** That seems to be more a matter for private charity.

#### CANCELLATION OF CERTAIN GALLERY PASSES.

**Mr. President (The Honourable Sir Abdur Rahim) :** Order, order : I have to inform the House that I have received a letter from the Honourable Member, Pandit Sri Krishna Dutta Paliwal, saying that he wishes to raise the question as to the cancellation of certain Passes to the galleries of this House under my orders. I cannot allow such a question being raised. I may, however, inform the House that I acted in the discharge of my responsibility in that matter upon the information that I received for the safety of the House, and I may also inform the House that there have been very few cases in which I have had to cancel Passes already issued.

### PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

**The Honourable Sir James Grigg (Finance Member) :** Sir, I beg to present the report of the Public Accounts Committee (Parts I and II) on the accounts for the year 1933-34. Perhaps, in making this presentation, I must ask the Members of the House, in view of the fact that the report will be discussed on Wednesday and it covers a very large range of subjects, to be good enough to give notice to the representatives of the Departments concerned of the subjects which they wish to raise during that debate.

#### Report of the Public Accounts Committee on the Accounts of 1933-34 other than Railways.

##### PART I—CIVIL, MILITARY AND POSTS AND TELEGRAPHS.

##### 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 Rs.) |                      |              |                     |
|----------------------------------------|-------------------|----------------------|--------------|---------------------|
|                                        | Original Grant.   | Supplementary Grant. | Final Grant. | Actual Expenditure. |
| Expenditure charged to revenue ..      | 25.39             | 2.14                 | 27.53        | 26.97               |
| Expenditure charged to capital ..      | 83                | 37                   | 1.20         | 95                  |
|                                        | 26.22             | 2.51                 | 28.73        | 27.92               |
| Disbursements of loans and advances .. | 6.03              | 1.67                 | 7.70         | 5.91                |
|                                        | 32.25             | 4.18                 | 36.43        | 33.83               |

2. The following table compares the non-voted appropriations sanctioned by the Government of India with the total expenditure against such appropriations :—

|                                   | Original Grant. | Final Grant. | Actual Expenditure. |
|-----------------------------------|-----------------|--------------|---------------------|
| Expenditure charged to revenue .. | 79.07           | —4.25        | 74.82               |
| Expenditure charged to capital .. | 43              | 2            | 45                  |
|                                   | 79.50           | —4.23        | 75.27               |

3. The position regarding total expenditure voted and non-voted is as follows :—

|                                        | Original Grant. | Final Grant. | Actual Expenditure. |
|----------------------------------------|-----------------|--------------|---------------------|
| Expenditure charged to revenue ..      | 1,04.46         | 1,02.35      | 1,01.83             |
| Expenditure charged to capital ..      | 1.26            | 1.65         | 1.40                |
|                                        | 1,05.72         | 1,04.00      | 1,02.72             |
| Disbursements of loans and advances .. | 6.03            | 7.70         | 5.91                |
|                                        | 1,11.75         | 1,11.70      | 1,08.63             |



4. *Savings*.—There was a saving of 3.07 lakhs or 2.7 per cent. of the final grant. The percentage compares as follows with the results of previous years :—

|                                      | 1929-30. | 1930-31. | 1931-32. | 1932-33. | 1933-34. |
|--------------------------------------|----------|----------|----------|----------|----------|
| Expenditure charged to revenue       | ·7       | ·3       | 3·2      | 1·9      | 1·0      |
| Expenditure charged to capital..     | 12·9     | 15·9     | 11·4     | 8·3      | 15·2     |
| Disbursements of loans and advances. | —·3      | —20·3    | 10·8     | 37·1     | 23·3     |
| Combined percentage ..               | ·9       | —·7      | 4·3      | 5·9      | 2·7      |

5. The following table compares the percentages of savings under Voted Grants for expenditure proper (i.e., exclusive of disbursements of loans and advances) with those of savings under non-voted appropriations :—

*Percentage of savings.*

|                 | Voted. | Non-voted. |
|-----------------|--------|------------|
| 1929-30 .. .. . | ·8     | 1·1        |
| 1930-31 .. .. . | 3·9    | —·2        |
| 1931-32 .. .. . | 9·6    | 1·0        |
| 1932-33 .. .. . | 7·0    | ·2         |
| 1933-34 .. .. . | 2·8    | ·7         |

6. *Excesses*.—In the following cases the actual expenditure exceeded the voted grants and an excess vote of the Assembly is accordingly required :—

| Item No. | No. of Grant.                                                 | Amount voted by Assembly. | Actual Expenditure. | Excess.     |
|----------|---------------------------------------------------------------|---------------------------|---------------------|-------------|
|          |                                                               | Rs.                       | Rs.                 | Rs.         |
| 1        | 26—Interest on Miscellaneous Obligations ..                   | 55,01,000                 | 57,13,409           | 2,12,409    |
| 2        | 50—Geological Survey .. .. .                                  | 1,78,000                  | 1,86,634            | 8,634       |
| 3        | 70—Indian Stores Department .. .. .                           | 6,87,000                  | 7,06,895            | 19,895      |
| 4        | 76—Miscellaneous .. .. .                                      | 7,13,000                  | 7,13,856            | 856         |
| 5        | 76A—Expenditure on Retrenched personnel charged to revenue.   | 6,45,000                  | 7,20,743            | 75,743      |
| 6        | 76C—Transfer to Fund for reconstruction of Earthquake damage. | 1,28,89,000               | 2,71,66,180         | 1,42,77,180 |
| 7        | 95A—Civil Works not charged to revenue ..                     | ..                        | 1,76,613            | 1,76,613    |
| 8        | 96A—Expenditure on Retrenched personnel charged to capital.   | 3,02,000                  | 3,26,288            | 24,288      |

7. A brief explanation of the more important excesses is given below :—

Item 1.—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 the increase in the post office savings bank transactions during the closing months of the year, the volume of which is not susceptible of accurate estimating.

Item 2.—The excess was caused by the reimbursement to the Burma Government of arrear charges (from 1930-31) in connection with the survey of the Northern Shan States.

Item 3.—Heavy decline in inspection work for Railways and consequent fall in recoveries caused the excess.

Item 5.—The excess was due to more leave salary charges of retrenched personnel and the omission through misunderstanding on the part of the Account Officer to provide for them in a supplementary estimate.

Item 6.—The revenue surplus for 1933-34 was anticipated to be Rs. 1,28,89,000 and it was decided to transfer the entire surplus to the Fund for reconstruction of Earthquake damage. The actual revenue surplus however amounted to Rs. 2,71,66,180.

Item 7.—This represents the Central Government share of the cost of reconstructing and repairing the provincial government buildings, etc., in Bihar and Orissa damaged by the earthquake. A supplementary grant could not be obtained from the Assembly as it was not possible to estimate before the close of the year the actual expenditure likely to be incurred. It has since been decided to transfer this expenditure to the Fund for the reconstruction of earthquake damage.

Item 8.—The excess was due to larger payments of gratuity to retrenched personnel and to smaller amounts transferable to revenue mainly in the Posts and Telegraphs Department.

8. We recommend that the Assembly assent to the excess grants detailed 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, 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.—Important comments on matters arising out of the accounts for 1933-34.

10. *Accuracy of budgeting, control over expenditure, etc.*—It will be seen from the figures given in paragraphs 4 and 5 above that the results of the year under review compare favourably with those of the two previous years except under expenditure charged to capital. In making this comparison, however, it should be remembered that the years of 1931-32 and 1932-33 were exceptional in view of the retrenchments then in progress.

We went through the Appropriation Accounts in great detail and were struck by the large number of major variations between the estimates and actuals. Even in cases where variations under the totals of the Grants



were not great, the variations in individual sub-heads were very large indeed. This was specially the case in the case of Civil Works and Posts and Telegraphs grants. We understand that, until two years ago, there were no proper rules for budgeting for Civil Works and we hope that, as a result of the rules then issued, the appropriation accounts of later years will show some improvement. As regards the Posts and Telegraphs Department, previous Committees have commented on the serious faults in budgeting and control of expenditure. Last year's Committee was furnished by the department with a memorandum explaining the various steps taken or under contemplation to remedy the defects noticed, and to effect improvements in the procedure concerning budgeting and control of expenditure. Judging from the results of the year 1933-34, we too are definitely of opinion that budgeting and control of expenditure in the department were far from satisfactory and the Auditor General particularly brought to our notice the continuance of the over-budgeting under the Repairs grant which had been a marked feature of the preceding ten years. We realise that the effect of the steps taken by the department could not have become noticeable in the accounts now under review but we hope that future appropriation accounts, at least from 1935-36, will show the results of the action taken by the department.

The grant for the Survey of India was another grant under which there were large variations due mainly, we understand, to the difficulty of estimating the work to be done for provincial governments and consequent recoveries from them. We realise the difficulties but desire that the Finance Department should, in consultation with the Education, Health and Lands Department, try to remedy the defects as far as possible.

We specially desire to impress upon the various departments that, though variations within a grant are less important than variations in the grant as a whole, even here large variations are to be deprecated as showing a certain indefiniteness in estimating.

11. *Supplementary Grants.*—The Accountant General, Central Revenues, has brought to our notice 6 cases in which supplementary grants obtained from the Assembly proved to be unnecessary. We were informed that the Finance Department is at present considering the whole question of more effective control of expenditure and the procedure for obtaining supplementary grants. In this connection we suggest that the Finance Department should consider whether, when they go for a supplementary grant to the Assembly for a portion of the amount required for a scheme as a whole, the balance being met by reappropriation from savings elsewhere, the particular sub-heads under which the savings are available should not, in the case of large savings at least, be shown in the supplementary demands presented to the Assembly. We understand that a similar procedure is in force in Great Britain.

12. *Accounts of separate funds created for special expenditure.*—During the last two years the Government of India have created a number of funds from the revenue surpluses for special expenditure such as reconstruction of earthquake damage in Bihar, development of Civil Aviation, Broadcasting, etc. We suggest that progressive accounts of expenditure from the various funds should be included in future appropriation accounts.

13. *Audit of Customs revenue.*—We agree with the Auditor General that the revised system of concurrent audit of Customs revenue which was introduced on a temporary basis 3 years ago should be made permanent.

14. *London Stores Department.*—The last year's Committee recommended that, in view of the large drop in the value of stores purchased through the London Stores Department, the question of reducing the strength of that Department and of making it a part of the Indian Stores Department should be considered. We are informed that the Government of India have decided to depute Sir James Pitkeathly, the Chief Controller of Stores, Indian Stores Department, who will be on leave during the winter of 1935-36, to make a detailed examination of the working of the London Stores Department and to submit a scheme for the amalgamation of the two departments.

15. *Mathematical Instrument Office, Calcutta.*—We discussed with the representative of the Education, Health and Lands Department the question of reducing the size of the Mathematical Instrument Office, Calcutta, as a result of the decision of the Army Department to get their work done through their own agencies and of the receipt of smaller demands from Provincial Governments and other Departments of the Government of India. We were informed that the Surveyor General had proposed certain reductions to the extent of about Rs. 20,000 a year. We feel that these reductions are considerably less than the loss of revenue from the Army Department, and that it should be seriously considered whether more drastic reductions are not possible. If, even after these reductions, it is found that the office is not able to pay its way, the question of closing it down should be taken up.

16. *Unauthorised Excluded Funds in N.-W. F. P.*—We understand that there are about 30 such funds of which the important ones are the Motor Lorry Depreciation Funds and the Khassadar Fund. We are informed that the Motor Lorry Depreciation Funds have already been closed and that orders have also been issued to close the Khassadar Fund, detailed instructions having been issued to regulate the various budget grants relating to the Khassadars. The other funds, which are minor ones, are being scrutinised and orders are being issued to close the funds which are unnecessary and to continue those that are necessary under proper sanction and regular audit. We desire that a further report on this matter should be included in the next year's audit report.

17. *Financial position of the Indian Posts and Telegraphs Department.*—We have perused the Memorandum furnished by the Director General, Posts and Telegraphs, on the commercial prospects of the Department and on the various measures taken to reduce the expenditure and increase the revenue of the Department. We are glad to note that a loss of about half a crore incurred in 1933-34 has been converted into a surplus of about Rs. 37 lakhs in 1934-35, though this result was attained after suspending the allocation to the Depreciation Fund to the extent of about Rs. 27 lakhs. In 1935-36 the Department anticipate a loss of about Rs. 13 lakhs after restoring about Rs. 19 lakhs of the provision for the Depreciation Fund, providing Rs. 27 lakhs for the restoration of the remainder of the pay cut and allowing for increments in the pay of the staff. So far as we can make out the Department should be able, on the present basis, to produce a balanced budget in the near future. We are

sidered at great length whether the general financial position of the Department could be improved by restricting the amount of the contribution to the Depreciation Fund. The non-official Members of the Committee thought that this was somewhat in excess of the amount required and recommended that the question should be carefully considered by the Finance Department. The Chairman undertook that this should be done.

18. *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 proceedings of its meetings. We desire to lay special stress on the importance of completing the revision of the Army Regulations as soon as possible.

### III.—Miscellaneous Observations.

19. As in the previous year, 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, such action as may be necessary will be taken by Departments on the observations and recommendations contained in these proceedings.

20. We wish to thank the Auditor General for the assistance which he rendered to us throughout the proceedings. His great knowledge and his patient willingness to impart it have been beyond praise. We should like also to express our great appreciation of the work of our extremely competent Secretary, Mr. K. Sanjiva Row, C.I.E.

K. SANJIVA ROW,  
14th September 1935.

P. J. GRIGG.  
B. DAS.  
S. SATYAMURTI.  
N. G. RANGA.  
THEIN MAUNG.  
Md. YAKUB.  
RAMSAY SCOTT.  
SHER Md. KHAN.  
BHAI PARMANAND.  
R. D. DALAL.  
S. C. MUKHERJEE.  
FAZL-U-HAQ PIRACHA.

### 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 to make a preliminary examination of the Military Appropriation Accounts and connected documents. The results of our examination are, as usual, embodied in the proceedings of our meetings (Annexure I), which should be treated as a part of our report, and it is unnecessary for us here to do more than refer to the more important points.

2. *Control over expenditure.*—We are glad to note that the Auditor General considers that "so far as control of expenditure in bulk is concerned, the financial administration of the year has been shown to be careful, efficient and, in the abnormal circumstances mentioned by the Financial Adviser, successful". There is, however, room for still further improvement, and we hope that this will be achieved in future years as a result of the efforts that are being made by the Army authorities.

3. *Military Engineer Services expenditure.*—We have been through the review of expenditure on Military Engineer Services prepared by the Financial Adviser. In pursuance of the views expressed by the previous Committees, the Financial Adviser has carried out a detailed examination of variations between the estimates of cost of individual works and the actual expenditure incurred. In order to make the review more informative, the Auditor General has suggested—and we agree with the suggestions—that—

- (1) variations from (a) original estimates, and (b) the year's appropriation in the case of works of major importance or higher value, should be exhibited in the Appropriation Accounts; and
- (2) a detailed account of the utilization of the Military Engineer Services Reserve should be given in the Appropriation Accounts.

We understand that these suggestions have been accepted by the Financial Adviser.

The various steps which the Army authorities are taking in order to improve control of expenditure, regulation of contracts and other financial matters are mentioned in paragraphs 11 and 25 to 28 of the proceedings.

4. *Revision of Army Regulations.*—In view of the numerous irregularities due to the complexity and obscurity of the existing regulations, the previous Committees, at the instance of the Auditor General, had recommended that steps should be taken to simplify and amend the existing regulations. The Army Secretary hoped that two important sets of regulations would be completed within twelve months. We consider that this is a very important matter and the Army Department should take every step possible to complete the revision earlier, if possible.

5. *Financial Irregularities.*—The action taken by the Army authorities under the orders of His Excellency the Commander-in-Chief, in pursuance of the statement made to the Committee last year by the Army Secretary, is explained in the note attached to our proceedings of the 8th August 1935. This year's report again includes an undesirably large number of cases of financial irregularities pointing to the same conclusion as was reached by the Committee last year. We realise that these irregularities occurred prior to the issue of the special instructions referred to above, and we hope that the effect of these instructions will be reflected in the results of future years. Some of us think that negligence has not in the past been punished sufficiently seriously, and indeed a number of the cases specifically referred to by the Auditor General afford a *prima facie* confirmation of this view. The more important of these, we have discussed with the Army Secretary and on one of them in particular the whole Committee considered that his explanations were, to say the

least of it, unconvincing and we have requested some further information in the case. We hope that the Army Secretary will be able to communicate this to the Public Accounts Committee in time for them to consider it before drafting their Report. In any case we assume that, in view of the instructions which have been issued by His Excellency the Commander-in-Chief and the impending simplification of the regulations, it will not only be clear that the Army authorities take a serious view of negligence or inefficiency but also that they will in no wise admit ignorance of the regulations as an extenuation of shortcomings under these heads. The natural corollary of this should be a manifest tendency for the punishments awarded in such cases to become heavier in future.

6. *Authorised War reserves of stores.*—The Quartermaster-General and the Master-General of the Ordnance have furnished the necessary certificates in regard to the existence in stock of the authorised war reserves of stores on the 31st of March 1935. Copies of these certificates are attached to our proceedings (Annexures II and III).

P. J. GRIGG.

P. C. TALLENTS.

B. DAS.

S. SATYAMURTI.

SHER-MD. KHAN.

K. SANJIVA ROW.

26th August, 1935.

### ANNEXURE I.

Proceedings of the first meeting of the Military Accounts Committee held on Wednesday, the 7th August 1935, at 2-30 P.M.

#### PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.

The Hon'ble Mr. P. C. TALLENTS, C.S.I.,  
C.I.E., I.C.S., Finance Secretary,

Mr. S. SATYAMURTI, M.L.A.,

Mr. B. DAS, M.L.A.,

Captain SHER MOHAMMAD KHAN, C.I.E.,  
M.B.E., M.L.A.

Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor  
General,

Mr. K. R. S. RAU, Director of Army Audit.

Mr. G. R. F. TOTTENHAM, C.I.E., I.C.S.,  
Army Secretary,

Mr. J. C. BROMMAGE, M.B.E., Deputy  
Financial Adviser,

Lt.-Colonel R. PRINCE, O.B.E., Military  
Accountant General.

Members.

Were also  
present.

Witnesses.

1. 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—The Administration of Military Engineer Services expenditure.*—This was postponed for consideration when the Engineer-in-Chief appeared before the Committee.

3. *Item 2—Revision of Army Regulations.*—The Committee was informed that, the general principles that will govern the revision having been settled as intimated to the Committee last year, the revision of 'Regulations for the Army in India' and 'Pay and Allowance Regulations' had been in hand since the 1st September 1934, that very definite and important progress had been made, but that it was not possible to say when the revision of those books would be completed. The draft Defence Services (Classification, Control and Appeal) Rules to govern civilian personnel serving under the Army Department were referred to the Secretary of State early in 1934. As a result of certain criticisms made by him, the volume had been re-cast into a comprehensive book of regulations for this category of personnel, and it was hoped that it would be completed within the next two months. The Committee after discussion with the Army Secretary was of opinion that the revision of regulations was a very important matter, and the Army Department should take every step possible to complete the revision as quickly as possible. The Army Secretary promised to try his best to have the 'Regulations for the Army in India' and the 'Pay and Allowance Regulations', which are the most important ones, in a revised form by the time the Committee meets next year.

*Item 3—Compilation of statistics showing losses due to the sale of surplus and obsolete stores.*—This item was postponed for consideration with paragraph 5 (b) of the Auditor General's letter.

4. *Item 4—Military Engineer Services Reserve.*—The Auditor General desired that, as it has been prescribed that the reserve should be utilised for unforeseen works, a detailed account of its utilisation should be given in the Appropriation Accounts to enable audit and the Committee to see that it was properly utilised. The Committee agreed.

5. *Item 5—Revision of rules for the Depreciation Reserve Fund of Ordnance and Clothing Factories.*—The Auditor General said that on further examination he had decided not to press for any change. The Committee agreed.

6. *Item 6—Revision of equipment tables.*—The Committee was informed that the tables had been revised. The Military Accountant General was satisfied with the revised tables.

7. *Item 8—Improvement of supervision and proper liaison with Finance to prevent frauds.*—Consideration was postponed till the next day.

8. *Item 9—Improvements in the procedure for recovery of rent, water and electric charges and conservancy tax.*—The Military Accountant General informed the Committee that he had issued instructions that these bills should be sent to the units concerned, and that recoveries should be made from the pay bills. As regards the conservancy tax, it has been decided that these charges should be levied except in the case of certain very poor people.

9. *Item 10—Judge Advocate General's rulings in certain cases.*—The conclusions reached by the Government of India are given in the annexure to the Quarterly Statement of outstanding items.

10. *Item 12—Statement comparing the cost of important items of manufacture with Home Priced Vocabulary Stores rates.*—The Committee agreed to the discontinuance of this statement as it served no useful purpose.

11. *Item 13—Trained works accountants for Military Engineer Services audit.*—The Military Accountant General informed the Committee that he had agreed to take over certain trained Public Works Department accountants who will also train others. The Committee desired to have a report of the success or otherwise of the new arrangement after two years.

12. The Committee then took up the consideration of paragraph 5 (a) of the Auditor General's letter, namely the possibility of amplifying the first part of Appendix E to the Appropriation Accounts so as to give information regarding a larger number of categories of stores. At present there are certain important omissions, for example, mechanical transport stores. The Auditor General explained to the Committee that this information would be useful for exercising greater financial control. He said that there was no difference of opinion so far as the principle was concerned between him and the Financial Adviser, Military Finance; the whole difficulty lay in devising a procedure whereby these statistics could be obtained without undue extra expense. The Committee desired that every effort should be made to give fuller information in the next year's report. Mr. Das also desired that in the memorandum of the Financial Adviser regarding stores transactions, figures for the amount of stores purchased in India and outside India should be given separately. The Deputy Financial Adviser agreed to do this.

13. *Item 3 of Appendix A and paragraph 5 (b) of the Auditor General's letter—Exhibition in a valued statement of surplus and obsolete stores disposed of during the year.*—The Auditor General explained to the Committee that the Financial Adviser had accepted the advisability of preparing a valued statement of surplus and obsolete stores discarded in the course of each year as one method of check over the exercise of control in respect of the purchase of stores. A statement in respect of the year 1934-35 had actually been prepared and submitted to audit and this provided the Financial Adviser with a *prima facie* case for enquiry into certain discards of M. T. stores. The Committee desired that the statement should be utilised where necessary to improve the present 'provisioning' arrangements and to prescribe suitable limitations on store holding.

In this connection the Auditor General brought to the special notice of the Committee the former absence of a proper system of provisioning, the overstocked condition owing to this reason, and the necessity of a valued account of all surplus and obsolete stores in the Royal Air Force. The Army Secretary circulated a note (copy attached) explaining the steps taken to improve the system. The Auditor General stated that he thought that measures had been taken locally to remedy the defects in the provisioning system, and that as far as he could see they were reasonably satisfactory. He urged that Government should issue authoritative orders

regarding a provisioning system and its stock limits. The Army Secretary assured the Committee that the Royal Air Force Headquarters and the Army Department realised the importance of the matter and were giving very close attention to it. He acknowledged that the Auditor General's interest in the question had been instrumental in focussing attention upon it.

14. *Paragraph 6 of the Auditor General's letter—Special expenditure on Territorial Force (Appendix L to the Appropriation Accounts).*—The Army Secretary informed the Committee that they were surrendering a sum of Rs. 5,85,000 to general revenues.

15. The Committee then took up for consideration various financial irregularities mentioned in paragraph 7 of the Auditor General's letter. As regards these irregularities, the last year's Committee had observed "they also desired to record their opinion that the punishment awarded in some cases was entirely inadequate and that the administrative authorities appear to take far too lenient a view of cases where the furnishing of false certificates was deliberate". The Auditor General in his letter says: "In last year's report I was constrained to observe that the cases brought to notice taken as a whole seemed to afford evidence that there was considerable laxity of view and an insufficient sense of responsibility in financial matters, not in the administration as viewed in the abstract but amongst individuals. It is regrettable that this year's report should again include an undesirably large number of cases pointing to the same conclusion". The Committee desired to draw the pointed attention of the Army authorities to these remarks. They realised that the irregularities mentioned in this report occurred prior to the issue of special instructions by H. E. the Commander-in-Chief and hoped that the effect of these instructions would be reflected in the results of future years. Some members of the Committee also felt that negligence had not in the past been punished sufficiently seriously, but after the special instructions issued under the orders of H. E. the Commander-in-Chief punishments for negligence or slackness should tend to become heavier.

16. *Paragraph 24 of the Report of the Director of Army Audit.*—The Committee desired to record that the cost or the inconvenience involved should not be the sole criterion in considering whether a prosecution should be launched. All relevant factors, such as the amount involved in the fraud and the seriousness of the fraud, should be taken into account.

17. *Paragraph 29 of the Report of the Director of Army Audit.*—The Army Secretary informed the Committee that this particular fraud was still under investigation but that the Army Commander had appointed a standing committee in each district of the Northern Command consisting of the Assistant Director of Medical Services and two officers of the garrison concerned, one of the rank of Lieutenant-Colonel and the other a field officer of the Royal Indian Army Service Corps, to visit hospitals periodically, enquire into their administration and submit reports to Command Headquarters. The question of instituting such committees in other Commands was also under consideration. The Committee desired that an investigation should be conducted to see whether there was any defect in the system of accounts which facilitated the fraud.

The Committee then adjourned till 11 A.M. on the 8th August 1935.

## ANNEXURE

## Royal Air Force Stores.

In answer to the main criticism that the system, or lack of system, in the matter of "provisioning" has led to the holding of excessive stocks of stores, the Royal Air Force authorities do not claim that their system is perfect, and they acknowledge that the Auditor General's interest in the matter will help to secure the improvement that they themselves desire.

On the other hand they do claim that they have evolved a definite system, that for many years they have been endeavouring to improve it, that they have brought about many improvements by their own efforts and have still further improvements under consideration, and that their task is rendered particularly difficult owing to the rapid scientific development that is taking place in the construction of aircraft and aircraft engines and the fact that most of the stores they require are unobtainable in India.

In particular they desire to bring the following facts to notice—

- (1) the present "qualification" of the audit certificate is based on the assumption that the Government of India have not given their authority to the stock limits which now govern the Royal Air Force provisioning system. This is not the case. Between 1927—1931 the stock limits were reduced and the acceptance by the Government of India of the new limits was obtained in the process of reporting the Royal Air Force retrenchments to the Secretary of State in 1932. The only mistake was that this acceptance was not communicated to the audit authorities. The A. O. C. is taking action to regularise the position and is now applying for formal sanction to cover the issue of Equipment Tables to consuming units on the basis of the stock limits approved.
- (2) It is this very reduction as a measure of economy—rather than the defects of the system itself—that has largely accounted for an accumulation of excess stocks, many of which consist of surpluses returned to the depot by consuming units.
- (3) On the Army side, Mobilisation and War Reserves are held and shown separately from working stocks. On the Royal Air Force side there is no such distinction and a considerable portion of the stocks, which may seem to be excessive, are really emergency reserves.
- (4) Even if stock limits of so many months supply are laid down, it is particularly difficult in the Royal Air Force to make absolutely correct estimates of monthly requirements, especially when new types of equipment are introduced, as they often have to be, either for the sake of increased efficiency or because the maintenance of the old type eventually becomes more expensive.
- (5) Whatever may have been the case many years ago, stores are now never purchased except on detailed indents which are seen and priced by the Military Finance Branch. There is no question of India's being compelled to purchase stores sent out by the Air Ministry or leaving it to the Air Ministry

to despatch such stores as they may consider necessary up to a monetary limit intimated by the Indian authorities. When a new type of aircraft is introduced, some advice from the Air Ministry is necessary as regards the initial provision of spare parts, but the policy is to work as far as possible on Indian experience of similar types.

- (6) The fact that surplus stores are held is admitted. They represent the accumulation of several years and will take time to dispose of economically.

Obsolescence is a constant factor and a certain quantity of obsolescent stores must eventually pass into the category of obsolete stores.

The Royal Air Force will welcome any means of confining stores in these categories to the narrowest possible limits. They are already rendering a quarterly return of disposals, which can be prepared on the lines finally approved on the Army side. Their sole object is to keep their aircraft efficient in peace and war and so long as due recognition is given to the peculiar features mentioned above, they hope that the present discussions will lead to a definite improvement which can form the subject of report to the Military Accounts Committee next year.

Proceedings of the second meeting of the Military Accounts Committee held on Thursday, the 8th August 1935, at 11 A.M.

## PRESENT :

|                                                                               |                             |
|-------------------------------------------------------------------------------|-----------------------------|
| The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, <i>Chairman</i> .        |                             |
| The Hon'ble Mr. P. C. TALLENTS, C.S.I.,<br>C.I.E., I.C.S., Finance Secretary, | } <i>Members.</i>           |
| Mr. S. SATYAMURTI, M.L.A.,                                                    |                             |
| Mr. B. DAS, M.L.A.,                                                           |                             |
| Captain SHER MOHAMMAD KHAN, C.I.E.,<br>M.B.E., M.L.A.                         |                             |
| Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor-General,                          | } <i>Were also present.</i> |
| Mr. K. R. S. RAU, Director of Army Audit.                                     |                             |
| Mr. G. R. F. TOTTENHAM, C.I.E., I.C.S.,<br>Army Secretary,                    | } <i>Witnesses.</i>         |
| Mr. J. C. BROMMAGE, M.B.E., Deputy<br>Financial Adviser,                      |                             |
| Lt.-Colonel R. PRINCE, O.B.E., Military<br>Accountant General.                |                             |

18. The Auditor General first raised the question whether the convention that 24 hours notice should be given if the Committee desired to take up any case not mentioned in the Auditor General's letter should not be denounced. He explained that formerly the Auditor General included in his letter practically every item on which the Committee should make enquiries but was now trying gradually to break away from this practice and to leave it to the Committee to decide which particular items they

should take up. The Committee agreed that the convention should be denounced, but if the witnesses desired, the Committee ought to allow them reasonable opportunity for looking into the papers relating to the case in greater detail.

19. *Item 8 of Appendix A.—Improvement of supervision and proper liaison with Finance to prevent frauds.*—A note (copy attached) was circulated to the Committee explaining the action taken under the orders of His Excellency the Commander-in-Chief in pursuance of the statement that was made to the Committee last year by the Army Secretary.

20. *Paragraph 25 of the Report of the Director of Army Audit.*—The Military Accountant General explained that he had taken special steps to tighten up audit in the case of irregular units in which this and some other frauds occurred.

21. *Paragraph 31 of the Report of the Director of Army Audit.*—Some members of the Committee were of opinion that this was one of the cases in which inadequate punishment had been awarded on the administrative side as compared with the Military Accountant General's side. Arising out of the explanation given by the Army Secretary, the Auditor General remarked that on the civil side action had been taken by the Railway Board and was probably being taken in other Departments to explain that departmental enquiries should not necessarily be delayed pending decision of criminal cases, as at a later stage the evidence might disappear and the departmental enquiry could not be brought to any conclusion at all. He desired that a similar practice should be followed on the Army side. The Committee agreed with the view of the Auditor General and desired that a report should be made to them as to the action taken.

22. *Paragraph 32 of the Report of the Director of Army Audit.*—As regards the punishment of one of the officers concerned, the Army Secretary explained that he was tried by Court Martial on certain charges and was acquitted. After acquittal the Army Commander and the Quartermaster General took the view that, although he had been acquitted of a criminal charge, he had shown himself inefficient and slack in the performance of his duties and that he ought to be got rid of for inefficiency. The Commander-in-Chief decided, however, that in accordance with the custom in the Army after a man had been tried for certain charges and acquitted, no further departmental action should be taken against him on the same set of facts. The Army Secretary, who explained that he had not yet seen the papers himself, was not sure whether this was the legal position or whether it was based on custom only. The Committee was not at all satisfied with the position as they felt that it should be permissible to take departmental action against an officer for negligence and inefficiency even if he had been acquitted by a court of a criminal offence. The Committee, therefore, desired that the Army Secretary should further investigate the matter and intimate the result to the Committee, if possible before the drafting of the report of the Public Accounts Committee.

23. *Paragraph 35 of the Report of the Director of Army Audit.*—The Military Accountant General explained that this was another case in an irregular unit where steps have been taken to tighten up audit. Some

members of the Committee were of opinion that this was another case in which the punishment awarded was inadequate.

24. The Committee then went through paragraphs 46, 22, 23, 33, 37, 38, 39 and 45 of the Report of the Director of Army Audit.

The Committee then adjourned till 2.30 P.M.

*Note by the Army Department.*

In item 8 of Appendix A of the Appropriation Accounts of the Defence Services for the year 1933-34, and in paragraph 15 (a) and (b) of the Proceedings of the Military Accounts Committee held on the 25th June 1934, which are reproduced in the Report of the Public Accounts Committee on the accounts of 1932-33, it is stated that His Excellency the Commander-in-Chief ordered, in connection with the financial administration of Army expenditure, that the serious attention of local military authorities should be drawn to the two following directions in which he considered improvement was most necessary, namely :—

- (a) Improvement of supervision, and
- (b) proper liaison with Finance.

2. The following action has been taken to implement His Excellency's orders :—

- (i) A revised edition of the pamphlet entitled "Notes on the Prevention of Fraud" and
- (ii) a circular memorandum No. B.29799/1 A.G.-8, dated the 20th September 1934, on the subject of liaison with Finance,

have been issued by the Adjutant General in India.

3. A copy of the pamphlet referred to under (i) was circulated to the members and a copy of the circular memorandum is attached.

No. B.29799/1 (A.G.-8).

ARMY HEADQUARTERS, INDIA,

ADJUTANT GENERAL'S BRANCH.

*Sd/-, the 20th September, 1934.*

FROM

THE ADJUTANT-GENERAL IN INDIA,

TO

HEADQUARTERS, NORTHERN COMMAND.  
HEADQUARTERS, SOUTHERN COMMAND.  
HEADQUARTERS, EASTERN COMMAND.  
HEADQUARTERS, WESTERN COMMAND.  
HEADQUARTERS, BURMA (INDEPENDENT) DISTRICT.

**Memorandum.**

His Excellency the Commander-in-Chief has recently had under consideration the standard of financial administration in command and lower formations. While considerable advance appears to have been made in



recent years towards a more satisfactory state of affairs, His Excellency believes that there is still great room for improvement, and he is particularly impressed in this connection with the advantages to be obtained from a closer co-operation between units and their accounts and audit officers; a subject on which you have been already addressed in A. G.'s No. B.17456/9/A.G.-13, dated 12th September 1932.

2. There is a tendency in some quarters to regard the duties of accounts and audit officers as confined to the mere keeping of accounts, the checking of bills and the prevention or detection of fraud. A more irresponsible view is that their general function is to criticise and obstruct. These are grave misapprehensions. It is a primary duty of the accounts and audit department to help wherever possible with financial advice and to ensure prompt payment of all legitimate claims. They should be able to give the financial state of a unit, formation or service and inform the administrative authorities early of any expenditure that appears to require looking into. Detection and exposure of errors long after they have taken place must be replaced as far as possible by assistance in preventing errors. The officers of that department are the only trained staff on which the administrative authorities should rely for this form of assistance. It is therefore essential that their services should be fully utilised and that if errors are to be prevented or losses obviated, they should be freely consulted at every stage of a financial transaction and particularly at the beginning.

3. In recent months the Controllers of Military Accounts have opened in their respective offices a "Financial Advice" section which examines accounts figures and transactions with a view to the discovery of possible economies in administration or to the stoppage of waste. Various suggestions emanating from this source have doubtless already been considered in commands, and the work being done holds promise of genuine usefulness. His Excellency trusts that full advantage will be taken of it by carefully examining any suggestions offered. It should not, however, be left solely to the accounts and audit authorities to initiate suggestions, but in their day to day control over expenditure and efforts at economy, administrative officers should make free use of their accounts figures (as would a private individual in the conduct of his own business) and in doing so, should refer freely to the accounts department for guidance. With the same object in view—sound and economical administration—commanding and administrative officers should ensure that the queries of the accounts department receive full, clear and accurate replies without delay. Accounts officers on their side should ensure that the queries are really necessary and essential. In many instances difficulties can be settled by personal discussion without recourse to correspondence. These measures will at least diminish, though it cannot be hoped that they will entirely eliminate, the possibility of fraud and loss.

4. The preceding paragraphs deal with the Military Accounts Department which is the internal instrument of financial control functioning on behalf of the Finance Department of the Government of India. Outside the organization there exists a separate statutory authority charged with responsibility for the efficiency of the audit not only of the expenditure of the defence services, but of all expenditure in India from the revenues, of India, and of its correct accounting. This "statutory audit" commonly called test audit is conducted on behalf of the Secretary of State for India under the general control of the Auditor General in India.

His Excellency desires to emphasise the fact that co-operation with the statutory audit authorities, on the part of officers of all commands, staff, units, etc., is fully as essential as is co-operation with the Military Accounts Department, and that every facility should be given to the Director of Army Audit and to his officers and staff entrusted with this duty, and advantage taken of the assistance which they should always be ready to offer.

5. A copy of these orders is being sent to the Military Accountant General and to the Director of Army Audit with the request that they will please take any steps they may consider desirable in their respective departments to encourage that cordial co-operation with the Army to which in the interests of effective financial supervision, His Excellency attaches the highest importance.

(Sd.) G. THORPE, *Major-General,*  
*Offg. Adjutant-General in India.*

Copies to—

Districts Independent Brigade Areas.

Brigade Areas and Brigades, with sufficient copies for distribution to all units.

The M. A. G.

The D. A. A.

Proceedings of the third meeting of the Military Accounts Committee held on Thursday, the 8th August 1935, at 2-30 P.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman.*

The Hon'ble Mr. P. C. TALLENTS, C.S.I.,  
C.I.E., I.C.S., Finance Secretary,

Mr. S. SATYAMURTI, M.L.A.,

Mr. B. DAS, M.L.A.,

Captain SHER MOHAMMAD KHAN, C.I.E.,  
M.B.E., M.L.A.

Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor  
General,

Mr. K. R. S. RAU, Director of Army Audit.

Mr. G. R. F. TOTTENHAM, C.I.E., I.C.S., Army  
Secretary,

Major-General G. H. ADDISON, C.B., C.M.G.,  
D.S.O., Engineer-in-Chief,

Mr. J. C. BROMMAGE, M.B.E., Deputy  
Financial Adviser,

Lt.-Col. R. PRINCE, O.B.E., Military  
Accountant-General.

*Members.*

*Were also  
present*

*Witnesses.*

25. The Engineer-in-Chief explained to the Committee the various steps taken by him to strengthen the financial control over Military



Engineer Services expenditure. He explained that everything centred round the system of contracts which hitherto had been normally made on the basis of measurements and schedules of prices as there was no trained staff of quantity surveyors to prepare bills of quantities. This system gave an enormous amount of additional work to all concerned including the audit and accounts staff and offered numerous occasions of friction. The regulations also allowed certain opportunities to the executive staff to get works done which were not included in the original contracts and estimates, with the result that the finished works varied from what had actually been approved. In order to get over all these difficulties he had now secured a trained staff of quantity surveyors who were now training the staff in India. His idea was that ultimately all new works, where the scope of the work can be foreseen, should be carried out under lump-sum contracts. This should enable Government to get much cheaper tenders and the scope of the work would also be exactly defined. He had also made it quite clear that no diversions from the original contract would be allowed except as provided for in the contract itself. Of course, the system of lump-sum contracts could not be applied to maintenance which must necessarily be done in most cases by measurements. Even in these cases the quantity surveyors will, first of all, be able to prepare much more accurate schedules, will check the actual measurements in cases of importance and also check all the measurement work that comes in before it is actually paid for. He admitted that there was room for tremendous improvement in the whole of their measurement of maintenance work ; that was due not to any slackness or carelessness, but because the staff have not had the necessary training. These surveyors have been of enormous help and every day he saw an improvement—in saving money on maintenance and in improving the method of contracts for new works.

26. In reply to a question by Mr. Das, the Engineer-in-Chief explained that the quality of the work would not in any way suffer as detailed specifications would be included in the contract and there would be regular inspections to see that these specifications were adhered to.

27. As the Chairman desired to have the views of the Auditor General on the new system, the Auditor General said that it was claimed that the new system increased efficiency of financial control and did not diminish facilities for audit, but he would have to watch the position carefully to see whether the claim was actually justified. Audit was certainly not a hostile critic. He added that the system of lump-sum contracts had not been very successful in other departments, but that was mainly due to defective estimates, defective drawing up of contracts, and employment of unsuitable contractors.

28. The question of acceptance of the lowest tenders was then discussed. The Engineer-in-Chief explained that there were detailed instructions now that, if the lowest tender was not accepted, the agreement of the C. M. A. should, whenever possible, be obtained before acceptance of another tender ; in every case the officer accepting the tender had to put in writing, for the information of the Military Accounts Department, the detailed reasons for not accepting the lowest tender. If the Military Accounts Department did not accept these reasons as satisfactory, the case was referred to the Engineer-in-Chief. The Military Accountant-General explained that during the last six months there had been no such case.

After some further discussion regarding the Military Engineer Services expenditure, the Engineer-in-Chief withdrew.

29. The Committee then considered paragraphs 18, 34 and 36 of the Report of the Director of Army Audit. The Committee then took up for consideration the Commercial Appendix, the Financial Adviser's Review and the Auditor General's comments thereon. In view of the large losses incurred in the Medical Stores Depots and Ordnance Factories, the Committee expressed the opinion that the Army Department should consider whether they should not take steps to reduce these losses by taking advantage of the existing and expanding trade facilities in India. The Military Accountant-General and Army Secretary explained that the so-called "losses" in the Ordnance Factories were in fact the differences between the issue (P. V. S.) rates and the cost of production. Such "losses" could be concealed by varying the P. V. S. rates which would then lose their value as a standard of comparison from year to year. The fact was that the factories were maintained for war production ; their overhead charges could not be varied (as they might be in a commercial business) according as production increased or decreased ; and attempts were now being made to evolve a system of accounts which would display, separately and fairly, this "war insurance" element which necessarily entered into the cost of all production. The Army Secretary also assured the Committee that, whenever there were satisfactory facilities for the supply of Army stores from trade sources, advantage was always taken of them. As an instance he referred to the closing down of two clothing factories. The Committee expressed the opinion that this was a very important point which should always be borne in mind by the Army Department.

30. The Committee after examining the Commercial Appendix and the Home Auditor's report in detail adjourned.

## ANNEXURE II.

### Certificate by the Quarter Master General.

I certify that, on 31st March 1935, 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 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, and with the exceptions shewn in the attached Annexure.

E. IRONSIDE, *Lieut.-General,*

*Quarter Master General.*

29th May 1935.

**Annexure to Certificate, dated 29th May 1935.**

Deficiencies in the authorised number of M. T. vehicles to be held in mobilization reserve :—

**(i) 21 Motor cycles, solo.**

(5 issued to 4th Cav. Bde. Signal Troop.

2 issued to Light Tank Coy., Delhi.

14 issued to 4th Field Bde., R. A.).

Orders for the deficiencies will be placed as soon as the type of replacement machines is decided.

**(ii) 6 Motor cycles, combination.**

(Issued to 1st, 2nd and 3rd Divisional Signals.)

The deficiencies will be made good by the purchase of class "D" cars. The question of provision of funds has been taken up with A. G.'s Branch, and orders will be placed at an early date.

**(iii) 18 Motor vans.**

(12 issued to 4th Field Bde., R. A.

6 issued to 1st, 2nd and 3rd Divisional Signals.)

The question of provision of funds has been taken up with branches concerned, and orders will be placed at an early date. Orders for 12 vans have since been placed.

**(iv) 3 Lorries, 30-cwt., 4-wheeled.**

(Issued to 1st, 2nd and 3rd Indian Divisional Signals.)

The question of provision of funds has been taken up with the branch concerned and orders will be placed at an early date.

**(v) 5 Workshop lorries.**

14 Store Lorries.

Sufficient numbers of 3-ton, 4-wheeled workshop and store lorries are held in the country to make up the deficiencies. No action has, however, been taken to complete the deficiencies pending a decision on the Technical Vehicles Policy.

**(vi) 7 Breakdown lorries.**

Necessary action to complete the deficiencies has been held up pending a decision on the Technical Vehicles Policy.

**(vii) 4 Foden Disinfector lorries.**

Against the authorised establishment of 11 disinfector lorries, only 7 are held in the country. To meet the deficiency of 4 vehicles, a like number of Albion, A-10 type 3-ton, 4-wheeled chassis is available.

**Mobilization equipment of Supply units.**

The completion of mobilization equipment of supply units for which War Equipment Tables have not been issued has been held over pending the reorganization of supply units.

**ANNEXURE III.****Certificate by Master-General of the Ordnance in India.**

I certify that on 31st March 1935 :—

1. The mobilization equipment and clothing authorized to be held for the mobilization of the army in India and detailed in published War Equipment Tables was complete to the extent to which the quantities have been provided with the exception of fluctuations normal to the maintenance of such equipment. Deficiencies have been calculated from War Equipment Tables as and when published and the estimated financial requirements therefor have been notified in the General Staff publication "Preparedness for War".

2. War Maintenance Reserves detailed in published W. M. R. Statements and which have been provided were complete with the exception of fluctuations normal to the maintenance of such reserves. Deficiencies have been calculated in accordance with the rules approved by the Secretary of State and are revised over a regular programme in accordance with the latest available information. The estimated financial requirements therefor have been notified in the General Staff publication "Preparedness for War".

3. Materials and semi- or fully-manufactured articles, which have been set aside in Ordnance factories or provided for them from specially allotted funds as Reserves to enable expansion after mobilization to be carried out according to programme, were complete with the exception of fluctuations normal to the maintenance of such materials and stores.

The calculation of deficiencies continues and the estimated financial requirements therefor have been notified in the General Staff publication "Preparedness for War".

H. E. APRHYS PRYCE, *Lieut.-General,*

*M. G. O. in India.*

9th May 1935.

#### IV.—PROCEEDINGS OF THE PUBLIC ACCOUNTS COMMITTEE.

Proceedings of the first meeting of the Public Accounts Committee held on Monday, the 12th August 1935, at 11 A.M.

##### PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.  
Mr. B. DAS, M.L.A.

Mr. S. SATYAMURTI, M.L.A.

Professor N. G. RANGA, M.L.A.

Dr. THEIN MAUNG, M.L.A.

Maulvi Sir MOHAMMAD YAKUB, Kt., M.L.A.

Captain SHEH MOHAMMAD KHAN, C.I.E., M.B.E.  
M.L.A.,

Bhai PARMA NAND, M.L.A.

Dr. R. D. DALAL, M.L.A.

Rai Bahadur Sir SATYA CHARAN MUKHERJEE,  
Kt., C.B.E., M.L.A.

Khan Sahib Shaikh FAZL-I-HAQ PIRACHA,  
M.L.A.

Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor  
General.

Mr. N. B. DEANE, O.B.E., Accountant General,  
Central Revenues.

The Hon'ble Mr. P. C. TALLENTS, C.S.I., C.I.E.,  
I.C.S., Finance Secretary.

*Members.*

*Were also  
present.*

*Witness.*

The Committee discussed the following points :—

- (1) The check applied to see that the money voted by the Assembly was being spent within the scope of the demand, and that the expenditure charged against a particular demand related clearly to that demand and to no other ;
- (2) Financial control over expenditure to see that money was not spent in excess of the grant, and that surrenders were made where there were likely to be savings ; and
- (3) The powers of reappropriation of the various spending authorities.

2. In reply to a question by one of the members, it was explained to the Committee how and why the unutilised revenue surplus of a year went automatically for reduction or avoidance of debt unless it was intercepted before the close of the year and earmarked with the approval of the Legislative Assembly for specific purposes.

3. The Auditor General explained to the Committee that, in order to simplify the Appropriation Accounts and to bring them more into line with British Appropriation Accounts, he was reducing the number of columns in those accounts from 6 to 4. The first column will show the

head with the details of the original grant, supplementary grant and any modifications ; the second column will show the final appropriation ; the third column the actual expenditure ; and the last column the excess or savings as compared with the final appropriation.

4. The Committee then considered the various important accounts changes mentioned in paragraphs 4 to 17 of the Accountant General, Central Revenue's Report.

5. The Committee then went through paragraphs 19 to 21 of the Accountant General, Central Revenue's Report giving a brief summary of the financial results of the year, which has been included in the report for the first time this year, in order to give the Committee a complete picture, including receipts, of the financial position of the Government.

6. The Committee then examined the general results of the appropriation audit during 1933-34 given in paragraphs 33 to 35 of the Accountant General, Central Revenue's Report.

The Committee adjourned till 2-45 P.M.

Proceedings of the second meeting of the Public Accounts Committee held on Monday, the 12th August 1935, at 2-45 P.M.

##### PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.

Mr. B. DAS, M.L.A.

Mr. S. SATYAMURTI, M.L.A.

Professor N. G. RANGA, M.L.A.

Dr. THEIN MAUNG, M.L.A.

Maulvi Sir MOHAMMAD YAKUB, Kt., M.L.A.

Captain SHEH MOHAMMAD KHAN, C.I.E., M.B.E.  
M.L.A.

Bhai PARMA NAND, M.L.A.

Dr. R. D. DALAL, M.L.A.

Rai Bahadur Sir SATYA CHARAN MUKHERJEE,  
Kt., C.B.E., M.L.A.

Khan Sahib Shaikh FAZL-I-HAQ PIRACHA,  
M.L.A.

Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor  
General.

Mr. N. B. DEANE, O.B.E., Accountant General,  
Central Revenues.

The Hon'ble Mr. P. C. TALLENTS, C.S.I., C.I.E.,  
I.C.S., Finance Secretary.

*Members.*

*Were also  
present.*

*Witness.*

7. The Committee took up the consideration of the various appropriation accounts relating to the Finance Department.

8. *Grant No. 20—Stamps.*—The large savings under this head were explained as being due to the special condition of work, which necessitates retaining some provision as a reserve to meet sudden unforeseen demands for the products of the press. The Auditor General suggested, and the Committee agreed with him, that if a reserve was required under this grant, it should be shown as such under a separate sub-head and should not be provided under the ordinary heads of expenditure.

9. *Grant No. 25—Interest on ordinary debt.*—The large savings under this grant were mainly due to the conversion of a larger number of loans than anticipated in the budget, the non-payment of the interest on War Debt to His Majesty's Government and the reduction of the provision made for "reduction or avoidance of debt". The Committee generally was of opinion that it was not right to reduce the provision for reduction or avoidance of debt in the course of a year merely to avoid a revenue deficit or to provide for any special items of expenditure.

10. *Grant No. 26—Interest on miscellaneous obligations.*—The voted excess under this grant was due almost entirely to larger payments to the Posts and Telegraphs Department for Post Office Savings Bank and Cash Certificate work. The Committee agreed to recommend to the Assembly that assent should be accorded to the excess grant.

11. *Grant No. 27—Staff, Household and Allowances of the Governor General.*—In reply to a question by one of the members, it was explained that the expenditure on "contract allowance" and on "State conveyances and motor-cars" was not audited under the orders of the Secretary of State. The Auditor General explained at a later meeting that in respect of these items he had arranged to obtain from the Military Secretary a certificate that the amounts had been spent for the purposes for which they were intended.

12. *Grant No. 71—Currency.*—Some members of the Committee were of opinion that in the case of the defalcation mentioned under this grant, the superior officers escaped with lighter punishment than the lower paid staff. The Committee decided that, if on going through all the appropriation accounts they found that this was generally the case, they would draw special attention to the matter in their report.

13. *Grant No. 72—Mint.*—With regard to the non-verification of stores in the Bombay Mint, the Finance Secretary stated that he had later information that the verification was actually done in 1935. The Committee desired that instructions should be issued to the Mint Master that it was very important that the verification of stores should be done every year. The Committee also desired that the question of writing down the obsolete stores should be considered.

14. The Committee also went through the Appropriation Accounts relating to Grants Nos. 43-Audit, 74-Superannuation Allowances and Pensions and 76-Miscellaneous.

The Committee then adjourned till 10-30 A.M. on Tuesday, the 13th August 1935.

Proceedings of the third meeting of the Public Accounts Committee held on Tuesday, the 13th August 1935, at 10-30 A.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.  
Mr. B. DAS, M.L.A.

Mr. S. SATYAMURTI, M.L.A.

Professor N. G. RANGA, M.L.A.

Dr. THEIN MAUNG, M.L.A.

Maulvi Sir MOHAMMAD YAKUB, Kt., M.L.A.

Captain SHER MOHAMMAD KHAN, C.I.E., M.B.E.,  
M.L.A.

Members.

Bhai PARMA NAND, M.L.A.

Dr. R. D. DALAL, M.L.A.

Rai Bahadur Sir SATYA CHARAN MUKHERJEE,  
Kt., C.B.E., M.L.A.

Khan Sahib Shaikh FAZL-I-HAQ PIRACHA,  
M.L.A.

Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor  
General.

Were also  
present.

Mr. N. B. DEANE, O.B.E., Accountant General,  
Central Revenues.

Sir GIRJA SHANKAR BAJPAL, C.I.E., C.B.E.,  
I.C.S., Secretary, Education, Health and  
Lands Department.

Mr. M. W. YEATTS, I.C.S., Deputy Secretary,  
Education, Health and Lands Department.

Witnesses.

Mr. K. P. S. MENON, I.C.S., Additional Deputy  
Secretary, Education, Health and Lands  
Department.

15. The Committee took up the examination of the appropriation accounts and connected documents relating to the Department of Education, Health and Lands.

16. *Grant No. 48—Survey of India.*—The Committee was informed that the large variations under this grant were mainly due to the difficulty of estimating the work to be done for provincial Governments and consequent recoveries from them. The Committee realised the difficulties, but desired that the Finance Department, while scrutinising the estimates, should, in consultation with the Education, Health and Lands Department and the Surveyor General, take into consideration the past variations and try to make the estimate as accurate as possible.

17. The Committee then took up for consideration the question of reducing the size of the Mathematical Instrument Office, Calcutta, as a result of the decision of the Army Department to get their work done through their own agencies and small demands from provincial Governments and other Departments of the Government of India. The Com-

mittee was informed that the Surveyor General had proposed certain reductions to the extent of about Rs. 20,000 a year. The Committee felt that these reductions were considerably less than the loss of revenue from the Army and the Department should seriously consider whether reductions on a higher scale were not possible; if even after these reductions it is found that the office is not able to pay itself, the question of closing it down should be seriously considered.

18. *Grant No. 51—Botanical Survey.*—The Committee agreed with the Auditor General that every effort should be made to improve the accounting arrangements at the Government of Bengal Quinine Factory, Mungpoo. As regards the surplus stock of quinine held by the Government of India, Sir Girja Shankar Bajpai informed the Committee that they have decided to keep a reserve stock of 150,000 lbs. Excluding this, the surplus was only 79,000 lbs. out of which they were distributing 44,000 lbs. to the provinces for free distribution subject to the condition that their own distribution was not in any way reduced owing to this free supply by the Government of India.

19. *Grant No. 53—Archæology.*—The Committee desired to have a report next year on the question of the new rules proposed for the accounting of works expenditure in the Archæological Department.

20. *Grant No. 59—Agriculture.*—The Committee did not agree with the view expressed by the Director of Agricultural Research Institute at Pusa that the maintenance of valued stores account was not necessary. The Committee considered that these accounts were important, and that they should be maintained. They therefore desired that the Education Department should issue necessary instructions to the Director.

The Committee adjourned for lunch till 2-30 P.M.

Proceedings of the fourth meeting of the Public Accounts Committee held on Tuesday, the 13th August 1935, at 2-30 P.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.  
 Mr. B. DAS, M.L.A.  
 Mr. S. SATYAMURTI, M.L.A.  
 Professor N. G. RANGA, M.L.A.  
 Dr. THEIN MAUNG, M.L.A.  
 Maulvi Sir MOHAMMAD YAKUB, Kt., M.L.A.  
 Captain SHER MOHAMMAD KHAN, C.I.E., M.B.E., M.L.A.  
 BHAI PARMA NAND, M.L.A.  
 Dr. R. D. DALAL, M.L.A.  
 Rai Bahadur Sir SATYA CHARAN MUKHERJEE, Kt., C.B.E., M.L.A.  
 Khan Sahib SHAIKH FAZL-I-HAQ PIRACHA, M.L.A.

Members.

Mr. A. G. BADENOCH, C.I.E., I.C.S., Auditor General.  
 Mr. N. B. DEANE, O.B.E., Accountant General, Central Revenues.  
 Sir GIRJA SHANKAR BAJPAI, C.I.E., C.B.E., I.C.S., Secretary, E., H. and L. Department.  
 Mr. M. W. YEATS, I.C.S., Deputy Secretary, E., H. and L. Department.  
 Mr. K. P. S. MENON, I.C.S., Additional Deputy Secretary, E., H. and L. Department.  
 The Hon'ble Mr. P. C. TALLENTS, C.S.I., C.I.E., I.C.S., Finance Secretary.

Were also present.

Witnesses.

21. The Committee went through the appropriation accounts relating to Grant No. 61-Civil Veterinary Services and the portion of Grant No. 82 relating to Andaman Forests. The Committee also considered the memorandum furnished by the Department of Education, Health and Lands regarding the separation of the commercial accounts of the Mathematical Instruments Office, Calcutta, into two portions, namely, serviceable stores and workshops. The proposal of the Education, Health and Lands Department was that a regular commercial account should be maintained only in respect of the workshops, while in respect of serviceable stores section only a revenue and expenditure account should be maintained. The Committee did not come to any conclusion whether a mere revenue and expenditure account in respect of the latter was sufficient.

22. The Committee then took up the consideration of the appropriation accounts relating to the Finance Department.

23. *Grants Nos. 76A—Expenditure on retrenched personnel charged to revenue and 96A—Expenditure on retrenched personnel charged to capital.*—The Committee agreed to recommend to the Assembly to assent to the excess grants which arose owing to a misunderstanding. The Accountant General, Central Revenues, explained how the misunderstanding arose and what steps he had taken to prevent its recurrence.

24. *Grant No. 76C—Transfer to Fund for reconstruction of earthquake damages.*—In this case also the Committee agreed to recommend to the Assembly to assent to the excess grant. The Committee desired that a progressive account of the expenditure from this fund and similar other funds should be included in the appropriation accounts of the Accountant General, Central Revenues. The Auditor General agreed.

25. The Committee then went through Grants Nos. 77-Refunds, 86-Expenditure in England under the control of the Secretary of State, 87-Expenditure in England under the control of the High Commissioner, 88-Capital outlay on Security Printing, 93-Capital outlay on Currency Note Press, 96-Commuted Value of Pensions and the non-voted appropriation for Territorial and Political pensions.

26. The Committee then adjourned till 10-30 A.M. on the 15th August 1935.

35. The Committee examined in great detail the review on the accounts of the Central Publication Branch and the audit comments thereon. The Committee noted with concern the remarks of the Audit Officer that a test audit of the accounts for 1932-33 revealed innumerable irregularities in the maintenance of the stock of publications, etc., and in the accounting thereof. Mr. Clow admitted that the remarks of the audit officer were justified, and explained in detail the various difficulties in the way of rectifying the irregularities. He further explained that at present there was a large number of superfluous publications and they were having a general clean-up. After this was completed, they proposed to have an actual verification of stock and to open new registers with the actual stock-in-hand. The Auditor General remarked that no improvement could be expected until the standard of the staff was raised. The Committee desired that special steps should be taken to this end.

36. The Committee was informed that the question of allocation of Ecclesiastical expenditure between the Civil and the Army Departments was still under the consideration of the Government of India. The Committee expressed some dissatisfaction at the delay in settling this matter and hoped that it would soon be brought to some conclusion.

37. The Committee then went through the appropriation accounts relating to Grants Nos. 22-Irrigation, Navigation, etc., 49-Meteorology, 50-Geological Survey, 63-Aviation, 69-Miscellaneous Departments, 75-Stationery and Printing, 76-Miscellaneous and 97-Delhi Capital Outlay. The Committee agreed to recommend to the Assembly to assent to the excess grants under Grants Nos. 50 and 76.

38. The Committee then adjourned till 10-30 A.M. on Friday, the 16th August 1935.

**Proceedings of the 7th meeting of the Public Accounts Committee held on Friday, the 16th August 1935, at 10-40 A.M.**

PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.

Mr. B. DAS, M.L.A.

Mr. S. SATYAMURTI, M.L.A.

Professor N. G. RANGA, M.L.A.

Dr. THEIN MAUNG, M.L.A.

Maulvi Sir MOHAMMAD YAKUB, Kt., M.L.A.

Captain SHER MOHAMMAD KHAN, C.I.E., M.B.E., M.L.A.

Bhai PARMA NAND, M.L.A.

Dr. R. D. DALAL, M.L.A.

Rai Bahadur Sir SATYA CHARAN MUKHERJEE, Kt., C.B.E., M.L.A.

Khan Sahib SHAikh FAZL-I-HAQ PIRACHA, M.L.A.

Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor General.

Mr. N. B. DEANE, O.B.E., Accountant General, Central Revenues.

*Members.*

*Were also present*

Sir JAMES PITKEATHLY, C.M.G., C.I.E., C.V.O., C.B.E., D.S.O., Chief Controller of Stores.  
Mr. E. M. JENKINS, I.C.S., Joint Secretary, Industries and Labour Department.

*Witnesses.*

39. The Committee continued the examination of the appropriation accounts and connected documents relating to the Industries and Labour Department.

40. *Grant No. 70—Indian Stores Department.*—The Committee discussed in great detail with the Chief Controller the appropriation accounts of the Indian Stores Department, the policy of the Department in helping Indian industries, etc. The Committee was informed that the Government of India would very shortly come to a decision regarding the question of reducing the strength of the London Stores Department and making it a part of the Indian Stores Department. The Committee decided to postpone any comments on this question till the decision of the Government of India was known. The Committee agreed to recommend to the Assembly to assent to the excess grant under this Grant.

41. *Grant No. 73—Civil Works.*—Some members of the Committee expressed the opinion that there was considerable scope for improvement in the budgeting for civil works. The Auditor General explained that formerly there were no proper rules for budgeting for civil works, but definite rules were prescribed two years ago and there ought to be some improvement in the appropriation accounts of later years. The Auditor General desired to know whether any decision had been reached as to the terms on which certain assets were transferred to the New Delhi Municipal Committee. The Committee was informed that assets costing about Rs. 1,73,00,000 were handed over to the Municipal Committee at a written down value of Rs. 60 lakhs, and the question of sanctioning a loan to the Municipality to cover this was under consideration. The Committee desired that the Finance Department should look into this matter also while considering the question of audit of the Municipal accounts previously raised by the Auditor General.

42. The Committee then adjourned till 10-30 A.M. on Monday, the 19th August 1935.

**Proceedings of the 8th meeting of the Public Accounts Committee held on Monday, the 19th August 1935, at 11 A.M.**

PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.

Mr. B. DAS, M.L.A.

Mr. S. SATYAMURTI, M.L.A.

Professor N. G. RANGA, M.L.A.

Dr. THEIN MAUNG, M.L.A.

Maulvi Sir MOHAMMAD YAKUB, Kt., M.L.A.

Captain SHER MOHAMMAD KHAN, C.I.E., M.B.E., M.L.A.

Bhai PARMA NAND, M.L.A.

Dr. R. D. DALAL, M.L.A.

Rai Bahadur Sir SATYA CHARAN MUKHERJEE, Kt., C.B.E., M.L.A.

Khan Sahib Shaikh FAZL-I-HAQ, PIRACHA, M.L.A.

*Members.*

Mr. N. B. DEANE, O.B.E., Accountant General,  
Central Revenues.

Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor General.

Mr. V. NARAHARI RAO, Addl. Deputy Secretary,  
F. & P. Dept.

Rai Bahadur CHUNI LAL, Financial Secretary,  
N.-W. F. P.

Mr. J. G. ACHESON, C.I.E., I.C.S., Foreign Secretary.

} Were also  
present.

} Witnesses.

43. The Committee passed a resolution of condolence on the untimely death of Sir Basil Blackett and requested the Chairman to convey the feeling of the Committee to Lady Blackett.

44. The Committee then took up the examination of the appropriation accounts and connected documents relating to the Foreign and Political Department.

45. *Item 7 of the quarterly statement—page 334 of the Appropriation Report—Unauthorised excluded funds in the North-West Frontier Province.*—The Committee was informed that the total number of such funds was 30 including 3 recently discovered by the audit officer. Of these, the important ones were the Motor Lorry Depreciation Funds and the Khassadar Fund. The Motor Lorry Depreciation Funds have already been closed. As regards the Khassadar Fund, orders have been issued to close the fund and detailed instructions have been issued to regulate the various budget grants relating to the Khassadars. These orders were issued with the concurrence of the Auditor General in May last and steps are being taken to carry them out and to close the fund. The other funds are minor ones, and each one of them is being scrutinised and orders are being issued to close down the funds which are unnecessary and to continue those that are necessary under proper sanction and regular audit. The Committee desired to have a further report on this matter in the next year's report.

46. The Committee examined the appropriation accounts relating to grants Nos. 76-Miscellaneous, 79-Baluchistan, 81-Ajmer-Merwara, 83-Rajputana, 85-Hyderabad, 85A-Aden and the non-voted appropriations relating to Political and the Frontier Watch and Ward.

47. The Committee then adjourned for lunch till 2-45 P.M.

**Proceedings of the 9th meeting of the Public Accounts Committee held on Monday, the 19th August 1935, at 2-45 P.M.**

**PRESENT :**

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.

Mr. B. DAS, M.L.A.,

Mr. S. SATYAMURTI, M.L.A.,

Professor N. G. RANGA, M.L.A.,

Dr. THEIN MAUNG, M.L.A.,

Maulvi Sir MOHAMMAD YAKUB, Kt., M.L.A.,

Captain SHER MOHAMMAD KHAN, C.I.E.,

M.B.E., M.L.A.,

Bhai PARMA NAND, M.L.A.,

Dr. R. D. DALAL, M.L.A.,

Rai Bahadur Sir SATYA CHARAN MUKHERJEE,

Kt., C.B.E., M.L.A.,

Khan Sahib Shaikh FAZL-I-HAQ, Piracha,

M.L.A.,

} *Members.*

**REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.**

Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor General,

Mr. N. B. DEANE, O.B.E., Accountant General,  
Central Revenues,

Mr. V. D. DANTYAGI, Audit Officer, Indian  
Stores Department,

Mr. A. H. LLOYD, C.S.I., C.I.E., I.C.S.,  
Member, Central Board of Revenue,

Mr. W. W. NIND, Member, Central Board of  
Revenue,

The Hon'ble Mr. P. C. TALLENTS, C.S.I.,  
C.I.E., I.C.S., Financial Secretary,

} Were also  
present.

} Witnesses.

48. The Committee took up the examination of the appropriation accounts and connected documents relating to the Central Board of Revenue and the remaining two appropriation accounts relating to the Finance Department.

49. *Audit of customs revenue.*—The Auditor General explained to the Committee the system of audit of customs revenue in force three years before, and the revised system of concurrent audit which was introduced then on a temporary basis. He said that, as the new system had worked smoothly and was better than the old one, he had gone up to the Government of India to make it permanent. The Committee agreed with the Auditor General that the new system was better and should be continued.

50. The Committee then went through the appropriation accounts in respect of Grants Nos. 16-Customs, 17-Taxes on Income, 18-Salt, 19-Opium and 77-Refunds.

51. The Committee then examined the appropriation accounts in respect of Grants Nos. 98-Interest-free Advances and 99-Loans and Advances bearing interest.

52. The Committee then adjourned till the next day.

**Proceedings of the 10th meeting of the Public Accounts Committee held on Tuesday, the 20th August 1935, at 11 A.M.**

**PRESENT :**

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.

Mr. B. DAS, M.L.A.,

Mr. S. SATYAMURTI, M.L.A.,

Professor N. G. RANGA, M.L.A.,

Dr. THEIN MAUNG, M.L.A.,

Maulvi Sir MOHAMMAD YAKUB, Kt., M.L.A.,

Captain SHER MOHAMMAD KHAN, C.I.E.,

M.B.E., M.L.A.,

Bhai PARMA NAND, M.L.A.,

Dr. R. D. DALAL, M.L.A.,

Rai Bahadur Sir SATYA CHARAN MUKHERJEE,

Kt., C.B.E., M.L.A.,

Khan Sahib Shaikh FAZL-I-HAQ, Piracha,

M.L.A.

} *Members.*



Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor General,

Mr. E. T. COATES, I.C.S., Accountant General, Posts and Telegraphs,

Mr. G. V. BEWOOR, C.I.E., I.C.S., Director General, Posts and Telegraphs,

Mr. C. V. S. RAU, Financial Adviser, Posts and Telegraphs,

Mr. P. N. MITRA, C.I.E., Chief Engineer, Posts and Telegraphs,

Mr. GHULAM MOHAMMAD, Deputy Director General (Finance), Posts and Telegraphs.

} Were also present.

} Witnesses.

53. The Committee took up the examination of the appropriation accounts and connected documents relating to the Posts and Telegraphs Department.

54. *Para. 3 of the Auditor General's letter—Financial position of the Department.*—In 1933-34 the Department incurred a loss of about half of crore ; in 1934-35, after suspending the allocation to the depreciation fund to the extent of about 27 lakhs, the revised estimate showed a profit of about 14 lakhs, and the budget for 1935-36 anticipated a loss of about 13 lakhs after :—

- (1) restoring about 19 lakhs of the provision for the depreciation fund ;
- (2) providing 27 lakhs for the restoration of the pay cut ; and
- (3) allowing for normal increments in the pay of staff amounting to about 15 lakhs.

The Committee was informed that the approximate actuals of the year 1934-35 were better than the revised estimate, and that they showed a surplus of about 37 lakhs. The various steps which the Department was taking to reduce expenditure and to increase revenue were explained to the Committee, namely introduction of revised scales of pay, giving effect to such recommendations of the Postal Enquiry Committee as were accepted by Government, the reduction in telephone and telegram charges, the introduction of the 1 anna letter, etc. The general conclusion reached was that in the near future the Department should be able to produce a balanced budget, though they may not be able to produce a disposable surplus. In this connection the question of the contribution to the depreciation fund was discussed in great detail. The Committee was informed that no final decision had yet been reached as to the exact amount of the contribution, but it was generally agreed that the existing contribution was rather on the high side, and that the Finance Member should consider very carefully to what extent it could be safely reduced. Some of the unofficial members of the Committee were of the opinion that if the contribution to the depreciation fund was restricted to the amount that was absolutely necessary, it might be possible to have a disposable surplus either for the improvement of postal facilities or for the reduction of rates.

Incidentally, the Committee was in general agreement with the Accountant General, Posts and Telegraphs, that, instead of a Deprecia-

tion Reserve Fund calculated on a pseudo-scientific basis, the department should constitute a Renewals and Replacement Reserve Fund on the basis of what is actually required year after year to cover renewals and replacements with a small margin ; the contribution to such a fund should, of course, be subject to periodical review.

55. The Committee then took up the Memorandum on the percentage of the cost of establishment to expenditure on works in the Department. After considerable discussion they came to the conclusion that, if these statistics could be developed so as to afford a useful basis of comparison between different circles, they would be useful, but if they could not be utilised in that way, there was *prima facie* reason for abandoning them.

The Committee then adjourned till 2-30 P.M.

### ANNEXURE A.

Memorandum on the financial position of the Indian Posts and Telegraphs Department furnished by the Director General, Posts and Telegraphs.

(NOTE.—Figures unless otherwise stated are in thousands of rupees.)

#### 1932-33.

The accounts for the year 1932-33 closed with a loss of 41,89, the expenditure charged to revenue being 10,97,29, while the revenue was 10,55,40.

#### 1933-34.

The following statement compares the actual results of 1933-34 with the anticipations, namely, the original estimates made before the beginning of the year and the revised estimates prepared near its end :—

|                                | Budget Estimate. | Revised Estimate. | Actuals. |
|--------------------------------|------------------|-------------------|----------|
| Revenue .. .. .                | 10,81,34         | 10,76,74          | 10,72,62 |
| Expenditure .. .. .            | 11,38,64         | 11,27,46          | 11,24,56 |
| Profit (+) or Loss (—) .. .. . | —57,20           | —51,72            | —51,94   |

The decrease of 8,72 in the revenue as compared with the budget estimate is chiefly due to a fall of 12,12 under sale of stamps which was partially counter-balanced by an increase of 4,27 in telephone receipts, the variations under the other heads cancelling each other out. Fortunately, the actual expenditure during the year was less than the budget estimate by 13,98 the improvement being chiefly the result of the efforts to restrict expenditure and an increase in the credits to working expenses consequent on increased Savings Bank transactions. The final loss on the working of the Department was thus about Rs. 5 lakhs less than the original estimates.

The revenue during 1933-34 showed an increase of 17.22 over 1932-33. This improvement was, however, not real, as it includes a receipt of about Rs. 15½ lakhs on account of interest on the Depreciation Fund consequent on the conversion of the Sinking Fund into a Straight Line Depreciation Fund with effect from the accounts for 1933-34 and the increase in revenue on this account was more than offset by the larger contribution required to be made to the Depreciation Fund under the revised system. The real improvement in revenue was thus only Rs. 1.68 lakhs, but, small as it is, it is indicative of the turning of the tide. The expenditure increased by Rs. 27¼ lakhs as compared with 1932-33 and the loss for the year was therefore about Rs. 10 lakhs more than in that year. If, however, allowance is made for the net additional expenditure of Rs. 5.35 lakhs on account of the Depreciation Fund adjustments under the revised method and on account of the restoration of one-half of the cut in salaries amounting to Rs. 28 lakhs there is a net improvement in 1933-34 of about Rs. 23 lakhs over the working of the previous year, as, excluding these items, the loss on the year's working would be about Rs. 19 lakhs as against Rs. 42 lakhs in 1932-33.

#### 1934-35.

The budget and revised estimates for 1934-35 were as follows :—

|                        | Budget<br>Estimate,<br>1934-35. | Revised<br>Estimate,<br>1934-35. |
|------------------------|---------------------------------|----------------------------------|
| Revenue .. .. .        | 10,71,26                        | 11,05,35                         |
| Expenditure .. .. .    | 10,85,73                        | 10,91,54                         |
| Profit (+) or loss (—) | —14,47                          | +13,81                           |

The trend of receipts towards the close of 1933-34 appeared to justify a more cheerful outlook, and after allowing for the reduced postage and telegram rates the revenue estimate for 1934-35 was placed at very nearly the actuals for the preceding year. On the expenditure side the contribution to the Depreciation Fund was, as a temporary measure, limited to Rs. 9 lakhs representing the sum required for meeting the cost of renewals and replacements during the year. It is about Rs. 27 lakhs less than the contribution required to be made under the normal operation of the rules and about Rs. 35 lakhs less than in the previous year.

The improvement in revenue during the first 7 months of the year exceeded expectations and the revised estimate allows for this. The slight increase in expenditure in the revised estimate is chiefly due to the payments connected with the retrenchment concessions being larger than anticipated. It should also be mentioned that these concessions were extended until the close of the year in order to enable the Department to complete its retrenchment plans. The year is, on the whole, expected to close with a profit of Rs. 13.81 lakhs.

The actuals for the year available so far which will probably be modified slightly by accounts adjustments before the accounts are finally closed indicate that the revised estimate will be realised. Comparing the

revised estimates for 1934-35 with the actuals for 1933-34, the revenue shows an increase of about Rs. 33 lakhs while expenditure is less by Rs. 33 lakhs. It must, however, be remembered that the bulk of the decrease in expenditure is accounted for by the reduction in the contribution to the Depreciation Fund mentioned already. Even after allowing for this special reduction the expenditure for the year shows a substantial decrease over the previous year if allowance is made for the normal increments to the pay of staff which amounts to about Rs. 15 lakhs a year.

#### Prospects for 1935-36.

The estimates for 1935-36 assume that the improvement in trade and economic conditions generally will continue and the revenue has been placed at 11,32,57 or an increase of about Rs. 27 lakhs over the revised estimates for 1934-35, while the expenditure is estimated at 11,45,58 which is about Rs. 54 lakhs more than the revised expenditure estimate for 1934-35 and the year is expected to close with a loss of Rs. 13 lakhs. The main items which have contributed to the worsening of the position as compared with 1934-35 are the restoration of the remainder of the cut in pay costing about Rs. 27 lakhs, the normal increment in the pay of the staff amounting roughly to Rs. 15 lakhs and the partial restoration, pending further investigation, of the provision for depreciation not at its old rate but still at a rate which is Rs. 19 lakhs higher than it was in 1934-35.

It may be mentioned that the estimated revenue for 1935-36 is higher (by about Rs. 3 lakhs) than the highest revenue earned during the past 10 years. But if allowance is made for the interest on Depreciation Fund balances (which is credited to Revenue since 1933-34 as explained already) the revenue expected in 1935-36 will be found to be less than the highest figure reached in 1929-30 by about Rs. 12 lakhs. The expenditure (even after the restoration of the salary cut) is, however, less than in the two years immediately preceding the year in which the salary cuts were introduced and the loss in the year's working is also expected to be less than in any of the years from 1927-28 to 1933-34.

On the receipt side the possibility of securing more traffic is being examined. For example, the rates for telephones have been overhauled and reduced and new productive works calculated to bring in more traffic have been undertaken. The effect of the reductions in the postage and telegram rates made last year is being watched carefully. As regards expenditure, no further economies on a large scale can be expected in the near future. There will in due course be some savings as a result of some of those recommendations of the Telegraph Establishment Enquiry Committee which have been accepted by Government. The Report of the Postal Enquiry Committee has also been received and is under examination, but it is not possible to say at present what savings, if any, can be secured. The special expenditure on retrenched personnel will disappear, but it will to some extent be reflected in an increased pension bill. The revised scales of pay introduced recently will appreciably reduce the pay bill of the Department. It will, however, be some years before its full effect will be visible. On the whole, therefore, if the improvement in trade conditions which commenced in 1933-34 continues, the Department should soon be able to balance its budget.

**Proceedings of the 11th meeting of the Public Accounts Committee held on Tuesday, the 20th August 1935, at 2-30 P.M.**

**PRESENT :**

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.

Mr. B. DAS, M.L.A.

Mr. S. SATYAMURTI, M.L.A.

Professor N. G. RANGA, M.L.A.

Dr. THEIN MAUNG, M.L.A.

Maulvi Sir MOHAMMAD YAKUB, Kt., M.L.A.

Mr. J. RAMSAY SCOTT, M.L.A.

Captain SHER MOHAMMAD KHAN, C.I.E., M.B.E.,  
M.L.A.

Bhai PARMA NAND, M.L.A.

Dr. R. D. DALAL, M.L.A.

Rai Bahadur Sir SATYA CHARAN MUKHERJEE, Kt.,  
C.B.E., M.L.A.

Khan Sahib Shaikh FAZL-I-HAQ, PIRACHA,  
M.L.A.

Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor General.

Mr. E. T. COATES, I.C.S., Accountant General, Posts  
and Telegraphs

Mr. G. V. BEWOOR, C.I.E., I.C.S., Director-General  
Posts and Telegraphs.

Mr. C. V. S. RAU, Financial Adviser, Posts and  
Telegraphs.

Mr. P. N. MIRTHA, Chief Engineer, Posts and  
Telegraphs.

Mr. GHULAM MOHAMMAD, Deputy Director-General  
(Finance), Posts and Telegraphs.

*Members.*

*Were also  
present.*

*Witnesses.*

56. The Committee went through the appropriation accounts of the Posts and Telegraphs Department in detail. They were struck by the large number of major variations between the estimates and actuals. The Auditor General drew the special attention of the Committee to the consistent over-budgeting under the Repairs grant during the last ten years. Even in cases where variations under sub-head totals were not great, this was only the result of large excesses and savings under the detailed heads. The Committee was informed that there were serious faults in the system of budgeting in 1933-34 and previous years, and that the Department had taken steps the result of which would be noticeable in later appropriation accounts. The Committee expressed the opinion that though variations within a grant are less important than variations in the grant as a whole, even here large variations are to be deprecated as showing a certain indefiniteness in estimating in detail. Judging from the accounts of 1933-34, the Committee was definitely of opinion that budgeting and control of expenditure in the Department were unsatisfactory and hoped that the steps which had already been taken by the department would improve the position in future years.

57. The Committee desired that the Stores and Workshop Suspense accounts should be shown separately in future Appropriation Accounts.

58. The Committee accepted the suggestion of the Auditor General that the balance sheet on page 119 of the Appropriation Accounts should be discontinued as it served no useful purpose.

The Committee then adjourned till 11 A.M. on Thursday, the 22nd August 1935.

**Proceedings of the 17th\* meeting of the Public Accounts Committee held on Tuesday, the 27th August 1935, at 11-15 A.M.**

**PRESENT :**

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.

Mr. B. DAS, M.L.A.

Mr. S. SATYAMURTI, M.L.A.

Professor N. G. RANGA, M.L.A.

Dr. THEIN MAUNG, M.L.A.

Mr. J. RAMSAY SCOTT, M.L.A.

Maulvi Sir MOHAMMAD YAKUB, Kt., M.L.A.

Captain SHER MOHAMMAD KHAN, C.I.E., M.B.E.,  
M.L.A.

Bhai PARMA NAND, M.L.A.

Dr. R. D. DALAL, M.L.A.

Rai Bahadur Sir SATYA CHARAN MUKHERJEE, Kt.,  
C.B.E., M.L.A.

Khan Sahib Shaikh FAZL-I-HAQ Piracha, M.L.A.

Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor General.

Mr. K. R. S. RAU, Director of Army Audit.

Mr. G. R. F. TOTTENHAM, C.I.E., I.C.S., Secretary,  
Army Department.

Mr. J. C. EROMMAGE, M.B.E., Deputy Financial  
Adviser.

Lt.-Col. R. PRINCE, O.B.E., Military Accountant  
General.

*Members.*

*Were also  
present.*

*Witnesses.*

59. The Committee took up the consideration of the report of the Military Accounts Committee.

60. As regards the general principle raised in paragraph 22 of the proceedings of the Military Accounts Committee, the Army Secretary gave a general explanation of the rules, etc., relating to procedure by court martial and in particular emphasised the differences between military and civil law which made the normal canons of the latter only partially applicable to the former.

61. The Committee endorsed the recommendations and observations of the Military Accounts Committee. They desired to lay special stress on the importance of completing the revision of the Army regulations as early as possible.

\*12th to 16th meetings were for Railways.

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LEGISLATIVE ASSEMBLY.

[20TH SEP. 1935.]

# V.—APPEN APPEN

Statement showing action taken or proposed to be taken on recommendations, etc.,  
disposed

## PART I.—Civil, Military and

| Serial No. | Year of Report.               | Paragraph of Report or Proceedings. | Recommendations or suggestions.                                                                                                                                                                                                                                                                                                                                 |
|------------|-------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | 1932-33                       | 10 P. ..                            | <i>Civil (Auditor General).</i><br>That in future Appropriation Accounts the position regarding receipts and expenditure of the Central Museum should be explained more clearly.                                                                                                                                                                                |
| 2          | 1932-33                       | 10 R. ...                           | <i>Civil (Finance).</i><br>That particular attention of the various departments should be drawn to the detailed results of 1932-33 Appropriation Accounts in connection with the current control of expenditure.                                                                                                                                                |
| 3          | 1932-33                       | 33 P. ..                            | That a standard set of self-contained instructions for the guidance of Committees and Commissions should be issued including the decision that the cashiers of Committees should always be persons in the permanent service of Government.                                                                                                                      |
| 4          | 1932-33                       | 37 P. ..                            | That in order to avoid defalcations the Government of India should press upon Provincial Governments the necessity of putting proper officers in charge of treasuries and seeing that there is proper supervision.                                                                                                                                              |
| 5          | 1932-33                       | 44 P. ..                            | That all special features of the year, such as suspension of repayment of instalments of principal, should be included in the Report on the working of the Provincial Loans Fund.                                                                                                                                                                               |
| 6          | 1926-27<br>1928-29<br>1929-30 | 25 R.<br>91 P.<br>118 P.            | <i>Civil (Commerce).</i><br>That the Government of India should consider the question of allocation of Ecclesiastical expenditure between the Civil and the Army Departments.                                                                                                                                                                                   |
| 7          | 1932-33                       | 14 R. ..                            | <i>Civil (Foreign and Political).</i><br>That certain unauthorised excluded funds in the North West Frontier Province should be abolished immediately and that a list of all excluded funds maintained in the Province should be obtained as quickly as possible and an examination should be made to see whether all, or any of them, should not be abolished. |

## DICES.

### DIX I.

so far made by the Central Public Accounts Committee which have not been finally  
of.  
Posts and Telegraphs.

| Action taken or proposed to be taken.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Necessary instructions have been issued to the Principal Auditor concerned.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| This has been done.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| The proposal has been considered and suitable instructions have been issued.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| The action recommended by the Committee has been taken.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Noted for necessary action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| The matter is engaging the attention of the Government of India.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| The unauthorised local funds in the North West Frontier Province Agencies are of very long standing originating generally with the inception of the Agencies. The Government of India have impressed on the Local Government the necessity for closing down all such funds which cannot be regarded as genuine local funds, and to submit proposals for bringing the transactions into Government account. This necessitates a detailed examination of every item of revenue and expenditure of each fund and a separation of genuine local funds from legitimate Government transactions, and the issue of orders by the competent authority sanctioning the expenditure, inclusion of budget provision and so on. This is a complicated matter involving some time, but the necessary action to attain the objective is being actively taken by the Local Government and the Government of India. Orders have already been issued for closing down the Khassadari funds and the motor lorry depreciation funds which were amongst the largest of such funds. The detailed proposals for regularising the remaining funds in Waziristan have been received and are under consideration in consultation with the Comptroller. |
| A list of other funds and the detailed recommendations of the Local Government are awaited. The latter have been pressed to submit proposals for reaching a final settlement before the budget for 1936-37 is taken up.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

Statement showing action taken or proposed to be taken on recommendations, etc.,  
disposed

## PART I.—Civil, Military and

| Serial No. | Year of Report.               | Paragraph of Report or Proceedings.                 | Recommendations or suggestions.                                                                                                                                                                                                                                                                                                                        |
|------------|-------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8          | 1929-30                       | 114 P. ..                                           | <i>Civil (Foreign and Political)—contd.</i><br>That the question of incidence of expenditure on the Persian Legation should be considered in connection with the constitutional changes.                                                                                                                                                               |
| 9          | 1932-33                       | 34 P. ..                                            | <i>Civil (Home).</i><br>That it should be considered whether the loss in running the Dairy in the Andamans could not be made up by slightly increasing the selling price of the Dairy products.                                                                                                                                                        |
| 10         | 1932-33                       | 35 P. ..                                            | That the proposal regarding the posting of a trained Accounts Officer to the Andamans to assist the Chief Commissioner, which was held in abeyance, should be revived as soon as possible.                                                                                                                                                             |
| 11         | 1932-33                       | 15 P. ..                                            | <i>Civil (Industries and Labour).</i><br>That the value of the work done by the Government of India Presses for each paying and non-paying Department of the Government of India should be exhibited in the commercial accounts from the next year.                                                                                                    |
| 12         | 1932-33                       | 31 P. ..                                            | That in view of the large drop in the value of stores purchased from the Indian Stores Department, London, the question of reducing the strength of that Department and of making it a part of the Indian Stores Department should be considered.                                                                                                      |
| 13         | 1930-31<br>1931-32<br>1932-33 | 1 R Military<br>3 R Accounts<br>2 P Com-<br>mittee. | <i>Military.</i><br>That everything possible should be done to accelerate the work of simplifying the existing Army Regulations and that, having got the basic rules applicable to the various classes of personnel, the Army Department should resist any tendency to issue special orders to meet individual cases outside the ordinary regulations. |
| 14         | 1932-33                       | 6 R (Military<br>Accounts<br>Committee).            | That the cost of the Stores Section of the office of the Director General, Indian Medical Service, which is employed solely on work in connection with the Medical Stores Depots should be taken into account in calculating the cost of the drugs, etc.                                                                                               |

so far made by the Central Public Accounts Committee which have not been finally  
of—contd.

## Posts and Telegraphs—contd.

| Action taken or proposed to be taken.                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The matter is under consideration.                                                                                                                                                                                                                                                                          |
| The Andamans Dairy Farm has recently been overhauled by an officer from the Military Dairy Farm, Jubbulpore, and it is hoped that it will show a profit next year. The Selling Price of the Dairy products was considered reasonable and no increase in the sale rates has been recommended by the officer. |
| An Assistant Accounts Officer has been appointed as an experimental measure.                                                                                                                                                                                                                                |
| Accepted. Necessary instructions have been issued to the Controller of Printing and Stationery.                                                                                                                                                                                                             |
| The matter is under consideration.                                                                                                                                                                                                                                                                          |
| The further progress made will be reported to Committee when it meets next.                                                                                                                                                                                                                                 |
| A general recalculation of the cost of drugs has been taken in hand and the cost of stores section is being taken as one of the items making up the total cost. Progress will be reported to the Committee when it meets.                                                                                   |

Statement showing action taken or proposed to be taken on recommendations, etc.,  
disposed

## PART I.—Civil, Military and

| Serial No.                   | Year of Report. | Paragraph of Report or Proceedings. | Recommendations or suggestions.                                                                                                                                                                                                                                                                                                                              |
|------------------------------|-----------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Military—contd.</i>       |                 |                                     |                                                                                                                                                                                                                                                                                                                                                              |
| 15                           | 1932-33         | 8 R (Military Accounts Committee).  | That the Army Headquarters should comment to the General Officer Commanding-in-Chief of the Command on his failure to take disciplinary action against a field officer who signed a series of false certificates.                                                                                                                                            |
| 16                           | 1932-33         | 24 P (Military Accounts Committee). | That the rulings given by the Judge Advocate General in connection with certain cases should be re-examined in consultation with the Legislative Department and that the final conclusions reached be intimated to the Audit and a statement placed before the Committee next year.                                                                          |
| 17                           | 1932-33         | 33 P (Military Accounts Committee). | That the Military Accountant General and the Auditor General should examine the possibility of having trained Works Accountants for the Military Engineer Services' Audit and make joint recommendations.                                                                                                                                                    |
| 18                           | 1931-32         | 7 R (Military Accounts Committee).  | That in order to prevent claims of the Army Department against other Governments, etc., being overlooked, 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.                          |
| <i>Posts and Telegraphs.</i> |                 |                                     |                                                                                                                                                                                                                                                                                                                                                              |
| 19                           | 1931-32         | 66 P.                               | That the present method of working out the figures of percentages of the cost of establishment to expenditure on works in the Posts and Telegraphs Department does not serve any useful purpose and that a report should be submitted to the Committee in 1934 showing the results of the enquiry undertaken by the Financial Adviser, Posts and Telegraphs. |

so far made by the Central Public Accounts Committee which have not been finally  
of—conold.

## Posts and Telegraphs—conold.

| Action taken or proposed to be taken.                                                                       |
|-------------------------------------------------------------------------------------------------------------|
| The action recommended by the Committee has been taken.                                                     |
| A Statement showing the conclusions reached by the Government of India is attached ( <i>vide</i> Annexure). |
| The question is still under consideration.                                                                  |
| Arrangements are nearing completion.                                                                        |
| The matter is still under consideration.                                                                    |

**ANNEXURE.**

The four rulings of the Judge Advocate General to which reference was made in paragraph 50 of the Report of the Director of Army Audit, paragraph 11 of Auditor General's letter and paragraph 24 of the Report of the Military Accounts Committee, have been further examined and the following conclusions reached in regard to them :—

- (i) Government are entitled to recover overissues by deductions from pay only when they are specifically empowered to do so by Act of Parliament, by Royal Warrant, or by an Act of the Indian Legislature.
- (ii) An overissue made through an error as to the facts is legally recoverable as a public claim either from the recipient or from the person responsible for the overissue ; and Government may waive recovery from the recipient without prejudice to their power of recovery from the person responsible.
- (iii) An overissue made through an error as to the law (which includes regulations) is not legally recoverable from the recipient, but is recoverable from the person responsible for it when it amounts to an irregular expenditure of public money of which no satisfactory explanation is given by that person. It has been decided, however, to continue the past practice of attempting first of all to get the recipient to make good the overissue, before making recovery from the issuing officer. This appears to be the more equitable procedure as the recipient must as a rule have been in possession of the facts of the case and in any case has enjoyed the benefit of the overissue.
- (iv) In view of Army Department Office Order No. 48 of 1931 and India Army Order No. 628 of 1933 (attached), no further action is necessary to ensure that irregular expenditure is not regularised until all possible recoveries have been made.
- (v) It is illegal to make recovery save where an ascertained loss or an ascertained part of a greater aggregate loss has been identified as having been occasioned by the wrongful act or negligence of the particular officer from whom the recovery is sought to be made.

COPY OF ARMY DEPARTMENT OFFICE ORDER NO. 48, DATED THE 3RD NOVEMBER 1931.

**Losses.**—In any case of loss caused to Government through the irregular or erroneous action of any officer or officers, the question of the recovery of the amount of the loss, in whole or in part, from the officer or officers concerned, must be fully investigated and settled before the case is recommended to Government for the loss to be written off.

COPY OF INDIA ARMY ORDER NO. 628 OF 1933.

**Losses.**—Questions relating to losses or irregular expenditure of money or stores will only be submitted to the authority competent to dispose of them after a full examination. The extent, if any, to which the officer responsible for the loss or for sanction of the irregular expenditure can be held personally

liable will be considered. A recommendation will be recorded in each case as to whether the amount of the loss or irregular expenditure should be recovered in whole or in part from the officer concerned. Reasons in full for this recommendation will be submitted to the competent authority.

**APPENDIX II.****Statement comparing expenditure with grants for 1933-34.**

| Number and name of Grant or Appropriation.  | Final Grant or Appropriation. | Expenditure. | Expenditure as compared with Grant or Appropriation. |                    |
|---------------------------------------------|-------------------------------|--------------|------------------------------------------------------|--------------------|
|                                             |                               |              | Less than granted.                                   | More than granted. |
| PART I.—CIVIL.                              | Rs.                           | Rs.          | Rs.                                                  | Rs.                |
| <b>A.—EXPENDITURE CHARGED TO REVENUE.</b>   |                               |              |                                                      |                    |
| 16. Customs :                               |                               |              |                                                      |                    |
| Voted .                                     | 63,75,000                     | 62,64,310    | 1,10,690                                             | ..                 |
| Non-voted .                                 | 34,56,000                     | 34,51,429    | 4,571                                                | ..                 |
| 17. Taxes on Income :                       |                               |              |                                                      |                    |
| Voted .                                     | 81,24,000                     | 79,10,896    | 2,13,104                                             | ..                 |
| Non-voted .                                 | 2,03,141                      | 1,95,410     | 7,731                                                | ..                 |
| 18. Salt :                                  |                               |              |                                                      |                    |
| Voted .                                     | 72,03,000                     | 69,63,409    | 2,39,591                                             | ..                 |
| Non-voted .                                 | 44,58,736                     | 44,57,694    | 1,042                                                | ..                 |
| 19. Opium :                                 |                               |              |                                                      |                    |
| Voted .                                     | 69,45,000                     | 69,28,655    | 16,345                                               | ..                 |
| Non-voted .                                 | 1,49,800                      | 1,52,914     | ..                                                   | 3,114              |
| 19-A.—Excise :                              |                               |              |                                                      |                    |
| Voted .                                     | 4,68,000                      | 4,67,540     | 460                                                  | ..                 |
| Non-voted .                                 | 2,22,000                      | 2,21,190     | 810                                                  | ..                 |
| 20. Stamps :                                |                               |              |                                                      |                    |
| Voted .                                     | 16,43,000                     | 12,96,650    | 3,46,350                                             | ..                 |
| Non-voted .                                 | 65,963                        | 62,199       | 3,769                                                | ..                 |
| 21. Forest :                                |                               |              |                                                      |                    |
| Voted .                                     | 5,11,000                      | 5,10,594     | 406                                                  | ..                 |
| Non-voted .                                 | 1,44,700                      | 1,43,581     | 1,119                                                | ..                 |
| 22. Irrigation, etc.—Charged to Revenue :   |                               |              |                                                      |                    |
| Voted .                                     | 3,24,000                      | 2,58,007     | 67,993                                               | ..                 |
| Non-voted .                                 | 3,00,900                      | 2,90,051     | 10,849                                               | ..                 |
| 25. Interest on ordinary Debt, etc. :       |                               |              |                                                      |                    |
| Voted .                                     | 2,14,88,000                   | 68,61,612    | 1,46,26,388                                          | ..                 |
| Non-voted .                                 | 2,31,31,000                   | 1,96,70,482  | 34,60,518                                            | ..                 |
| 26. Interest on miscellaneous obligations : |                               |              |                                                      |                    |
| Voted .                                     | 55,01,000                     | 57,13,409    | ..                                                   | 2,12,409           |
| Non-voted .                                 | 9,09,05,000                   | 9,06,11,421  | 2,93,579                                             | ..                 |



| Number and name of Grant or Appropriation.                    | Final Grant or Appropriation. | Expenditure. | Expenditure as compared with Grant or Appropriation. |                    |
|---------------------------------------------------------------|-------------------------------|--------------|------------------------------------------------------|--------------------|
|                                                               |                               |              | Less than granted.                                   | More than granted. |
|                                                               | Rs.                           | Rs.          | Rs.                                                  | Rs.                |
| PART I—contd.                                                 |                               |              |                                                      |                    |
| A.—EXPENDITURE CHARGED TO REVENUE—contd.                      |                               |              |                                                      |                    |
| 27. Staff, Household and Allowances of the Governor General:  |                               |              |                                                      |                    |
| Voted                                                         | 4,36,000                      | 4,30,162     | 5,838                                                | ..                 |
| Non-voted                                                     | 9,26,731                      | 9,35,730     | ..                                                   | 8,999              |
| 28. Executive Council:                                        |                               |              |                                                      |                    |
| Voted                                                         | 77,000                        | 67,950       | 9,050                                                | ..                 |
| Non-voted                                                     | 4,44,000                      | 4,43,355     | 645                                                  | ..                 |
| 29. Council of State:                                         |                               |              |                                                      |                    |
| Voted                                                         | 1,59,000                      | 1,52,335     | 6,665                                                | ..                 |
| Non-voted                                                     | 8,000                         | 7,419        | 581                                                  | ..                 |
| 30. Legislative Assembly and Legislative Assembly Department: |                               |              |                                                      |                    |
| Voted                                                         | 8,24,000                      | 8,03,094     | 20,906                                               | ..                 |
| Non-voted                                                     | 89,320                        | 92,627       | ..                                                   | 3,307              |
| 31. Foreign and Political Department:                         |                               |              |                                                      |                    |
| Voted                                                         | 7,63,000                      | 7,49,817     | 13,183                                               | ..                 |
| Non-voted                                                     | 2,15,600                      | 2,10,194     | 5,406                                                | ..                 |
| 32. Home Department:                                          |                               |              |                                                      |                    |
| Voted                                                         | 5,70,000                      | 5,43,680     | 26,320                                               | ..                 |
| Non-voted                                                     | 8,20,524                      | 8,17,977     | 2,547                                                | ..                 |
| 33. Public Service Commission:                                |                               |              |                                                      |                    |
| Voted                                                         | 1,51,000                      | 1,29,531     | 21,469                                               | ..                 |
| Non-voted                                                     | 1,89,600                      | 1,89,868     | ..                                                   | 268                |
| 34. Legislative Department:                                   |                               |              |                                                      |                    |
| Voted                                                         | 3,04,000                      | 2,77,152     | 26,848                                               | ..                 |
| Non-voted                                                     | 1,87,550                      | 1,87,227     | 323                                                  | ..                 |
| 35. Department of Education, Health and Lands:                |                               |              |                                                      |                    |
| Voted                                                         | 5,43,000                      | 5,33,593     | 9,407                                                | ..                 |
| Non-voted                                                     | 1,37,982                      | 1,37,792     | 190                                                  | ..                 |
| 36. Finance Department:                                       |                               |              |                                                      |                    |
| Voted                                                         | 9,42,000                      | 9,35,822     | 6,178                                                | ..                 |
| Non-voted                                                     | 2,28,325                      | 2,26,662     | 2,163                                                | ..                 |
| 38. Commerce Department:                                      |                               |              |                                                      |                    |
| Voted                                                         | 3,51,000                      | 3,29,874     | 21,126                                               | ..                 |
| Non-voted                                                     | 1,15,017                      | 1,15,009     | 8                                                    | ..                 |

| Number and name of Grant or Appropriation.    | Final Grant or Appropriation. | Expenditure. | Expenditure as compared with Grant or Appropriation. |                    |
|-----------------------------------------------|-------------------------------|--------------|------------------------------------------------------|--------------------|
|                                               |                               |              | Less than granted.                                   | More than granted. |
|                                               | Rs.                           | Rs.          | Rs.                                                  | Rs.                |
| PART I—contd.                                 |                               |              |                                                      |                    |
| A.—EXPENDITURE CHARGED TO REVENUE—contd.      |                               |              |                                                      |                    |
| 39. Army Department:                          |                               |              |                                                      |                    |
| Voted                                         | 4,08,999                      | 3,86,219     | 22,780                                               | ..                 |
| Non-voted                                     | 87,800                        | 86,630       | 1,170                                                | ..                 |
| 40. Department of Industries and Labour:      |                               |              |                                                      |                    |
| Voted                                         | 4,69,000                      | 4,49,752     | 19,248                                               | ..                 |
| Non-voted                                     | 1,31,696                      | 1,31,634     | ..                                                   | 39                 |
| 41. Central Board of Revenue:                 |                               |              |                                                      |                    |
| Voted                                         | 1,77,000                      | 1,76,064     | 936                                                  | ..                 |
| Non-voted                                     | 87,407                        | 86,691       | 716                                                  | ..                 |
| 42. Payments to Provincial Governments, etc.: |                               |              |                                                      |                    |
| Voted                                         | 1,54,000                      | 1,50,925     | 3,075                                                | ..                 |
| Non-voted                                     | 70,430                        | 70,089       | 341                                                  | ..                 |
| 43. Audit:                                    |                               |              |                                                      |                    |
| Voted                                         | 88,52,000                     | 87,51,068    | 1,00,932                                             | ..                 |
| Non-voted                                     | 8,05,200                      | 7,89,501     | 15,699                                               | ..                 |
| 44. Administration of Justice:                |                               |              |                                                      |                    |
| Voted                                         | 63,000                        | 60,806       | 2,194                                                | ..                 |
| 45. Police:                                   |                               |              |                                                      |                    |
| Voted                                         | 1,92,000                      | 1,90,828     | 1,172                                                | ..                 |
| Non-voted                                     | 81,177                        | 63,727       | 17,450                                               | ..                 |
| 46. Ports and Pilotage:                       |                               |              |                                                      |                    |
| Voted                                         | 10,96,000                     | 10,63,504    | 32,496                                               | ..                 |
| Non-voted                                     | 8,77,742                      | 8,58,434     | 19,258                                               | ..                 |
| 47. Lighthouses and Lightships:               |                               |              |                                                      |                    |
| Voted                                         | 10,19,000                     | 9,21,751     | 97,249                                               | ..                 |
| Non-voted                                     | 21,276                        | 21,276       | ..                                                   | ..                 |
| 48. Survey of India:                          |                               |              |                                                      |                    |
| Voted                                         | 17,01,000                     | 16,21,733    | 79,267                                               | ..                 |
| Non-voted                                     | 5,57,000                      | 5,43,141     | 8,859                                                | ..                 |
| 49. Meteorology:                              |                               |              |                                                      |                    |
| Voted                                         | 18,67,000                     | 17,54,254    | 1,12,746                                             | ..                 |
| Non-voted                                     | 87,150                        | 74,072       | 7,078                                                | ..                 |
| 50. Geological Survey:                        |                               |              |                                                      |                    |
| Voted                                         | 1,78,000                      | 1,86,634     | ..                                                   | 8,634              |
| Non-voted                                     | 2,17,000                      | 2,10,884     | 6,116                                                | ..                 |

| Number and name of Grant or Appropriation.                 | Final Grant or Appropriation. | Expenditure. | Expenditure as compared with Grant or Appropriation. |                    |
|------------------------------------------------------------|-------------------------------|--------------|------------------------------------------------------|--------------------|
|                                                            |                               |              | Less than granted.                                   | More than granted. |
|                                                            | Rs.                           | Rs.          | Rs.                                                  | Rs.                |
| PART I—contd.                                              |                               |              |                                                      |                    |
| A.—EXPENDITURE CHARGED TO REVENUE—contd.                   |                               |              |                                                      |                    |
| 51. Botanical Survey :                                     |                               |              |                                                      |                    |
| Voted .                                                    | 1,34,000                      | 1,25,497     | 8,503                                                | ..                 |
| Non-voted .                                                | 32,400                        | 31,778       | 622                                                  | ..                 |
| 52. Zoological Survey :                                    |                               |              |                                                      |                    |
| Voted .                                                    | 83,000                        | 82,946       | 54                                                   | ..                 |
| Non-voted .                                                | 46,000                        | 45,981       | 19                                                   | ..                 |
| 53. Archaeology :                                          |                               |              |                                                      |                    |
| Voted .                                                    | 9,08,000                      | 8,85,530     | 22,470                                               | ..                 |
| Non-voted .                                                | 1,25,250                      | 1,24,052     | 1,198                                                | ..                 |
| 54. Mines :                                                |                               |              |                                                      |                    |
| Voted .                                                    | 1,20,000                      | 1,11,201     | 8,799                                                | ..                 |
| Non-voted .                                                | 1,14,440                      | 1,16,065     | ..                                                   | 1,625              |
| 55. Other Scientific Departments :                         |                               |              |                                                      |                    |
| Voted .                                                    | 2,66,000                      | 2,65,850     | 150                                                  | ..                 |
| 56. Education :                                            |                               |              |                                                      |                    |
| Voted .                                                    | 6,02,000                      | 5,99,994     | 2,006                                                | ..                 |
| Non-voted .                                                | 33,457                        | 33,387       | 70                                                   | ..                 |
| 57. Medical Services :                                     |                               |              |                                                      |                    |
| Voted .                                                    | 6,17,000                      | 5,62,206     | 54,794                                               | ..                 |
| Non-voted .                                                | 2,08,152                      | 2,06,011     | 2,141                                                | ..                 |
| 58. Public Health :                                        |                               |              |                                                      |                    |
| Voted .                                                    | 6,58,000                      | 4,97,844     | 1,60,156                                             | ..                 |
| Non-voted .                                                | 1,47,353                      | 1,51,495     | ..                                                   | 4,142              |
| 59. Agriculture :                                          |                               |              |                                                      |                    |
| Voted .                                                    | 9,48,000                      | 9,38,211     | 4,789                                                | ..                 |
| Non-voted .                                                | 1,13,040                      | 1,15,713     | ..                                                   | 2,673              |
| 60. Imperial Council of Agricultural Research Department : |                               |              |                                                      |                    |
| Voted .                                                    | 8,08,000                      | 8,05,955     | 45                                                   | ..                 |
| Non-voted .                                                | 69,809                        | 69,354       | 455                                                  | ..                 |
| 61. Civil Veterinary Services :                            |                               |              |                                                      |                    |
| Voted .                                                    | 5,78,000                      | 5,64,702     | 13,298                                               | ..                 |
| Non-voted .                                                | 68,200                        | 68,555       | ..                                                   | 355                |
| 62. Industries :                                           |                               |              |                                                      |                    |
| Voted .                                                    | 1,60,000                      | 1,50,216     | 9,784                                                | ..                 |
| Non-voted .                                                | 3,188                         | 3,158        | 30                                                   | ..                 |

| Number and name of Grant or Appropriation.   | Final Grant or Appropriation. | Expenditure. | Expenditure as compared with Grant or Appropriation. |                    |
|----------------------------------------------|-------------------------------|--------------|------------------------------------------------------|--------------------|
|                                              |                               |              | Less than granted.                                   | More than granted. |
|                                              | Rs.                           | Rs.          | Rs.                                                  | Rs.                |
| PART I—contd.                                |                               |              |                                                      |                    |
| A.—EXPENDITURE CHARGED TO REVENUE—contd.     |                               |              |                                                      |                    |
| 63. Aviation :                               |                               |              |                                                      |                    |
| Voted .                                      | 12,26,200                     | 12,19,899    | 6,301                                                | ..                 |
| 64. Commercial Intelligence and Statistics : |                               |              |                                                      |                    |
| Voted .                                      | 4,63,000                      | 3,91,048     | 71,952                                               | ..                 |
| Non-voted .                                  | 56,100                        | 55,027       | 1,073                                                | ..                 |
| 65. Census :                                 |                               |              |                                                      |                    |
| Voted .                                      | 73,000                        | 72,113       | 887                                                  | ..                 |
| Non-voted .                                  | 29,000                        | 28,316       | 684                                                  | ..                 |
| 66. Emigration—Internal :                    |                               |              |                                                      |                    |
| Voted .                                      | 25,000                        | 22,104       | 2,896                                                | ..                 |
| Non-voted .                                  | 8,450                         | 8,436        | 14                                                   | ..                 |
| 67. Emigration—External :                    |                               |              |                                                      |                    |
| Voted .                                      | 1,98,000                      | 1,97,561     | 439                                                  | ..                 |
| Non-voted .                                  | 56,185                        | 52,769       | 3,416                                                | ..                 |
| 68. Joint Stock Companies :                  |                               |              |                                                      |                    |
| Voted .                                      | 1,15,000                      | 1,12,849     | 2,152                                                | ..                 |
| Non-voted .                                  | 15,193                        | 14,474       | 719                                                  | ..                 |
| 69. Miscellaneous Departments :              |                               |              |                                                      |                    |
| Voted .                                      | 5,37,000                      | 5,07,704     | 29,296                                               | ..                 |
| Non-voted .                                  | 59,280                        | 59,160       | 60                                                   | ..                 |
| 70. Indian Stores Department :               |                               |              |                                                      |                    |
| Voted .                                      | 6,87,000                      | 7,06,895     | ..                                                   | 19,895             |
| Non-voted .                                  | 1,15,400                      | 1,15,151     | 249                                                  | ..                 |
| 71. Currency :                               |                               |              |                                                      |                    |
| Voted .                                      | 44,17,000                     | 43,29,471    | 87,529                                               | ..                 |
| Non-voted .                                  | 1,32,070                      | 1,31,381     | 689                                                  | ..                 |
| 72. Mint :                                   |                               |              |                                                      |                    |
| Voted .                                      | 17,66,000                     | 13,31,672    | 4,34,328                                             | ..                 |
| Non-voted .                                  | 87,490                        | 87,710       | ..                                                   | 220                |
| 73. Civil Works :                            |                               |              |                                                      |                    |
| Voted .                                      | 1,95,83,000                   | 1,86,70,475  | 9,12,525                                             | ..                 |
| Non-voted .                                  | 11,68,000                     | 11,52,984    | 15,016                                               | ..                 |
| 74. Superannuation Allowances and Pensions : |                               |              |                                                      |                    |
| Voted .                                      | 89,41,000                     | 87,70,512    | 1,70,488                                             | ..                 |
| Non-voted .                                  | 2,05,22,114                   | 2,04,35,230  | 86,884                                               | ..                 |
| 75. Stationery and Printing :                |                               |              |                                                      |                    |
| Voted .                                      | 35,22,000                     | 32,98,130    | 2,23,870                                             | ..                 |
| Non-voted .                                  | 64,000                        | 63,065       | 935                                                  | ..                 |

| Number and name of Grant or Appropriation.                                                         | Final Grant or Appropriation. | Expenditure. | Expenditure as compared with Grant or Appropriation. |                    |
|----------------------------------------------------------------------------------------------------|-------------------------------|--------------|------------------------------------------------------|--------------------|
|                                                                                                    |                               |              | Less than granted.                                   | More than granted. |
|                                                                                                    | Rs.                           | Rs.          | Rs.                                                  | Rs.                |
| PART I—contd.                                                                                      |                               |              |                                                      |                    |
| A.—EXPENDITURE CHARGED TO REVENUE—contd.                                                           |                               |              |                                                      |                    |
| 76. Miscellaneous :                                                                                |                               |              |                                                      | 856                |
| Voted . . . . .                                                                                    | 7,13,000                      | 7,13,856     | ..                                                   |                    |
| Non-voted . . . . .                                                                                | 27,04,363                     | 26,96,367    | 7,996                                                | ..                 |
| 76-A. Expenditure on Retrenched personnel charged to Revenue :                                     |                               |              |                                                      | 75,743             |
| Voted . . . . .                                                                                    | 6,45,000                      | 7,20,743     | ..                                                   |                    |
| Non-voted . . . . .                                                                                | 2,34,700                      | 2,85,849     | ..                                                   | 51,149             |
| 76-B. Miscellaneous Adjustments between the Central and Provincial Governments—Non-voted . . . . . | 1,00,00,000                   | 1,00,00,000  | ..                                                   | ..                 |
| 76-C. Transfer to Fund for reconstruction of Earthquake damages—Voted . . . . .                    | 1,28,89,000                   | 2,71,66,180  | ..                                                   | 1,42,77,180        |
| 77. Refunds :                                                                                      |                               |              |                                                      | ..                 |
| Voted . . . . .                                                                                    | 1,11,99,000                   | 1,09,12,811  | 2,86,189                                             | ..                 |
| Non-voted . . . . .                                                                                | 2,64,95,260                   | 2,44,45,750  | 20,49,510                                            | ..                 |
| 79. Baluchistan :                                                                                  |                               |              |                                                      | ..                 |
| Voted . . . . .                                                                                    | 27,25,000                     | 27,02,676    | 22,324                                               | ..                 |
| Non-voted . . . . .                                                                                | 42,49,600                     | 42,12,605    | 36,995                                               | ..                 |
| 80. Delhi :                                                                                        |                               |              |                                                      | ..                 |
| Voted . . . . .                                                                                    | 44,33,000                     | 43,76,812    | 56,188                                               | ..                 |
| Non-voted . . . . .                                                                                | 2,54,086                      | 2,53,570     | 516                                                  | ..                 |
| 81. Ajmer-Merwara :                                                                                |                               |              |                                                      | ..                 |
| Voted . . . . .                                                                                    | 13,70,000                     | 13,59,958    | 10,042                                               | ..                 |
| Non-voted . . . . .                                                                                | 97,520                        | 96,807       | 1,713                                                | ..                 |
| 82. Andaman and Nicobar Islands :                                                                  |                               |              |                                                      | ..                 |
| Voted . . . . .                                                                                    | 31,60,000                     | 29,41,877    | 2,18,323                                             | ..                 |
| Non-voted . . . . .                                                                                | 2,45,519                      | 2,42,124     | 3,395                                                | ..                 |
| 83. Rajputana :                                                                                    |                               |              |                                                      | 4,906              |
| Voted . . . . .                                                                                    | 4,26,000                      | 4,13,710     | 12,290                                               | ..                 |
| Non-voted . . . . .                                                                                | 7,33,117                      | 7,38,022     | ..                                                   |                    |

| Number and name of Grant or Appropriation.                               | Final Grant or Appropriation. | Expenditure. | Expenditure as compared with Grant or Appropriation. |                    |
|--------------------------------------------------------------------------|-------------------------------|--------------|------------------------------------------------------|--------------------|
|                                                                          |                               |              | Less than granted.                                   | More than granted. |
|                                                                          | Rs.                           | Rs.          | Rs.                                                  | Rs.                |
| PART I—contd.                                                            |                               |              |                                                      |                    |
| A.—EXPENDITURE CHARGED TO REVENUE—concl'd.                               |                               |              |                                                      |                    |
| 84. Central India :                                                      |                               |              |                                                      |                    |
| Voted . . . . .                                                          | 3,43,000                      | 3,29,064     | 13,936                                               | ..                 |
| Non-voted . . . . .                                                      | 6,11,761                      | 6,16,766     | ..                                                   | 5,005              |
| 85. Hyderabad :                                                          |                               |              |                                                      | ..                 |
| Voted . . . . .                                                          | 2,63,000                      | 2,32,317     | 30,683                                               | ..                 |
| Non-voted . . . . .                                                      | 5,73,100                      | 5,69,581     | 3,519                                                | ..                 |
| 85-A. Aden :                                                             |                               |              |                                                      | ..                 |
| Voted . . . . .                                                          | 7,05,000                      | 6,85,084     | 19,916                                               | ..                 |
| Non-voted . . . . .                                                      | 1,65,068                      | 1,56,275     | 8,793                                                | ..                 |
| 86. Expenditure in England under the control of the Secretary of State : |                               |              |                                                      | ..                 |
| Voted . . . . .                                                          | 22,09,000                     | 21,81,823    | 27,177                                               | ..                 |
| Non-voted . . . . .                                                      | 17,97,000                     | 17,53,898    | 43,102                                               | ..                 |
| 87. Expenditure in England under the control of the High Commissioner :  |                               |              |                                                      | ..                 |
| Voted . . . . .                                                          | 25,41,000                     | 24,22,781    | 1,18,219                                             | ..                 |
| Non-voted . . . . .                                                      | 32,89,000                     | 31,65,172    | 1,23,828                                             | ..                 |
| Ecclesiastical—Non-voted . . . . .                                       | 27,90,076                     | 27,91,878    | ..                                                   | 1,802              |
| Political—Non-voted . . . . .                                            | 1,02,71,592                   | 1,01,75,468  | 96,124                                               | ..                 |
| Frontier Watch and Ward—Non-voted . . . . .                              | 1,92,86,038                   | 1,91,13,930  | 1,72,108                                             | ..                 |
| Territorial and Political Pen-sions—Non-voted . . . . .                  | 31,15,000                     | 30,27,320    | 87,180                                               | ..                 |
| Bangalore—Non-voted . . . . .                                            | 14,53,406                     | 14,44,124    | 9,282                                                | ..                 |
| Western India States Agency—Non-voted . . . . .                          | 17,18,065                     | 16,88,113    | 29,952                                               | ..                 |
| Total { Voted . . . . .                                                  | 17,09,28,199                  | 16,62,19,726 | 1,93,03,190                                          | 1,45,94,717        |
| Non-voted . . . . .                                                      | 24,27,76,954                  | 23,62,03,735 | 66,60,321                                            | 87,602             |

| Number and name of Grant or Appropriation.                                 | Final Grant or Appropriation. | Expenditure. | Expenditure as compared with Grant or Appropriation. |                    |
|----------------------------------------------------------------------------|-------------------------------|--------------|------------------------------------------------------|--------------------|
|                                                                            |                               |              | Less than granted.                                   | More than granted. |
|                                                                            | Rs.                           | Rs.          | Rs.                                                  | Rs.                |
| PART I— <i>contd.</i>                                                      |                               |              |                                                      |                    |
| B.—EXPENDITURE CHARGED TO CAPITAL.                                         |                               |              |                                                      |                    |
| 88. Capital outlay on Security Printing:                                   |                               |              |                                                      |                    |
| Voted .                                                                    | 1,000                         | —9,01,165    | 9,02,165                                             | ..                 |
| 89. Forest Capital Outlay:                                                 |                               |              |                                                      |                    |
| Voted .                                                                    | 1,000                         | ..           | 1,000                                                | ..                 |
| 90. Irrigation Works—not charged to Revenue:                               |                               |              |                                                      |                    |
| Voted .                                                                    | 1,000                         | ..           | 1,000                                                | ..                 |
| 93. Capital outlay on Currency Note Press:                                 |                               |              |                                                      |                    |
| Voted .                                                                    | 1,000                         | —4,14,277    | 4,15,277                                             | ..                 |
| 94. Capital outlay on Vizagapatam Harbour:                                 |                               |              |                                                      |                    |
| Voted .                                                                    | 33,52,000                     | 33,26,967    | 25,033                                               | ..                 |
| Non-voted .                                                                | 17,78,000                     | 17,74,538    | 3,462                                                | ..                 |
| 95. Capital outlay on Lighthouses and Lightships (not charged to Revenue): |                               |              |                                                      |                    |
| Voted .                                                                    | 1,000                         | ..           | 1,000                                                | ..                 |
| 95-A. Civil Works not charged to Revenue:                                  |                               |              |                                                      |                    |
| Voted .                                                                    | ..                            | 1,76,613     | ..                                                   | 1,76,613           |
| Non-voted .                                                                | ..                            | 699          | ..                                                   | 699                |
| 96. Commuted Value of Pensions:                                            |                               |              |                                                      |                    |
| Voted .                                                                    | 58,27,000                     | 55,32,305    | 2,94,695                                             | ..                 |
| Non-voted .                                                                | 27,20,674                     | 27,66,981    | ..                                                   | 46,307             |
| 96-A. Expenditure on Retrenched personnel charged to Capital:              |                               |              |                                                      |                    |
| Voted .                                                                    | 3,02,000                      | 3,26,288     | ..                                                   | 24,288             |
| Non-voted .                                                                | —17,000                       | —31,945      | 14,945                                               | ..                 |
| 97. Delhi Capital outlay:                                                  |                               |              |                                                      |                    |
| Voted .                                                                    | 9,81,000                      | 9,09,579     | 71,421                                               | ..                 |
| Total { Voted .                                                            | 1,04,67,000                   | 99,56,310    | 17,11,591                                            | 2,00,901           |
| Non-voted .                                                                | 44,81,674                     | 45,10,273    | 18,407                                               | 47,008             |

| Number and name of Grant or Appropriation.                                             | Final Grant or Appropriation. | Expenditure. | Expenditure as compared with Grant or Appropriation. |                    |
|----------------------------------------------------------------------------------------|-------------------------------|--------------|------------------------------------------------------|--------------------|
|                                                                                        |                               |              | Less than granted.                                   | More than granted. |
|                                                                                        | Rs.                           | Rs.          | Rs.                                                  | Rs.                |
| PART I— <i>concl.</i>                                                                  |                               |              |                                                      |                    |
| C.—DISBURSEMENTS OF LOANS AND ADVANCES.                                                |                               |              |                                                      |                    |
| 98. Interest Free Advances:                                                            |                               |              |                                                      |                    |
| Voted .                                                                                | 66,53,000                     | 62,18,987    | 4,34,013                                             | ..                 |
| 99. Loans and Advances bearing interest:                                               |                               |              |                                                      |                    |
| Voted .                                                                                | 7,03,34,000                   | 5,28,52,211  | 1,74,81,789                                          | ..                 |
| Total Voted .                                                                          | 7,69,87,000                   | 5,90,71,198  | 1,79,15,802                                          | ..                 |
| Total Civil .                                                                          | 50,56,40,827                  | 47,49,61,242 | 4,56,09,811                                          | 1,49,30,226        |
| Voted .                                                                                | 25,83,82,199                  | 23,42,47,234 | 2,89,30,588                                          | 1,47,95,618        |
| Non-voted .                                                                            | 24,72,58,628                  | 24,07,14,008 | 66,79,228                                            | 1,34,608           |
| PART II.—POSTS AND TELEGRAPHS.                                                         |                               |              |                                                      |                    |
| A.—EXPENDITURE CHARGED TO REVENUE.                                                     |                               |              |                                                      |                    |
| 23. Indian Posts and Telegraphs Department:                                            |                               |              |                                                      |                    |
| Voted .                                                                                | 10,44,09,000                  | 10,35,48,523 | 8,60,477                                             | ..                 |
| Non-voted .                                                                            | 97,14,000                     | 98,20,241    | ..                                                   | 1,06,241           |
| B.—EXPENDITURE CHARGED TO CAPITAL.                                                     |                               |              |                                                      |                    |
| 91. Capital outlay on Indian Posts and Telegraphs Department—(not charged to Revenue): |                               |              |                                                      |                    |
| Voted .                                                                                | 15,78,000                     | 5,37,740     | 10,40,260                                            | ..                 |
| Non-voted .                                                                            | 2,000                         | 552          | 1,448                                                | ..                 |
| Total Posts and Telegraphs                                                             | 11,57,03,000                  | 11,39,07,056 | 19,02,185                                            | 1,06,241           |
| Voted .                                                                                | 10,59,87,000                  | 10,40,86,263 | 19,00,737                                            | ..                 |
| Non-voted .                                                                            | 97,16,000                     | 98,20,793    | 1,448                                                | 1,06,241           |

| Number and name of Grant or Appropriation.                                          | Final Grant or Appropriation. | Expenditure.        | Expenditure as compared with Grant or Appropriation. |                    |
|-------------------------------------------------------------------------------------|-------------------------------|---------------------|------------------------------------------------------|--------------------|
|                                                                                     |                               |                     | Less than granted.                                   | More than granted. |
| <b>PART III.—RAILWAYS.</b>                                                          | Rs.                           | Rs.                 | Rs.                                                  | Rs.                |
| <b>A.—EXPENDITURE CHARGED TO REVENUE.</b>                                           |                               |                     |                                                      |                    |
| 1. Revenue—Railway Board :                                                          |                               |                     |                                                      |                    |
| Voted . . . . .                                                                     | 8,31,000                      | 8,02,093            | 28,907                                               | ..                 |
| Non-voted . . . . .                                                                 | 4,00,000                      | 4,00,161            | ..                                                   | 161                |
| 2. Revenue—Inspection :                                                             |                               |                     |                                                      |                    |
| Voted . . . . .                                                                     | 82,000                        | 89,660              | 12,340                                               | ..                 |
| Non-voted . . . . .                                                                 | 2,04,000                      | 2,03,304            | 696                                                  | ..                 |
| 3. Revenue—Audit :                                                                  |                               |                     |                                                      |                    |
| Voted . . . . .                                                                     | 12,90,000                     | 12,78,595           | 13,405                                               | ..                 |
| Non-voted . . . . .                                                                 | 4,23,000                      | 4,23,451            | ..                                                   | 451                |
| 4. Revenue—Working Expenses—Administration :                                        |                               |                     |                                                      |                    |
| Voted . . . . .                                                                     | 10,30,00,000                  | 10,34,63,107        | ..                                                   | 4,63,107           |
| Non-voted . . . . .                                                                 | 1,13,01,000                   | 1,12,98,971         | 2,029                                                | ..                 |
| 5. Revenue—Working Expenses—Repairs and Maintenance and Operation :                 |                               |                     |                                                      |                    |
| Voted . . . . .                                                                     | 38,17,25,000                  | 38,11,37,949        | 5,87,051                                             | ..                 |
| Non-voted . . . . .                                                                 | 1,27,000                      | 1,24,905            | 2,095                                                | ..                 |
| 6. Revenue—Companies and Indian States' share of surplus profits and net earnings : |                               |                     |                                                      |                    |
| Voted . . . . .                                                                     | 56,50,000                     | 56,65,149           | ..                                                   | 15,149             |
| 9. Revenue—Appropriation to Depreciation Fund :                                     |                               |                     |                                                      |                    |
| Voted . . . . .                                                                     | 13,75,00,000                  | 13,56,47,945        | 18,52,055                                            | ..                 |
| 10. Appropriation from Depreciation Fund :                                          |                               |                     |                                                      |                    |
| Voted . . . . .                                                                     | 7,87,11,000                   | 8,05,33,325         | ..                                                   | 18,22,325          |
| 11. Revenue—Miscellaneous :                                                         |                               |                     |                                                      |                    |
| Voted . . . . .                                                                     | 6,20,000                      | 4,58,781            | 1,61,219                                             | ..                 |
| Non-voted . . . . .                                                                 | 9,61,000                      | 9,55,846            | 5,154                                                | ..                 |
| 12. Revenue—Appropriation to the Reserve Fund . . . . .                             | ..                            | ..                  | ..                                                   | ..                 |
| 13. Revenue—Appropriation from the Reserve Fund . . . . .                           | ..                            | ..                  | ..                                                   | ..                 |
| 14. Interest charges :                                                              |                               |                     |                                                      |                    |
| Voted . . . . .                                                                     | 2,83,000                      | 2,81,107            | 1,893                                                | ..                 |
| Non-voted . . . . .                                                                 | 32,37,15,000                  | 32,55,16,230        | ..                                                   | 18,01,230          |
| <b>Total { Voted . . . . .</b>                                                      | <b>70,96,92,000</b>           | <b>70,93,35,711</b> | <b>26,56,870</b>                                     | <b>23,00,581</b>   |
| <b>Non-voted . . . . .</b>                                                          | <b>33,71,31,000</b>           | <b>33,89,22,868</b> | <b>9,974</b>                                         | <b>18,01,842</b>   |

| Number and name of Grant or Appropriation.  | Final Grant or Appropriation. | Expenditure.          | Expenditure as compared with Grant or Appropriation. |                    |
|---------------------------------------------|-------------------------------|-----------------------|------------------------------------------------------|--------------------|
|                                             |                               |                       | Less than granted.                                   | More than granted. |
| <b>PART III—concl'd.</b>                    | Rs.                           | Rs.                   | Rs.                                                  | Rs.                |
| <b>B.—EXPENDITURE CHARGED TO CAPITAL.</b>   |                               |                       |                                                      |                    |
| 7. Capital—New Constructions :              |                               |                       |                                                      |                    |
| Voted . . . . .                             | 31,25,000                     | 21,72,048             | 9,52,952                                             | ..                 |
| Non-voted . . . . .                         | 57,000                        | 64,517                | ..                                                   | 7,517              |
| 8. Capital—Open Line Works :                |                               |                       |                                                      |                    |
| Voted . . . . .                             | 8,92,01,000                   | 5,80,99,181           | 3,11,01,819                                          | ..                 |
| Non-voted . . . . .                         | 3,20,000                      | 2,45,592              | 74,408                                               | ..                 |
| Discharge of Debentures—Non-voted . . . . . | 20,23,000                     | 20,23,155             | ..                                                   | 155                |
| Total { Voted . . . . .                     | 9,23,26,000                   | 6,02,71,229           | 3,20,54,771                                          | ..                 |
| Non-voted . . . . .                         | 24,00,000                     | 23,33,264             | 74,408                                               | 7,672              |
| Total Railways . . . . .                    | 1,14,15,49,000                | 1,11,08,63,072        | 3,47,96,023                                          | 41,10,095          |
| Total { Voted . . . . .                     | 80,20,18,000                  | 76,96,06,940          | 3,47,11,641                                          | 23,00,581          |
| Non-voted . . . . .                         | 33,95,31,000                  | 34,12,56,132          | 84,382                                               | 18,09,514          |
| <b>PART IV.—DEFENCE SERVICES.</b>           |                               |                       |                                                      |                    |
| <b>A.—EXPENDITURE CHARGED TO REVENUE.</b>   |                               |                       |                                                      |                    |
| Defence Services—Effective—                 |                               |                       |                                                      |                    |
| India— . . . . .                            | 34,65,56,000                  | 34,49,65,000          | 15,91,000                                            | ..                 |
| England— . . . . .                          | 5,96,50,000                   | 5,90,85,000           | 5,65,000                                             | ..                 |
| Defence Services—Non-effective—             |                               |                       |                                                      |                    |
| India— . . . . .                            | 3,63,05,000                   | 3,65,57,000           | ..                                                   | 2,52,000           |
| England— . . . . .                          | 5,00,56,000                   | 4,99,31,000           | 1,25,000                                             | ..                 |
| Defence Reserve Fund . . . . .              | 31,64,000                     | 69,71,000             | ..                                                   | 38,07,000          |
| Total Defence Services—Non-voted . . . . .  | 49,57,31,000                  | 49,75,09,000          | 22,81,000                                            | 40,69,000          |
| <b>GRAND TOTAL . . . . .</b>                | <b>2,25,86,23,827</b>         | <b>2,19,72,40,370</b> | <b>8,45,89,019</b>                                   | <b>2,32,05,562</b> |
| Voted . . . . .                             | 1,16,63,87,199                | 1,10,79,40,437 (A)    | 7,55,42,961                                          | 1,70,96,199        |
| Non-voted . . . . .                         | 1,09,22,36,628                | 1,08,92,99,933 (B)    | 90,46,058                                            | 61,09,363          |

(A) This amount is less than that given in Account No. 12 of the Finance and Revenue Accounts of the Government of India for the year 1933-34 by Rs. 1 which is due to rounding.

(B) This amount is greater than that given in Account No. 12 of the Finance and Revenue Accounts of the Government of India for the year 1933-34 by Rs. 73 which is due to rounding.

## APPENDIX III.

LETTER FROM SIR ERNEST BURDON, K.C.I.E., C.S.I., I.C.S., AUDITOR GENERAL IN INDIA, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, FINANCE DEPARTMENT, NO. 172-REF. 4-35, DATED THE 31ST MAY 1935.

SUBJECT :—*Appropriation Accounts (Civil) 1933-34 and the Audit Report 1935.*

In accordance with the provisions of rule 15 (1) of the Auditor General's Rules framed under Section 96 D(1) of the Government of India Act, I have the honour to transmit herewith two copies of the Appropriation Accounts of the Central Government (Civil) for the year 1933-34 and the Audit Report, 1935, together with two copies of the Commercial Appendix to these documents, prepared by the Accountant General, Central Revenues, for submission to the Public Accounts Committee and for necessary action by the Government of India.

2. Two copies of the accounts of receipts and disbursements of the Secretary of State and the High Commissioner for India, on behalf of the Central Government, under the heads other than those relating to Military Services, for the year 1933-34, together with two copies of the relevant Appropriation Accounts, and the reports thereon, prepared by the Auditor of Indian Home Accounts, are also forwarded.

3. I append as usual the following subsidiary statements :—

Statement A\*—giving particulars of all Central Voted Grants and Non-voted Appropriations for the year 1933-34, the expenditure incurred against them and variations between the two.

Statement B—showing the excesses over voted grants which require the vote of the Legislative Assembly.

Statement C—showing excesses over Non-voted Appropriations which require the sanction of the Government of India, Finance Department.

4. The Appropriation Accounts and the Audit Report of the Accountant General, Central Revenues, together with the Appendix containing Commercial Accounts, have, as usual, been examined in detail under my instructions and I find them generally to be in order. There is one new feature which has been introduced under my instructions, namely, a brief summary of the financial results of the year has been included in chapter II of the report. The essential purpose of the report is to give the Public Accounts Committee of the Legislative Assembly a formal opportunity of reviewing the financial administration, and it seems that at the least it may be convenient to present on such an occasion a picture, if only in outline, of the complete account, including receipts. The Appropriation Accounts of expenditure against grants, etc., illustrate only one aspect of the financial administration.

5. Following the practice introduced last year which has been approved by Government and the Public Accounts Committee I have added a "Key" statement (Statement D) in which I have brought together

(a) Firstly, a reference to each of the Appropriation Accounts of grants and appropriations for which each of the several departments of Government is responsible, and

\*See Appendix II.

(b) Secondly, linked with the references to the Appropriation Account of each grant, etc., enumerated as in (a) preceding, all points of importance arising out of each account which the Accountant General has brought to notice either in his general analysis or elsewhere.

The purpose of the "Key" statement is to give practical assistance to the departments of Government and the members of the Public Accounts Committee in carrying out the examination of the accounts and the report which now devolves upon them.

6. The last enclosure to this letter, Statement E, gives particulars of the overdrafts on current account taken by the provincial Governments at the expense of the Central Government during the year under report. A comparison of the figures with the corresponding figures of 1932-33 indicates that some improvement has again been effected. Further, I understand that as part of the financial arrangements to be adopted under the new constitution the balances of the provincial Governments are to be held entirely separate from the balances of the Federal Government, and that as one consequence of this the provincial Governments will in future be solely responsible to provide ways and means for themselves and will no longer be permitted to obtain overdrafts gratuitously from the Central Government.

## STATEMENT B (Paragraph 3).

(1933-34.)

Statement showing the excesses over Voted Grants which require the vote of the Legislature.

| Item No. | Name of Grant.                                                                             | Final Grant. | Actual Expenditure. | Excess requiring the vote of the Legislature. |
|----------|--------------------------------------------------------------------------------------------|--------------|---------------------|-----------------------------------------------|
|          |                                                                                            | Rs.          | Rs.                 | Rs.                                           |
| 1        | 26.—Interest on Miscellaneous obligations . . . . .                                        | 55,01,000    | 57,13,409           | 2,12,409                                      |
| 2        | 50.—Geological Survey . . . . .                                                            | 1,78,000     | 1,86,634            | 8,634                                         |
| 3        | 70.—Indian Stores Department . . . . .                                                     | 6,87,000     | 7,06,895            | 19,895                                        |
| 4        | 76.—Miscellaneous . . . . .                                                                | 7,13,000     | 7,13,856            | 856                                           |
| 5        | 76A.—Expenditure on Retrenched personnel charged to Revenue . . . . .                      | 6,45,000     | 7,20,743            | 75,743                                        |
| 6        | 76C.—Transfer to Fund for reconstruction of Earthquake damages . . . . .                   | 1,28,89,000  | 2,71,66,180         | 1,42,77,180                                   |
| 7        | 95A.—Civil Works not charged to Revenue . . . . .                                          | ..           | 1,76,613            | 1,76,613                                      |
| 8        | 96A.—Expenditure on Retrenched personnel charged to Capital . . . . .                      | 3,02,000     | 3,26,288            | 24,288                                        |
| 9        | 4.—Revenue—Working Expenses—Administration . . . . .                                       | 10,30,00,000 | 10,34,63,107        | 4,63,107                                      |
| 10       | 6.—Revenue—Companies and Indian States share of surplus profits and net earnings . . . . . | 56,50,000    | 56,65,149           | 15,149                                        |
| 11       | 10.—Appropriation from Depreciation Fund . . . . .                                         | 7,87,11,000  | 8,05,33,325         | 18,22,325                                     |

## STATEMENT C (Paragraph 3).

(1933-34.)

Statement showing excesses over Non-voted Appropriations which require the sanction of the Government of India, Finance Department.

| Item No. | Name of Appropriation.                                                 | Final Appropriation. | Actual Expenditure. | Excess requiring the Sanction of the Government of India. |
|----------|------------------------------------------------------------------------|----------------------|---------------------|-----------------------------------------------------------|
|          |                                                                        | Rs.                  | Rs.                 | Rs.                                                       |
| 1        | 19.—Opium . . . . .                                                    | 1,49,800             | 1,52,914            | 3,114                                                     |
| 2        | 27.—Staff, Household and Allowances of the Governor General . . . . .  | 9,26,731             | 9,35,730            | 8,999                                                     |
| 3        | 30.—Legislative Assembly and Legislative Assembly Department . . . . . | 89,320               | 92,627              | 3,307                                                     |
| 4        | 33.—Public Service Commission . . . . .                                | 1,89,600             | 1,89,868            | 268                                                       |
| 5        | 40.—Department of Industries and Labour . . . . .                      | 1,31,596             | 1,31,634            | 38                                                        |
| 6        | 54.—Mines . . . . .                                                    | 1,14,440             | 1,16,065            | 1,625                                                     |
| 7        | 58.—Public Health . . . . .                                            | 1,47,353             | 1,51,495            | 4,142                                                     |
| 8        | 59.—Agriculture . . . . .                                              | 1,13,040             | 1,15,713            | 2,673                                                     |
| 9        | 61.—Civil Veterinary Services . . . . .                                | 68,200               | 68,555              | 355                                                       |
| 10       | 72.—Mint . . . . .                                                     | 78,490               | 87,710              | 220                                                       |
| 11       | 76A.—Expenditure on Retrenched personnel charged to Revenue . . . . .  | 2,34,700             | 2,85,849            | 51,149                                                    |
| 12       | 83.—Rajputana . . . . .                                                | 7,33,117             | 7,38,022            | 4,905                                                     |
| 13       | 84.—Central India . . . . .                                            | 6,11,761             | 6,16,766            | 5,005                                                     |
| 14       | Ecclesiastical . . . . .                                               | 27,90,076            | 27,91,878           | 1,802                                                     |
| 15       | 95A.—Civil Works not charged to Revenue . . . . .                      | ..                   | 699                 | 699                                                       |
| 16       | 96.—Commuted Value of Pensions . . . . .                               | 27,20,674            | 27,66,981           | 46,307                                                    |
| 17       | 23.—Indian Posts and Telegraphs Department . . . . .                   | 97,14,000            | 98,20,241           | 1,06,241                                                  |
| 18       | 1.—Revenue—Railway Board . . . . .                                     | 4,00,000             | 4,00,161            | 161                                                       |
| 19       | 3.—Revenue—Audit . . . . .                                             | 4,23,000             | 4,23,451            | 451                                                       |
| 20       | 7.—Capital—New Constructions . . . . .                                 | 57,000               | 64,517              | 7,517                                                     |
| 21       | Discharge of Debentures . . . . .                                      | 20,23,000            | 20,23,155           | 155                                                       |
| 22       | 14.—Interest charges . . . . .                                         | 32,37,15,000         | 32,55,16,230        | 18,01,230                                                 |

## STATEMENT D (paragraph 5).

'Key' statement to the Government of India Appropriation Accounts (Civil) 1933-34 and the Audit Report 1935, Commercial Appendix, Home Auditor's Reports (Section I) on the Accounts of the Secretary of State and the High Commissioner for India for 1933-34 and the latest Quarterly Statement (Part I) of outstanding recommendations of the Public Accounts Committee showing in conjunction particulars of Appropriation Accounts of grants and appropriations for which each of the several departments of the Government of India is responsible and all matters and comments of importance connected with these accounts.

R. = Government of India Appropriation Accounts (Civil) and Audit Report.

C. A. = Commercial Appendix to the above.

S. S. = Home Auditor's Report on the Accounts of the Secretary of State in Council of India (Section I—Civil portion).

H. C. = Home Auditor's Report on the Accounts of the High Commissioner for India (Section I—Civil portion).

Q. S. = Quarterly statement (Part I—Civil portion) of outstanding recommendations of the Public Accounts Committee (Quarter ending January 1935).

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## (1) General—

(i) Changes in the form and structure of Accounts . . . . . Paragraph 8 on page 3 and paragraphs 2-5 R.

(ii) Important Accounts changes. . . . . Paragraphs 6-17 R.

(iii) Financial results (Revenue Accounts, expenditure outside the Revenue Account and debt position) . . . . . Paragraphs 19-21 R.

(iv) Review of demands for grants, reductions made by the Legislature, supplementary grants, general results of appropriation audit, excesses over voted grants and non-voted appropriations, accuracy of budgeting, control of expenditure, etc. . . . . Paragraphs 33-55 R.

(v) Standard adopted in explaining variations between modified grants and actuals . . . . . Note 3 on page 43 R.

(vi) The Public Accounts Committee's suggestion regarding the current control of expenditure . . . . . Serial No. 2 Q. S.

## (2) Grant No. 19A.—Excise—

Appropriation Account . . . . . Page 69 R.

## (3) Grant No. 20.—Stamps—

Appropriation Account . . . . . Pages 70-71 R.

Note on Appropriation Account . . . . . Page 71 R.

Saving on voted grant . . . . . Paragraph 38 R.

Unnecessary supplementary non-voted appropriation . . . . . Paragraph 53 R.

Commercial Accounts and review, etc., of Security Printing, India, including Central Stamp Stores, Nasik Road . . . . . Paragraphs 31-52 C. A.

Comparative statement of profits and losses and turnover . . . . . Paragraphs 21 item (i) and 23 C. A.

General review and important comments—Security Printing, India . . . . . Paragraph 25 (i) C. A.

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- (19) *Grant No. 86.—Expenditure in England under the control of the Secretary of State—*  
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- (20) *Grant No. 87.—Expenditure in England under the control of the High Commissioner—*  
 Appropriation Account . . . . . Pages 307—312 R.  
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 Gross and net cost of the High Commissioner's establishment . . . . . Paragraph 1 H. C.  
 Voted saving and excesses . . . . . Paragraph 7 H. C.
- (21) *Non-voted Appropriation—Territorial and Political Pensions—*  
 Appropriation Account . . . . . Pages 336-337 R.  
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- (22) *Grant No. 88.—Capital Outlay on Security Printing—*  
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 Comparative statement of profits and losses and turnover . . . . . Paragraph 21 (i) and 23 C. A.  
 Store transactions . . . . . Paragraphs 27 (i) and 28 C. A.  
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- (23) *Grant No. 93.—Capital Outlay on Currency Note Press—*  
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 Stores transactions . . . . . Paragraphs 27 (ii) and 28 C. A.  
 General review and important comments . . . . . Paragraph 25 (ii) C. A.
- (24) *Grant No. 96.—Commuted value of pensions—*  
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- (25) *Grant No. 98.—Expenditure on retrenched personnel charged to Capital—*  
 Appropriation Account . . . . . Page 360 R.  
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- (26) *Grant No. 98.—Interest free advances—*  
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- (27) *Grant No. 99.—Loans and advances bearing interest—*  
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## CENTRAL BOARD OF REVENUE.

- (1) *Grant No. 16.—Customs—*  
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- (2) *Grant No. 17.—Taxes on Income—*  
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- (3) *Grant No. 18.—Salt—*  
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| Stores transactions                                                                                                                                                             | Paragraph 27 (ix) C. A.           |
| General review and important comments                                                                                                                                           | Paragraph 25 (viii) C. A.         |
| (18) Grant No. 89.— <i>Forest Capital Outlay</i> —                                                                                                                              |                                   |
| Appropriation Account                                                                                                                                                           | Page 349 R.                       |

## COMMERCE DEPARTMENT.

- (1) *Grant No. 38.—Commerce Department—*  
*Appropriation Account* . . . . . Page 97 R.
- (2) *Grant No. 46.—Ports and Pilotage—*  
*Appropriation Account* . . . . . Pages 107—112 R.  
*Note on Appropriation Account* . . . . . Page 112 R.  
*Unnecessary supplementary grant* . . . . . Paragraph 52 R.  
*Commercial Account and review, etc., of Bengal Pilot Service* . . . . . Paragraphs 199—204 C.A.  
*Comparative statement of profits and losses and turn-over* . . . . . Paragraphs 21 (x) and 23 C.A.  
*Stores transactions* . . . . . Paragraph 27 (x) C.A.  
*General review and important comments* . . . . . Paragraph 25 (ix) C.A.
- (3) *Grant No. 47.—Lighthouses and Lightships—*  
*Appropriation Account* . . . . . Pages 113—116 R.  
*Note on Appropriation Account* . . . . . Page 116 R.  
*Commercial Account and review, etc., of Indian Light-house Department* . . . . . Paragraphs 205—217 C.A.  
*Comparative statement of profits and losses and turn-over* . . . . . Paragraphs 21 (xi) and 23 C.A.  
*Stores transactions* . . . . . Paragraph 27 (xi) C.A.  
*General review and important comments* . . . . . Paragraph 25 (x) C.A.
- (4) *Grant No. 64.—Commercial Intelligence and Statistics—*  
*Appropriation Account* . . . . . Pages 166—167 R.  
*Voted saving* . . . . . Paragraph 38 R.  
*Notes on Appropriation Account* . . . . . Page 167 R.
- (5) *Grant No. 68.—Joint Stock Companies—*  
*Appropriation Account* . . . . . Page 171 R.  
*Note about fees realised* . . . . . Page 171 R.
- (6) *Grant No. 69.—Miscellaneous Departments—E.—Ac-tuary to the Government of India; J.—Registration of Accountants—*  
*Appropriation Account* . . . . . Pages 173—174 R.  
*Receipts and Payments accounts of the scheme for the registration of accountants and audit comments on them* . . . . . Paragraph 3 and pages 175—176 R.
- (7) *Grant No. 76.—Miscellaneous.—C.—Donations for char-itable purposes (partly); D. I.—Tariff Board; J.—10.—Indian delegation to the Imperial Economic Conference at Ottawa; L.—Other Charges (partly)—*  
*Appropriation Account* . . . . . Pages 232, 235—236 R.
- (8) *Grant No. 77.—Refunds.—H. 12.—Ports and Pilotage; H. 13.—Lighthouses and Lightships—*  
*Appropriation Account* . . . . . Page 242 R.

COMMERCE DEPARTMENT—*concl.*

- (9) *Non-voted Appropriation—Ecclesiastical—*  
*Appropriation Account* . . . . . Pages 313—315 R.  
*Non-voted excess* . . . . . Paragraph 34, Item (14) R.  
*Public Accounts Committee's recommendation regard-ing allocation of Ecclesiastical expenditure between the Civil and the Army Department* . . . . . Serial No. 6 Q. S.
- (10) *Grant No. 95.—Capital Outlay on Lighthouses and Light-ships not charged to Revenue—*  
*Appropriation Account* . . . . . Page 355 R.  
*Note on Appropriation Account* . . . . . Page 356 R.  
*Commercial Account and review, etc., of Indian Light-house Department* . . . . . Paragraphs 205—217 C.A.  
*Comparative statement of profits and losses and turn-over* . . . . . Paragraphs 21 (xi) and 23 C.A.  
*Stores transactions* . . . . . Paragraph 27 (xi) C.A.  
*General reviews and important comments* . . . . . Paragraph 25 (x) C.A.

## LEGISLATIVE DEPARTMENT.

- (1) *Grant No. 29.—Council of State—*  
*Appropriation Account* . . . . . Page 87 R.  
*Note in Appropriation Account* . . . . . Page 87 R.
- (2) *Grant No. 34.—Legislative Department—*  
*Appropriation Account* . . . . . Page 93 R.
- (3) *Grant No. 76.—Miscellaneous.—H.—Local Clearing Office; J. 1.—Indian delegation to the League of Nations—*  
*Appropriation Account* . . . . . Page 234 R.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

- (1) *Grant No. 30.—Legislative Assembly and Legislative Assembly Department—*  
*Appropriation Account* . . . . . Page 88 R.  
*Note on Appropriation Account* . . . . . Page 88 R.  
*Supplementary grant* . . . . . Paragraph 36, item (3) R.  
*Non-voted excess* . . . . . Paragraph 43, item (3) R.
- (2) *Grant No. 76.—Miscellaneous; G.—Grants-in-aid—*  
*Voted (partly)—*  
*Appropriation Account* . . . . . Page 234 R.

## RAILWAY DEPARTMENT.

- (1) *Grant No. 94.—Capital Outlay on Vizagapatam Harbour—*  
*Appropriation Account* . . . . . Pages 352—353 R.  
*Notes on Appropriation Accounts* . . . . . Page 353 R.  
*Stores Account* . . . . . Paragraph 77 and page 354 R.  
*Statement of Expenditure on important New Works* . . . . . Page 354 R.  
*Supplementary grant* . . . . . Paragraph 36, item (13) R.  
*Commercial Accounts and review, etc., of the Vizaga-patam Harbour* . . . . . Paragraphs 299—327 C.A.  
*Comparative statement of profits and losses and turn-over* . . . . . Paragraph 21 (xvi) C.A.  
*Stores transactions* . . . . . Paragraphs 27 (xvii) and 28 C.A.  
*General review and important comments* . . . . . Paragraph 25 (xv) C.A.

## ARMY DEPARTMENT.

- (1) Grant No. 39.—Army Department—  
Appropriation Account . . . . . Page 9.  
Reduction made by the Legislature . . . . . Paragraph 34 R.
- (2) Grant No. 76.—Miscellaneous.—D. 4.—Other Com-  
missions and Committees—Capitation Rate Tribunal and  
I.—Indian Soldiers Board—  
Appropriation Account . . . . . Pages 233 and 234 R.

## FINANCIAL ADVISER, MILITARY FINANCE.

- (1) Grant No. 36.—Finance Department.—B.—Military  
Finance—  
Appropriation Account . . . . . Pages 95-96 R.

## IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH DEPARTMENT.

- (1) Grant No. 60.—Imperial Council of Agricultural Research  
Department—  
Appropriation Account . . . . . Page 159 R.  
Supplementary Grant . . . . . Paragraph 36, item (6) R.

## STATEMENT E (Paragraph 6.)

Statement showing the monthly balances of the various Provincial Governments.

(In thousands of rupees. Figures with a minus sign before them represent overdraft.)

## REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

|              | Madras. | Bombay. | Bengal.  | United<br>Provinces. | Punjab.  | Burma.   | Bihar<br>and<br>Orissa. | Central<br>Provinces. | North-<br>West<br>Frontier<br>Province. | Assam. | Total.   |
|--------------|---------|---------|----------|----------------------|----------|----------|-------------------------|-----------------------|-----------------------------------------|--------|----------|
| 1933-34.     |         |         |          |                      |          |          |                         |                       |                                         |        |          |
| 1. April     | 3,98,47 | 19,63   | 5,42     | -19,96               | 37,00    | 42,22    | 34,94                   | -2,60                 | 33,81                                   | 2,18   | 5,51,11  |
| 2. May       | 4,07,41 | 46,22   | -7,56    | 9,16                 | 1,70,00  | 57,75    | 30,09                   | -2,22                 | 22,31                                   | 5,20   | 5,67,06  |
| 3. June      | 3,87,77 | 72,59   | -13,07   | 91,80                | 64,00    | 49,41    | 22,79                   | 1,76                  | 15,75                                   | 1,74   | 6,94,54  |
| 4. July      | 3,45,16 | 93,25   | -43,13   | 1,43,31              | 2,27,00  | 9,08     | -2,49                   | -3,60                 | 38,53                                   | -1,26  | 8,05,85  |
| 5. August    | 2,93,14 | 72,93   | -75,40   | 1,40,91              | 3,16,00  | 5,13     | -17,22                  | -14,66                | 33,63                                   | -6,06  | 7,48,40  |
| 6. September | 2,47,47 | 51,73   | -1,23,77 | 1,19,04              | 2,49,00  | -85,95   | -25,88                  | -30,92                | 26,50                                   | -15,76 | 4,06,46  |
| 7. October   | 1,74,83 | 34,15   | -1,24,06 | 78,50                | 1,61,00  | -1,01,04 | -23,95                  | -52,73                | 43,82                                   | -15,58 | 1,74,94  |
| 8. November  | 1,05,49 | 22,69   | -1,40,55 | 35,01                | 1,07,00  | -1,35,52 | -25,94                  | -71,70                | 35,80                                   | -21,04 | -88,16   |
| 9. December  | 68,85   | 10,68   | -1,69,24 | 51,16                | 70,00    | -1,51,73 | -36,94                  | -84,35                | 26,03                                   | -28,52 | -2,44,06 |
| 10. January  | 1,50,40 | 58,83   | -1,29,01 | 1,24,73              | 1,14,00  | -1,45,27 | -9,96                   | -85,29                | 47,06                                   | -29,79 | 95,70    |
| 11. February | 2,80,24 | 1,52,31 | -1,61,46 | 1,62,44              | -2,49,00 | -1,33,39 | -16,78                  | -14,55                | 41,86                                   | -30,07 | 5,29,60  |
| 12 March     | 3,08,30 | 36,75   | 1        | 12,05                | 92,32    | 5        | 13,19                   | 1                     | 16,32                                   | 1      | 4,81,01  |



## APPENDIX IV.

LETTER FROM THE AUDITOR GENERAL, TO THE FINANCE DEPARTMENT,  
GOVERNMENT OF INDIA, NO. 99-REP./6-35, DATED THE 27TH MARCH  
1935.

SUBJECT :—*Appropriation Accounts (Posts and Telegraphs Department)  
1933-34 and the Audit Report 1935.*

With reference to rule 15 (1) of the Auditor General's Rules framed under Section 96D (1) of the Government of India Act, I have the honour to transmit herewith, for submission to the Committee on Public Accounts, and for necessary action by the Government of India, two copies of the Appropriation Accounts of the Posts and Telegraphs Department for the year 1933-34 and the Audit Report, 1935, issued by the Accountant General, Posts and Telegraphs.

2. The Accounts and the Report have, as usual, been subjected to a detailed examination in my office. I have satisfied myself that the Accounts are in order and that the Report contains all the information necessary for the purposes of the Public Accounts Committee.

It will be seen that the report, while it is brief, is at the same time comprehensive ; and there is nothing of substance which I can add to it. For the convenience of the Public Accounts Committee, however, I invite particular attention to the Accountant General's discussion of the following topics :—

- (a) The financial position of the Department—paragraphs 55 to 56.
- (b) The standard of financial administration—paragraphs 80 to 88.
- (c) The balance of stores in stock—paragraphs 60 to 62.
- (d) The percentage cost of establishment employed on works—paragraph 89.

3. The financial position of the Posts and Telegraphs Department is not yet satisfactory ; but for the first time in recent years the accounts show some signs of improvement and of an approach to a more stable and certain position. It will be seen also that the year was marked by active effort to improve the financial administration of the Department in system and in practice. I am sure that the effort has been well directed ; and I trust that the results disclosed by the accounts of the current and subsequent years will show that it has been successful.

## APPENDIX V-A.

LETTER FROM THE AUDITOR GENERAL, TO THE FINANCE DEPARTMENT,  
GOVERNMENT OF INDIA, NO. T.336-REP./5-35, DATED THE 5TH JUNE  
1935.

SUBJECT :—*Appropriation Accounts (Defence Services) 1933-34 and the  
Audit Report 1935.*

I have the honour to forward herewith for necessary action two copies of the Appropriation Accounts of the Defence Services for the year 1933-34 prepared by the Financial Adviser, Military Finance, together

with two copies of the Audit Report, 1935, prepared by the Director of Army Audit.

I also transmit herewith two copies of the accounts of receipts and disbursements of the Secretary of State and the High Commissioner for India on account of the Central Government in respect of Defence Services for the year 1933-34, together with two copies of the relevant Appropriation Accounts, and the Reports thereon prepared by the Auditor of Indian Home Accounts.

It is understood that these documents will, as usual, be subjected to a preliminary examination by the Military Accounts Committee before being presented to the Public Accounts Committee.

2. *Outstanding questions.*—I presume that the Military Accounts Committee will, as usual, first go through the list of questions outstanding from previous discussions (Appropriation Accounts—Appendix A). Some of the questions included in this appendix are of considerable importance.

3. *Appropriation audit.*—I invite attention to the Financial Adviser's review of the financial administration of the year and of the results of his appropriation audit which is given in paragraphs 1 to 25 of the text preceding the Appropriation Accounts. As in previous years, the analysis thus given is full and accurate, and I consider that, so far as control of expenditure in bulk is concerned, the financial administration of the year has been shown to be careful, efficient and, in the abnormal circumstances mentioned by the Financial Adviser, successful.

4. *Review of Military Engineer Services expenditure.*—I next invite attention to the special review of the Military Engineer Services expenditure of the year given in paragraphs 147 to 162 of the Financial Adviser's presentation of the Appropriation Accounts. From paragraph 159 it will be seen that the Financial Adviser has carried out a detailed examination of variations which have occurred between the estimates of cost of individual works and the actual expenditure incurred. This is in pursuance of a view expressed in recent years (cf. item 1, Appendix A—outstanding questions) that particular attention should be given to this aspect of the financial control of Military Engineer Services expenditure. The Director of Army Audit has not found it necessary to express any comment of his own as regards such variations, and I understand that actually control in this respect has shown improvement. At the same time, I wish to make the two following suggestions for the future, namely—

- (1) that variations from (a) original estimates and (b) the year's appropriation, in the case of works of major importance or higher value, should be exhibited in the Appropriation Accounts ;
- (2) that a detailed account of the utilisation of the Military Engineer Services Reserve might also be given in the Appropriation Accounts.

The latter of these suggestions is prompted, *inter alia*, by the decision so far reached on item 4 of Appendix A—outstanding questions.

There are other passages of interest which bear upon the question of improving the whole system of administration of Military Engineer

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LETTER FROM THE AUDITOR GENERAL, TO THE FINANCE DEPARTMENT,  
GOVERNMENT OF INDIA, No. T-336-REP. 5-35, DATED THE 5TH JUNE  
1935.

SUBJECT :—*Appropriation Accounts (Defence Services) 1933-34 and the  
Audit Report 1935.*

I have the honour to forward herewith for necessary action two copies of the Appropriation Accounts of the Defence Services for the year 1933-34 prepared by the Financial Adviser, Military Finance, together

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- (1) that variations from (a) original estimates and (b) the year's appropriation, in the case of works of major importance or higher value, should be exhibited in the Appropriation Accounts;
- (2) that a detailed account of the utilisation of the Military Engineer Services Reserve might also be given in the Appropriation Accounts.

The latter of these suggestions is prompted, *inter alia*, by the decision so far reached on item 4 of Appendix A—outstanding questions.

There are other passages of interest which bear upon the question of improving the whole system of administration of Military Engineer

Services expenditure. Paragraph 56 of the Audit Report refers to certain new arrangements and new machinery which are being introduced for the purpose of strengthening financial control. Item 13 in Appendix A—outstanding questions—reproduces the proposal made by the Public Accounts Committee last year, namely, that the Military Accountant General and Auditor General should examine the desirability of having trained Works Accountants for Military Engineer Services audit and that they should make joint recommendations. Owing to delay for which I am afraid my own Department is responsible this question has not yet been pressed to a final conclusion. I note, however, that in the course of the year further evidence has been forthcoming which strengthens my belief that the existing system under which the Military Accounts Department does not undertake to produce trained Works Accountants, like the Divisional Accountants in the offices of Civil Accountants General and in the Civil Public Works Department Divisions, is definitely unsatisfactory. In departmental discussions of the year the question was also raised whether it is right that the system of accounts, audit and disbursement prevailing in the Military Engineer Services *cum* the Military Accounts Department should be so widely divergent from that which long experience has shown to be desirable in the Civil Public Works Department: and actually in the course of last month a Committee was appointed which has already reported and has dealt with this matter in a very satisfactory way. On all matters of important principle the Engineer-in-Chief, the Financial Adviser, Military Finance, and my department are now definitely agreed, and I trust that the recommendations of the Committee which include a measure of specialisation in the training of subordinate accounts staff will soon be adopted.

5. *Appendix E—Stores Transactions.*—Attention is invited to paragraphs 68 to 70 of the Audit Report. There are two questions outstanding in regard to the adequacy of the information furnished in this appendix, the presentation of which has been instituted as a result of discussion in the Military Accounts Committee on the Accounts of 1929-30. These questions are—

(a) The possibility of amplifying the first part of Appendix E so as to give information regarding a larger number of categories of stores. At present, there are certain important omissions, for example Mechanical Transport stores.

(b) The exhibition in a valued statement of surplus and obsolete stores which have been disposed of during the year. At present no information in regard to these is furnished, but the Financial Adviser, at my request, has undertaken to maintain figures of losses (which may of course be inevitable losses) on disposal of obsolete and surplus stores. A beginning has already been made with this, and here also as in (a) above there is a question of the possibility of exhibiting losses under all important categories of stores, and also the question of how far the information so tabulated can be used as an instrument of control and of detecting cases of overstocking. The matter will be pursued by me in consultation with the Financial Adviser but the Military Accounts Committee might, I think, usefully give their consideration also to this matter and form an opinion whether what is being done is likely to be advantageous.

The question of the adequacy of the present arrangements for the control of expenditure on stores also arises out of the qualification in the audit certificate of the Military Accountant-General given in paragraph 38 of the Financial Adviser's Appropriation Accounts. The question is not a new one, *vide* item 6 of Appendix A—outstanding questions. As regards Royal Air Force Stores in particular, the question of improving the present "provisioning" arrangements and of authoritatively prescribing suitable limitations on store holding has received special, though only preliminary attention, during the past year, and the Military Accounts Committee when they meet will, I have no doubt, wish to have any further information then available on this important subject.

6. *Appendix L—Special expenditure on Territorial Force.*—The Director of Army Audit expects to have final figures available by the time the Military Accounts Committee meet. The point of concrete financial importance will be whether the amount refundable to general revenues has been agreed upon and refunded.

7. *Financial irregularities—Report of the Director of Army Audit, paragraphs 6 to 51.*—The question of the number and the significance of financial irregularities occurring in the administration of the Defence Services received special attention in last year's report when I was constrained to observe that the cases brought to notice taken as a whole seemed to afford evidence that there was considerable laxity of view and an insufficient sense of responsibility in financial matters, not in the administration as viewed in the abstract, but amongst individuals. It is regrettable that this year's report should again include an undesirably large number of cases pointing to the same conclusion. The following appear to be the most important types of irregularity reported on this occasion—

- (1) Cases of serious fraud attributable to lax supervision and also in some instances to ineffectual audit by the Local Audit Branch of the Military Accounts Department—*vide* paragraphs 24, 25, 31, 32, 35 and 46. The case reported in paragraph 29 also merits attention.
- (2) Cases of inadmissible money claims supported by incorrect certificates—*vide* paragraphs 22, 23, 33, 37, 38, 39 and 45. In connection with these and the remarks in paragraph 8-C of the Audit Report it is relevant to quote the observation made last year by the Military Accounts Committee.

"They also desired to record their opinion that the punishment awarded in some cases was entirely inadequate and that the administrative authorities appeared to take a far too lenient view of cases where the furnishing of false certificates was deliberate."

I hope that the instructions which last year His Excellency the Commander-in-Chief undertook, to issue, to ensure more stringent observance of financial principles, will be reflected in the results of future years.

## APPENDIX V-B.

LETTER FROM THE AUDITOR-GENERAL, TO THE FINANCE DEPARTMENT,  
GOVERNMENT OF INDIA, No. T-604-REP.5-35, DATED THE 28TH JUNE  
1935.

SUBJECT :—*Appropriation Accounts (Defence Services) 1933-34 and the  
Audit Report 1935.*

In continuation of my letter No. T-336-Rep.5-35, dated the 5th June 1935, forwarding copies of the Accounts and Report mentioned above, I have the honour to forward herewith for necessary action two copies of the Commercial Appendix to the Appropriation Accounts of the Defence Services for the year 1933-34 and the Report of the Director of Army Audit thereon.

2. I also forward herewith two copies of the General Review of the Financial Adviser, Military Finance, on the accounts of the manufacturing concerns of the Army for 1933-34. The asterisks and their explanatory remarks appearing on pages 8 and 9 of this Review may be treated as cancelled as the figures in question have since been finally accepted by the Director of Army Audit.

3. This is the first occasion on which a general review on the accounts of the manufacturing concerns of the Army has been prepared by the Financial Adviser, Military Finance. In my opinion this review is excellent, and, in point of substance, this year's presentation of these commercial accounts is quite the best that has so far been made. It is hoped that there will be a further improvement next year when the Financial Adviser's review, the commercial accounts themselves and the report of the Director of Army Audit are brought together in one volume.

4. There is nothing in the Financial Adviser's General Review or in the report of the Director of Army Audit which I desire to qualify. There are however certain individual matters which have attracted my attention and to which I wish to draw the attention of the Public Accounts Committee. These are :—

(1) *Okara Farm.*—Utilisation of profits (paragraph 8 of Financial Adviser's General Review).

(2) *Medical Store Depots and Workshops.*—The loss on working, the method of costing and the allocation of the cost of the Stores Section of the Director-General, Indian Medical Service (paragraphs 10 to 12 of Financial Adviser's General Review).

(3) *Ordnance and Clothing Factories.*—

(a) Issue rates, etc., (paragraph 10 of Director's report and paragraphs 23 to 25 of Financial Adviser's General Review).

(b) Comparative cost of manufacture in England and in India (paragraph 28 of Financial Adviser's General Review).

(c) Stock balances, etc., (paragraphs 12 to 14 of Director's report and paragraphs 17 to 19 of Financial Adviser's General Review).

(d) *Irregularities in Building Block Register* (paragraph 20 of Director's report).

## APPENDIX VI.

Memorandum furnished by the Central Board of Revenue regarding the fixation of a monetary limit below which extra statutory remissions of revenue in the Northern India Salt Revenue Department need not be included in the statements to be submitted annually to the Principal Auditor.

In August 1932, the Government of India, with the concurrence of the Auditor General, issued certain rules for the exhibition of losses in Government Accounts and Appropriation Accounts. Under Note 1 below Rule III, Section I (Annexure), Heads of Departments are required to submit annually to the Principal Auditors concerned statements showing the extra-statutory remissions of revenue and abandonments of claims to revenue sanctioned during the preceding year, unless the Local Governments concerned have fixed monetary limits below which individual remissions need not be included in the statements.

2. In the Kohat Division of the Northern India Salt Revenue Department salt is supplied free of duty and price to the workers in the quarries, the weighment coolies at the Depot and the preventive staff. This concession has been enjoyed by these people for many years. The Government of India have reconsidered the question of the continuance or otherwise of this concession and have, after careful consideration, decided that it should continue and have regularised the existing practice by formal orders. The concession involves the extra-statutory remission of revenue on account of duty. As the duty and price on salt are realised in accordance with an Act of the Legislature and the rules made thereunder by the Governor General in Council, their remission is to be reported to the Principal Auditor unless a limit below which they need not be included in the statements is fixed in consultation with the Public Accounts Committee. The remission of duty granted on this account during 1932-33 amounted to Rs. 281-10-3. No remission of revenue is involved on account of price as the salt at Kohat is the property of the quarry owners and no price is paid to them for the salt supplied free to the staff.

The Government of India propose that the limit below which the remission of duty at Kohat should not be included in the statement should be fixed at Rs. 500.

## ANNEXURE TO APPENDIX VI.

EXTRACT FROM RULES FOR THE EXHIBITION OF LOSSES IN THE GOVERNMENT  
ACCOUNTS AND IN THE APPROPRIATION ACCOUNTS.

SECTION I.—*Rules for the guidance of the Executive Officers.*

III. Heads of Departments should submit annually to the Principal Auditors concerned statements showing the remissions of revenue and abandonments of claims to revenue sanctioned during the preceding year by the local authorities in exercise of the discretionary powers vested in them and which are not mandatory under a specific provision in a statute or statutory rule. For inclusion in these statements, remissions and abandonments should be classified broadly with reference to the grounds on

which they were sanctioned, and a total figure should be given for each class. A brief explanation of the circumstances leading to the remission should be added in the case of each class.

Note 1.—A Local Government may make rules defining remissions and abandonments of revenue for the purpose of this rule, and may, after consultation with its Public Accounts Committee, fix monetary limits below which individual remissions need not be included in the statements.

### APPENDIX VII.

**Memorandum on the simplification of the procedure of apportionment of receipts and expenditure in the Posts and Telegraphs Department furnished by the Financial Adviser, Posts and Telegraphs (*vide* paragraph 23 of the proceedings of the third meeting of the Public Accounts Committee at page 32 of Volume I of the Report of the Public Accounts Committee on the accounts for 1932-33).**

In the memorandum presented to the Public Accounts Committee last year which is printed as Appendix XI at pages 96—119 of Volume I of the Report of the Public Accounts Committee on the accounts for 1932-33, the system of apportionment obtaining at present, between the constituent branches of the Posts and Telegraphs Department, of receipts and expenditure which relate to more than one branch has been described. A suitable allocation of the receipts and expenditure is necessary in order to know the financial result of the working of the several branches and it has been generally accepted that the distribution made is fair to the branches concerned. The question was, however, raised in the third meeting of the Public Accounts Committee held on 30th June 1934 whether the existing method of apportionment was not very elaborate and meticulous and whether it was not possible to devise a simpler method of apportioning the cost which might be revised periodically.

2. The matter has been carefully examined in consultation with the Auditor General and the Accountant General, Posts and Telegraphs. Broadly, the allocation is made on the basis—

- (1) of *ad hoc* enumeration or calculations ; or
- (2) of booked accounts figures, the actual distribution being made according to fixed percentage or by the application of simple arithmetic or in some cases a lump sum being fixed for a period of years.

3. The existing method of arriving at the adjustments referred to in the second category mentioned above are simple enough and no change is considered necessary.

4. In regard to the first category, however, it has been found feasible to simplify the procedure. The more important cases are briefly mentioned below :—

- (i) *Telegraph share of the cost of combined offices.*—As explained in paragraph 14 of the memorandum cited in paragraph 1 above the distribution was hitherto made with reference to an elaborate calculation, every year, of the work done by combined offices in respect of telegraph traffic. It has been decided to discontinue this and to determine the telegraph

share by multiplying the number of transactions during the year by the average cost per transaction during the last 3 years. The position will be reviewed after 2 years and the rate per transaction will, if necessary, be revised in the light of further experience.

- (ii) *Telegraph share of revenue derived from the sale of stamps.*—

As an experimental measure, the departmental telegraph offices have recently been intimated to keep an account of the value of postage stamps affixed to inland telegrams so that the telegraph share of revenue might be computed directly and the question of modifying (or dispensing with) the special annual enumeration and compilation which also serves other purposes will be considered after some experience is gained of the new arrangement.

- (iii) In the following cases of interbranch adjustments also, special compilations of statistics will be discontinued as it has been decided for purposes of adjustment to fix a lump sum figure for a period of 3 years :—

- (a) Cost of conveyance by post offices of mail matter of other branches ;
- (b) Issue of service telegrams by other branches ; and
- (c) Despatch of postal service telegrams to Ceylon.

### APPENDIX VIII.

**Memorandum on the percentage of the cost of establishment to expenditure on works in the Posts and Telegraphs Department, furnished by the Financial Adviser, Posts and Telegraphs, with reference to paragraph 66 of the Proceedings of the Public Accounts Committee relating to the accounts of 1931-32, Part I.**

A reference is invited to item 19 of the Statement of recommendations made by the Public Accounts Committee which are outstanding (*Appendix I*).

The question of compiling cost statistics showing the percentage of the cost of establishment to works expenditure in the Posts and Telegraphs Department has been the subject of examination for some years. Various methods of compilation were attempted, but it was eventually found that the results so obtained were not of much practical value and were not susceptible of comparison between one Circle or Division and another. The principal difficulties in the way of compiling suitable cost statistics are briefly as follows :—

- (1) The bulk of the staff engaged on the work relating to the telegraph and telephone lines and apparatus and plant is there chiefly to ensure the maintenance of telegraph and telephone communications. The work that they do does not bear a definite relation to the works expenditure involved. In other words, the staff is regarded as a sort of insurance against interruptions and will largely have to be retained even if their work measured in terms of 'works' expenditure shows a variation.

- (2) Although the subordinate staff is largely determined with reference to the line mileage (or number of telephone connections, etc.), yet the formula is not uniform as varying standards have had to be fixed in order to make allowance for the difficulty of the country in which the work has to be done (according as the line is along Railway or otherwise) and the nature of the line (Telegraph, Telephone, control wires, etc.), required to be attended to.
- (3) Again, the maintenance expenditure generally allowed per mile of line is also not uniform and varies with the nature of the country and the importance of the line to be attended to.
- (4) Further, the inclusion of expenditure on capital works vitiates the percentages. As such works are undertaken on commercial considerations and are not executed uniformly in all divisions and circles the variations caused by this factor alone are obvious. The establishment employed on capital works consists partly of the regular staff (especially the superior supervisory staff) and partly of special staff.

2. The matter has been examined with a view to isolate as far as possible the disturbing factors mentioned above and cost statistics have now been prepared for two Circles. In compiling them, all expenditure on capital works (including revenue portion) costing above Rs. 5,000 together with the additional staff specially sanctioned therefor has been excluded for the reasons mentioned in the preceding paragraph. Further, only the staff below the rank of Divisional Engineer is taken into account, as it is chiefly the cost of the lower supervisory and subordinate staff which has an intimate relation to the volume of work executed, and for the same reason all overhead charges relating to Direction and Control, Accounts and Audit, etc. have also been excluded. Before, however, these statistics can be properly interpreted it will still be necessary to apply certain corrections. In actual practice, this will largely mean verifying the basic data with reference to which the staff has been regulated. The problem, therefore, resolves itself into one of satisfying ourselves as to the adequacy of the basis of calculations of staff. As stated already, the bulk of the staff is determined with reference to formulae which have been reached after a careful and detailed examination of the requirements of the Department over a long period of years, and whenever any large increase in staff is demanded the position is reviewed exhaustively with reference to all the relevant factors such as the statistics of line and wire mileage, the number of telephone connections and the special features of the localities concerned. The cost statistics may, however, be expected to provide, subject to the corrections envisaged in the preceding paragraph, an independent background and to ensure a periodical review of the standards adopted in determining staff. It is proposed therefore to compile these statistics in future as a temporary measure purely for departmental use. The position will be reviewed after two or three years, and if experience shows that the statistics are not of much practical value for purposes of control they might have to be given up.

3. The statistics have been prepared departmentally from the figures communicated by Divisional Officers supplemented by the information available in the audit office and have not yet been checked in audit. The

remarks of the Accountant General are being invited on the adequacy of these statements and also whether the figures of each division are easily susceptible of verification with the figures in the audit office.

Both the Auditor General and Accountant General have, however, seen them informally and they are inclined to think that they will probably meet the requirements. After they have scrutinised the proposal in detail, instructions will be issued to Heads of Circles for the submission of such statements in future commencing with the year 1934-35.

## APPENDIX IX.

### Memorandum furnished by the Department of Education, Health and Lands regarding the Mathematical Instrument Office—(Commercial Accounts).

The Mathematical Instrument Office is divided into the following sections of each of which accounts are, or conveniently can be, separately kept :

- (1) Workshops including material Store.
- (2) Serviceable Store.
- (3) Dump and Repairable Store.
- (4) Office.

2. Of these No. (3) is by a decision of 1924 already treated as not expected to show a profit; dump, mobilization, and repairable stores do not bear their share of interest on capital and the cost of management is excluded from the Profit and Loss account. No. (4) is part of the overhead charges allocated to the other sections.

3. Of the remaining two sections :—

(1) The Workshop section should be so constituted that over a period of some years there should be no loss to Government, provided it is not called upon to bear more than its fair share of general and other overhead charges.

With this proviso, if there is a continual loss then either labour or supervision charges or both should be reduced or prices for work should be increased. Alternatively if manufacture of certain instruments cannot be made to pay, it might be abandoned. The section therefore can fairly be regarded as commercial.

(2) The Serviceable Store section is however on quite a different footing. It provides a service of great importance to such technical departments as the Survey of India, Railways and Public Works Department. It must carry a large stock of instruments if it is to satisfy its customers. Designs are constantly changing but while some indentors will insist on the latest model, say of a theodolite, others will prefer an older model which they have been accustomed to use. Many different patterns must therefore be stocked and as the price of a theodolite may be as much as Rs. 2,000, it can easily be seen that the value of stock, on which interest has to be debited, must reach a high figure. Moreover the greater the stock the greater the cost of supervision and stock taking. Further since the demand for many classes of instruments is



irregular, it must often happen that they remain in stock for over 2 years by which time the whole of the 10 per cent. profit on a subsequent sale has been swallowed up by the interest on capital only and nothing is left to meet supervision, rent, pensionary contribution and other overhead charges.

The section's sole source of profit however is the surcharge above the book values that is recovered from purchasers. This surcharge is now 10 per cent. for imported, manufactured and repaired stores and 5 per cent. for locally purchased stores. These percentages were very carefully worked out to balance expenditure in 1923 at a time when issues from the section amounted to between 4 and 5 lakhs, when interest on capital (a heavy charge on this section) was about 3½ per cent. and before several items of the present overhead charges, *e.g.*, audit fee, had been levied. With the reduction in issues to about 2 lakhs and an increase in the rate of interest to over 5 per cent. it is obvious that this section must run at a loss. Practically speaking no economies in running the section can be made, for the direct charges are negligible and consequently the loss on the section can be reduced only by increasing the receipts, *i.e.*, the rate of surcharge, or by reducing the overhead charges the section has to bear.

4. The Government of India after careful consideration have come to the conclusion that neither of these alternatives is satisfactory. The first would merely transfer the expense to other departments of Government while the second would mean either imposing an undue proportion of overhead charges on the Workshop section or masking the full amount of overheads that falls on the office as a whole. There is however a third possible course, *i.e.*, to debit this Section with its fair share of overhead charges but to disregard any resulting loss and it is this course that has commended itself to the Government of India. Essentially this section is much more of the nature of a Service Department than of a Commercial Department. The conditions under which it works, that it has to maintain stocks of new or repaired instruments for departments which are bound to deal with it, and that it cannot adopt ordinary commercial methods of running, make the section much more like, say, the Stationery and Printing Department or the Indian Store Department.

5. The Government of India have therefore, in consultation with the Auditor General in India, sanctioned the separation of the commercial accounts of the Mathematical Instrument Office, Calcutta, into two portions, serviceable stores and workshops, each with its own Profit and Loss account, in order to secure a more reliable basis for determining the commercial success or failure of the office.

#### APPENDIX X.

**Memorandum on overhead costs of Salt at Sambhar and Khewra furnished by the Central Board of Revenue on the 27th August 1935.**

The Central Board of Revenue was asked to prepare a note for the Public Accounts Committee on the wide disparity between the overhead cost per maund of salt at Sambhar and at Khewra as displayed in the table contained in paragraph 91 of the Commercial Appendix to the Appropriation Accounts (Civil), 1933-34.

2. The attached table analyses in a convenient form the figures for these sources contained in the cost sheet which appears in paragraph 101 of that Appendix. It will be seen that the overhead cost per maund for 1933-34 was made up as follows :—

|                              | Sambhar.     |    |    | Khewra.      |    |    |
|------------------------------|--------------|----|----|--------------|----|----|
|                              | Annas. Pies. |    |    | Annas. Pies. |    |    |
| (1) Royalties .. ..          | 1            | 11 | 12 | 0            | 11 | 21 |
| (2) Service of Capital .. .. | 0            | 7  | 09 | 0            | 3  | 07 |
| (3) Other overheads .. ..    | 0            | 2  | 39 |              |    |    |
|                              | 2            | 8  | 60 | 1            | 2  | 28 |

It will be seen that the difference is more than covered by the royalties payable to the Jaipur and Jodhpur Durbars at Sambhar. There are no royalties payable at Khewra.

3. At Sambhar (a salt lake) salt is made by solar evaporation ; at Khewra it is extracted in the form of rock salt by mining. Not only are the overhead charges less at the former place, but so also is the prime cost (manufacturing or excavation, respectively). The result is that despite the heavy incidence of royalties, the combined cost of Sambhar salt is less than that of Khewra salt (3 as. 8.27 p. against 4 as. 4.93 p.). Physical differences account for the greater cheapness of Sambhar salt, both in prime cost and in general overheads ; this advantage is largely, but not wholly, removed by the royalties factor.

TABLE.

*Analysis of Overhead Costs, 1933-34.*

|                                                                                                                   | Sambhar.         |            |       | Khewra.           |            |       |
|-------------------------------------------------------------------------------------------------------------------|------------------|------------|-------|-------------------|------------|-------|
|                                                                                                                   | Total.           | Per maund. |       | Total.            | Per maund. |       |
|                                                                                                                   | Rs.              | As. P.     |       | Rs.               | As. P.     |       |
| (1) Royalties and Compensations                                                                                   | 8,63,866         | 1          | 11-12 | ..                | ..         | ..    |
| (2) Interest on capital and depreciation charges (less recoveries and interest on balances of depreciation funds) | 2,64,725         | 0          | 7-09  | 1,67,864          | 0          | 11-21 |
| (3) Other overheads .. ..                                                                                         | 89,381           | 0          | 2-39  | 46,088            | 0          | 3-07  |
|                                                                                                                   | 12,17,972        | 2          | 8-60  | 2,13,952          | 1          | 2-28  |
| Quantity produced .. ..                                                                                           | 71,73,280 maunds |            |       | 28,75,661 maunds. |            |       |

#### APPENDIX XI.

**Memorandum furnished by the Chief Controller, Indian Stores Department, showing some instances in which the operations of the Indian Stores Department have resulted in savings to the using departments.**

It will be appreciated that no reliable comparison of the operations of different purchasing agencies can be made unless it can be shown that tenders were called for at the same time for precisely the same goods,



and that packing, terms of delivery, method of payment and conditions of testing and inspection were identical. Such coincidences rarely occur, but generally it may be stated that the three chief factors which operate, either in combination or severally, to secure very low prices against Indian Stores Department tenders are—

- (1) The co-ordinating and bulking of demands.
- (2) The application of expert technical knowledge which leaves the purchasing agency free to depart with confidence from expensive proprietary types and qualities or special selections or preferences put forward by indenting officers.
- (3) The elimination of numerous varying designs and qualities and the adoption of a few standards for general use.

The following examples, typical of many, have been selected to show how in different circumstances and in different ways economies have been effected :—

- (1) An indent for an oil engine driven electric generating set was received, and as this set was required to be installed in a power station where a certain make of plant was already installed, the indenter preferred that the order should be placed for the same make of plant. Such preferences usually spell inflation of price by the particular manufacturer. The estimated cost given in the indent for the make of plant required was Rs. 47,387. Competitive tenders were called for by public advertisement, and tenders were received from the makers of the plant already installed and for other makes of plant. After consulting the indenter the order was placed for a different make of plant at a total cost of Rs. 37,872.
- (2) Electric lamps to the total value of approximately Rs. 7 lacs are purchased by hundreds of indentors throughout India against the Department's annual lamp contract. Under this contract the Indian Stores Department is able to obtain the best makes of lamps conforming to the standard specification at lower prices than any other purchaser in India. If each individual indenter out of the hundreds who require lamps, were to make his own purchases, he would have to pay at least 7½ per cent. more than the price which he is required to pay when purchasing against the Indian Stores Department's contract. In this way a total annual saving of at least Rs. 50,000 is effected.
- (3) An indent was received for the supply of 5 electrically driven bore hole pumps. This indenter had already made enquiries for these pumps, and in his indent specified that the Indian Stores Department should place the order with a certain maker at a total cost of Rs. 45,000. The indenter was addressed and was told that it was proposed to invite tenders, and certain essential information was called for to enable a specification to be drawn up. The indenter replied that the maker he had mentioned in his indent knew all about the requirements and asked that an order be

placed forthwith. The Indian Stores Department replied that it could not agree to this procedure and insisted on getting full information of the requirements. On receipt of this the Department called for public tenders, and with the indenter's approval an order was placed for another make of pump at a total cost of Rs. 25,837. This resulted in a saving of Rs. 19,163 or approximately 42 per cent. It is also of interest to note that following the experience with the make of pumps which was ordered at this lower price, the indenter afterwards asked the Indian Stores Department to place repeat orders for this cheaper make which had proved most satisfactory.

- (4) An indent was received from a large Government Department for electric cable. A proprietary brand was specified. The Indian Stores Department insisted on calling for public tenders, and placed the order for exactly similar cable at a price which showed a saving of Rs. 4,663 over the price quoted for the brand specified by the indenter.
- (5) Orders to the value of approximately Rs. 2 lacs are placed by the Indian Stores Department for train lighting batteries annually. Before the Indian Stores Department took over the purchase of these for certain large Government buyers, orders were confined to one or two well-known and well-tried proprietary brands. When the Indian Stores Department commenced to purchase, the indentors were pressed to try other reputable makes, and as a result of introducing this competition savings of at least 10 per cent. have been effected.
- (6) An indent was received for 30 electric sterilisers required for a certain hospital. The indenter specified a certain make and specially asked that the order should be placed for this make at a cost of Rs. 150 each. The Indian Stores Department invited competitive tenders and received a tender from another firm offering exactly the same make of sterilisers at Rs. 107-8-0 each. The order was placed at the cheaper price. In this way the Department obtained for the indenter exactly what he wanted at a saving of 29 per cent.
- (7) Large quantities of Electrodes are required by different Government Departments. The total purchases amount to approximately Rs. 1½ lacs. Before the Indian Stores Department purchased this material, each of the numerous indentors purchased his own individual requirements. The Indian Stores Department collects the requirements of each indenter and combines them. An annual contract is then made for the combined requirements. As a result of the Indian Stores Department's activities, the requirements of large and small users are arranged at a very low price. The saving effected to the larger buyers is in the neighbourhood of 10 per cent. and to the smaller users 30 per cent., as a result of the Indian Stores Department arranging an annual contract.

- (8) The Inspector General of a certain province had in former years placed his contracts for boots and leather equipment with a particular firm in Cawnpore. When this business was entrusted to the Indian Stores Department competitive tenders were invited with the ultimate result that a saving in expenditure amounting to 14 per cent. was effected, although the Indian Stores Department contract was placed with the same firm. Since that time still further reductions in prices have been made, and other sources of supply have been utilised.
- (9) The purchase of khaki pugree cloth for the Police force of another province was made at a price which was 30 per cent. lower than that previously paid by the Police when purchasing direct from an importing firm. The material purchased by the Indian Stores Department was of Indian manufacture and of a quality equal to the imported material. This reduction in cost was achieved by bulking the Police demand with that of the Army which amount to 16 lacs of yards annually.
- (10) Khaki drill is purchased by the various Departments of Government, and the aggregate quantity is very large. Formerly Departments, such as the Police, made their own purchases, and various imported cloths were bought. The very large annual requirements of the Army are purchased by the Indian Stores Department from an Indian mill, and for the past few years the practice has been to collect the requirements of indenting authorities all over India and to combine them with the Army demand. The total amounts to about 1½ million yards, and the smaller indenting authorities are now supplied with an Indian made cloth fully up to the imported standard of quality in prices ranging from 10 to 15 per cent. lower.
- (11) The Superintendent of a Jail placed an indent on the Indian Stores Department for a quantity of khaki twill cloth. This had formerly been purchased direct in an imported quality. The Indian Stores Department purchased an Indian made cloth of equal quality at a reduction in price of 9 per cent.
- (12) Khaki great coat cloth required by certain Police officers is now purchased from mills in India, whereas formerly imported material was used. The difference in price in favour of the Indian cloth is approximately 10 per cent. Another Police officer informed the Department that he was purchasing greatcoat cloth at Rs. 5-10-0 per yard. He was informed that the Indian Stores Department could purchase as good a quality from another Indian mill at Rs. 3-14-0 per yard. He wrote in reply that as a result of the information given to him his supplying mill had reduced the price to Rs. 4 per yard.
- (13) The Police Department of a certain province issues cotton banians to the Police, which they had been purchasing

- direct at Rs. 1-4-8 each. The Inspector-General was dissatisfied with the quality he was receiving, and hence the matter was referred to the Indian Stores Department who made arrangements for supplies of an improved quality of Indian make at Rs. 0-12-0 each. This accounts for a saving of Rs. 8,000 annually.
- (14) A certain Department of Government had been in the habit of making purchases of tents from a particular Jail. When this business was handled by the Indian Stores Department competitive tenders were called for, and contracts were made at prices 40 per cent. lower than those previously paid.
- (15) A certain State Railway had for some years entrusted its clothing contract to a particular firm of suppliers. When this business was undertaken by the Indian Stores Department proper specifications and drawings of all the items were framed and the business was given out to open competition, with the result that very substantial savings in expenditure have been made which are estimated to amount to Rs. 1,50,000 annually.
- (16) In purchasing carpets for certain State Railways the Indian Stores Department has been able to supplant imported carpets and to supply indigenous ones at a saving of about 20 per cent. in price.
- (17) The Indian Stores Department enters annually into a contract for supply of Indian made cement to indentors all over India. The approximate total value of cement delivered annually against this contract amounts to Rs. 16,00,000. A special discount of Rs. 3 per ton or roughly 6 per cent. is given to the Indian Stores Department.
- (18) A certain indenting authority had commenced negotiations for the supply of a very large quantity of insulating boards. A certain price had been mentioned, but when the matter was subsequently handled by the Indian Stores Department a reduction in price amounting to 8½ per cent. was obtained.
- (19) Every year the Indian Stores Department enters into a contract for the supply of lubricating and fuel oils for the State Railways and other indentors. In the past when these numerous indenting authorities had been making their own purchases there had been a tendency to confine the selections to certain tried proprietary brands. The contracting firms being aware of these preferences have been able to inflate prices. When the Indian Stores Department took over this business this situation was appreciated, and from that time on it has been the established practice to call a conference in the Indian Stores Department Head Office of the larger indenting authorities. In this way it has been possible to demonstrate to users the financial

effect of a persistent adherence to a particular brand, and the interchange of the results of practical experience of other types and brands of oil, coupled with test results obtained from the Government Test House, have been instrumental in breaking down these prejudices and in obtaining a very much lower general level of prices. It has been possible to compare the prices of the brands indented for with the prices of those actually purchased with the consent of the indenting authorities as a result of the Conference. The figures given below furnish this comparison :

| Year.   | Total purchases if brands asked for were given. | Total purchases of brands purchased. | Saving.  | Saving per cent. |
|---------|-------------------------------------------------|--------------------------------------|----------|------------------|
|         | Rs.                                             | Rs.                                  | Rs.      |                  |
| 1929-30 | 1,06,999                                        | 70,590                               | 36,409   | 34.0             |
| 1930-31 | 6,40,086                                        | 6,18,316                             | 21,770   | 3.4              |
| 1931-32 | 31,269                                          | 27,394                               | 3,875    | 12.4             |
| 1932-33 | 9,22,178                                        | 7,99,782                             | 1,22,396 | 13.3             |
| 1933-34 | 12,31,164                                       | 11,01,345                            | 1,29,819 | 10.5             |
| 1934-35 | 3,818                                           | 2,656                                | 1,162    | 30.4             |

A contract is arranged annually for the supply of an indigenous oil to Railways on a sliding scale of rates varying on quantities drawn during the year. The following statement shows the savings effected by the bulking of demands for various Railways :

| Year.   | Total cost if Railways purchased direct individually. | Total cost by purchasing through the Indian Stores Department. | Saving.  | Saving per cent. |
|---------|-------------------------------------------------------|----------------------------------------------------------------|----------|------------------|
|         | Rs.                                                   | Rs.                                                            | Rs.      |                  |
| 1929-30 | 11,10,821                                             | 8,68,460                                                       | 2,42,361 | 21.8             |
| 1930-31 | 5,48,550                                              | 4,26,650                                                       | 1,21,900 | 22.2             |
| 1931-32 | 7,48,125                                              | 5,81,375                                                       | 1,66,750 | 22.3             |
| 1932-33 | 4,99,533                                              | 4,25,135                                                       | 74,398   | 14.9             |
| 1933-34 | 6,16,823                                              | 5,50,396                                                       | 66,427   | 10.7             |
| 1934-35 | 8,56,107                                              | 7,63,911                                                       | 92,196   | 10.8             |

The services of the Stores Department are utilised by officers of all the Provincial Governments in India more or less for the purchase of their requirements. Though the Local Governments are entirely autonomous in this respect, the Bombay Government have laid down that all purchases in India above Rs. 500 each in value shall be made through the agency of the Indian Stores Department subject to executive orders regarding purchase of stores from Jails or Government Workshops or the Stationery Department not being affected. As regards the purchase of certain classes of stores through the Local Government's Stationery Department, the question was recently examined in a conference of Divisional Commis-

sioners in the Presidency. The finding of this conference, an extract of which follows, is illuminating :—

“ We have the honour to report that we have discussed in conference the question referred to us under Government Memorandum, Finance Department No. 393-B., dated the 22nd December 1934. The heads of departments, the Collectors of Districts and in some cases the District Judges have been consulted. As to the first point referred to us whether supply be centralised or decentralised, the consensus of opinion appears to be that the cloth supplied by the Superintendent of Stationery is not satisfactory. It does not wear well and the coloured cloth is reported to fade in a short time. The Inspector-General of Police reports that if the supply of cloth is entrusted to the Indian Stores Department, he would agree to centralisation of supply, but not otherwise. The Inspector-General of Police's opinion is supported by the Manager, Photo Zinco Press, who indents on the Indian Stores Department Circle, Bombay, for large quantities of cotton cloth. He states that a special textile section under a textile expert for the purchase of textile goods is attached to the Indian Stores Department and that he has been satisfied with the quality of the material and with the very reasonable price quoted. We are of opinion that in future all supplies should be obtained from the Indian Stores Department Circle, Bombay.”

The Central Provinces Government have also ordered that “ in the case of purchases in India above Rs. 500 in value indenting officers must use the agency of the Stores Department unless they can show that they can themselves purchase the materials more cheaply or, in a case of urgency, more expeditiously.”

The Accountant-General, Madras, drew the attention of his Government to the advantages which might be gained by the Jails in that Presidency by utilising the Indian Stores Department annual contracts. The Madras Government issued orders to the Inspector-General of Prisons to utilise the contracts of this Department. The Accountant-General also reported in the Appropriation Report for 1931-32 a few instances of losses sustained by the direct purchase of stores by certain officers of the Madras Government instead of obtaining their requirements against the contracts arranged by this Department. Extracts from a letter from the Accountant-General, Madras, to the Inspector-General of Prisons and from the Report of the Public Accounts Committee on the accounts of 1931-32 are attached.

The Indian Stores Department has for some years past been receiving an increasing number of demands from Indian States, Municipalities and District Boards for such materials as fuel oil, lubricating oil, petrol, cement road dressing materials, etc. Details of purchases made for these authorities will be found in the Annual Reports of the Department.

Requests are also occasionally received from the authorities of Colonial Governments and the Crown Agents for the Colonies for the purchase and inspection of their requirements. Several private firms and public utility companies have also expressed a desire to be permitted to utilise the contracts arranged by this Department, which, however, cannot be permitted under the rules. These demands for our assistance are conclusive evidence

that these authorities find it to be more economical to make their purchases through this Department than to purchase direct.

A detailed examination of our past records would furnish material for many more instances of savings which have been effected in the expenditure of using Departments through the operations of the Indian Stores Department, but as this examination would take considerable time it is thought that the instances herein quoted will suffice for the purpose the Public Accounts Committee have in view. It will also be remembered that the working of the Indian Stores Department was the subject of a critical and searching examination by the Retrenchment Committee in 1931, and the findings of that Committee which are fully recorded in their report were entirely favourable to this Department.

EXTRACT FROM THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE (GOVERNMENT OF MADRAS) ON THE ACCOUNTS OF 1931-32.

Section III—Comments on general matters arising out of the present report.

20. PURCHASE OF STORES.

(Page 204—Paragraph 6 of the Accountant-General's Report.)

The instructions issued by the Government in regard to the purchase of stores require *inter alia* that indenting officers, when calling for tenders, should also consult the Indian Stores Department, Delhi, so that indents may be placed through that department.

The Accountant-General has reported that in the following three cases loss to the extent of Rs. 2,595 was sustained by Government due to the non-observance of these instructions :—

(i) In one division, 110 tons of Charminar brand of cement were purchased during 1930-31 and 1931-32 from a firm at Rs. 48 and Rs. 49/4/0 per ton, respectively, though the Indian Stores Department had entered into a contract with the same firm for the purchase of cement during the above period at Rs. 36/12/0 and Rs. 40 per ton, respectively. As the purchase in question was not effected through the agency of the Indian Stores Department, the firm declined to receive payments at lower rates. The head of the department has impressed on the divisional officers the need to utilize the agency of the Indian Stores Department, if the rates notified by it are found advantageous.

(ii) In another division, the tender for the supply and delivery of 62 tons of Lakshmi brand cement at Rs. 64/8/0 per ton in preference to the Charminar cement at Rs. 54/8/0 per ton was accepted on the ground that a consignment of the latter brand received on a previous occasion was found "to be setting within 10 to 15 days". The head of the department, however, agreed with the Superintending Engineer, that to declare Charminar cement unsatisfactory because a supply of four bags received in October 1930 was found to be

setting within 10 to 15 days was a hasty decision and observed that orders regarding the general purchase of Charminar cement had already been issued in 1926 and that necessary precaution to receive the supplies in water-proof bags during the monsoon season so as to prevent setting should have been taken by the Divisional Officer.

(iii) In a third division, 88 tons of Lakshmi brand cement were purchased at Rs. 67/3/0 per ton, while the rate notified by the Indian Stores Department for the supply and delivery of Charminar cement was only Rs. 58 per ton.

The following note was placed before us by Government :—

"In December 1929 the Government observed that indenting officers did not make sufficient use of the agency of the Indian Stores Department, Delhi, for the purchase of articles manufactured in India and drew their attention to the system of "rate" and "running" contracts which had been entered into by the Indian Stores Department for a large variety of stores and desired that indenting officers when calling for tenders should also consult the Indian Stores Department, Delhi, so that contracts might be placed with them if the rates quoted by them were found to be economical. These instructions are generally followed by the officers of the Department.

"As regards the three cases mentioned by the Accountant-General, further detailed enquiries go to show that in the first case, cement for works in the division was required in small quantities and at different times of the year and it was therefore not possible to forecast the annual requirements in advance for arrangements being made through the Indian Stores Department.

In the second case the works for which the cement was required were very urgent—they were in connection with the repair of cyclone damages. The Divisional Officer did not, therefore, consult the Indian Stores Department, but obtained the approval of the Superintending Engineer for the purchase of Lakshmi brand cement.

In the third case, the cement was required for a large number of closure and repair works which were extremely urgent, as they had to be carried out before the advent of the South-West monsoon, and it was not therefore possible to indent and wait for a particular brand of cement.

In the circumstances, the Government have considered it unnecessary to enforce pecuniary liability on the officers concerned."

We concur in the views of the Chief Engineer in regard to the purchase of Lakshmi brand cement in preference to the Charminar cement [item (ii) above] that the Superintending Engineer's order displayed an error of judgment.

We consider that the proposal that the Indian Stores Department should be addressed in order to ascertain whether, when small indents are placed with the local stockists, the benefit of "running" contract rates could not be obtained should be further examined and that in the mean while, all quantities of cement should be sought to be obtained through the Indian Stores Department, before orders are actually placed with the local stockists.

EXTRACT FROM LETTER NO. T-12-JAILS-1-22-392, DATED THE 17TH JULY 1931, FROM THE ACCOUNTANT-GENERAL, MADRAS (T. 12 SECTION), TO THE INSPECTOR-GENERAL OF PRISONS, OOTACAMUND.

SUBJECT :—Purchase of stores for Jails through the agency of the Indian Stores Department.

With reference to the correspondence ending with your letter No. 11534, dated 7th July 1931 on the above subject, I have the honour to observe that, though the distinct advantages of purchase of stores through the agency of the Indian Stores Department were realised by the Jail Department when arrangements with the Indian Stores Department for the supply of crude oil to the Alipuram Jail from 1st April 1930 were approved by the Inspector-General of Prisons, no action was taken to obtain similar supplies to the Central Jail, Coimbatore through Indian Stores Department. The result is that the Alipuram Jail was obtaining its supplies of the oil from 1st April 1930 to 14th September 1930 at Rs. 53/6/0 per ton, and from 15th September 1930 to date at Rs. 60 per ton, while the Central Jail, Coimbatore, was getting its supplies at Rs. 70 per ton direct from the Madras Branch of the Burmah Shell Oil Storage and Distributing Co. of India Ltd.

2. As a result of enquiry made in audit, steps have since been taken to obtain the requirements of diesel-oil to the Central Jail, Coimbatore, through Indian Stores Department, only from the second week of February 1931.

## Report of the Public Accounts Committee on the accounts of 1933-34.

### PART II—RAILWAY ACCOUNTS.

#### Position as regards estimating and control of expenditure.

1. The following table compares the original estimates made before the beginning of the year, the revised estimates prepared near its end and the actual results :—

|                                                  |    |    |    | (In lakhs of Rs.) |          |          |
|--------------------------------------------------|----|----|----|-------------------|----------|----------|
|                                                  |    |    |    | Budget.           | Revised. | Actuals. |
| (1) Traffic Receipts (less refunds)              | .. | .. | .. | 87.00             | 86.50    | 86.63    |
| (2) Miscellaneous Receipts                       | .. | .. | .. | 2.26              | 2.19     | 2.07     |
| (3) Working Expenses                             | .. | .. | .. | 63.10             | 63.04    | 63.06    |
| (4) Miscellaneous Expenditure                    | .. | .. | .. | 1.00              | 1.03     | 1.02     |
| (5) Interest charges                             | .. | .. | .. | 32.93             | 32.40    | 32.58    |
| (6) Surplus (+), Deficit (—)                     | .. | .. | .. | —7.77             | —7.78    | —7.96    |
| (7) Contribution to general revenues             | .. | .. | .. | ..                | ..       | ..       |
| (8) Payments to (+), withdrawal from (—) Reserve | .. | .. | .. | ..                | ..       | ..       |
| (9) Loans from the Depreciation Fund             | .. | .. | .. | 7.77              | 7.78     | 7.96     |

2. The budget estimates for 1933-34 anticipated a net deficit of Rs. 7.77 lakhs which was increased to 7.78 lakhs in the revised estimate. The actuals proved to be slightly worse resulting in a deficit of Rs. 7.96 lakhs which was met by a loan from the Depreciation Fund. As in the past two years, the prescribed contribution to general revenues could not be paid during the year under review. The figures in the above table show

that the variations between the actuals and the Budget and Revised estimates are very small. The deterioration of 18 lakhs as compared with the revised estimate was principally due to increased interest charges on account of actual rate of interest on capital expenditure being more than the rate adopted in the estimates.

3. The following table compares the final voted grants with the expenditure against those grants :—

| expenditure against those grants :—                             |       |                 |                           | (Lakhs of rupees). |                          |                    |
|-----------------------------------------------------------------|-------|-----------------|---------------------------|--------------------|--------------------------|--------------------|
| Voted.                                                          |       | Original grant. | Supple-<br>mentary grant. | Final grant.       | Actual Expendi-<br>ture. | Excess + Savings—. |
| <i>Expenditure charged to Revenue.</i>                          |       |                 |                           |                    |                          |                    |
| 1. Railway Board                                                | .. .. | 8.31            | ..                        | 8.31               | 8.02                     | —0.29              |
| 2. Inspection                                                   | .. .. | .82             | ..                        | .82                | .70                      | —0.12              |
| 3. Audit                                                        | .. .. | 12.30           | .60                       | 12.90              | 12.77                    | —0.13              |
| 4. Working Expenses—<br>Administration                          | .. .. | 10,30.00        | ..                        | 10,30.00           | 10,34.63                 | +4.63              |
| 5. Working Expenses—<br>Repairs, Maintenance and Opera-<br>tion | .. .. | 38,12.50        | 4.75                      | 38,17.25           | 38,11.38                 | —5.87              |
| 6. Working Expenses—<br>Payment of Surplus Profits              | .. .. | 54.00           | 2.50                      | 56.50              | 56.65                    | +0.15              |
| 9. Appropriation to Depreciation<br>Fund                        | .. .. | 13,75.00        | ..                        | 13,75.00           | 13,56.48                 | —18.52             |
| 11. Miscellaneous Expenditure                                   | .. .. | 5.00            | 1.20                      | 6.20               | 4.59                     | —1.61              |
| 14. Interest Charges                                            | .. .. | 2.83            | ..                        | 2.83               | 2.81                     | —0.02              |
| <i>Expenditure charged to Capital and Depreciation Fund.</i>    |       |                 |                           |                    |                          |                    |
| 7. New Construction                                             | .. .. | 31.25           | ..                        | 31.25              | 21.72                    | —9.53              |
| 8. Open line works                                              | .. .. | 8,92.00         | 1                         | 8,92.01            | 5,80.99                  | —3,11.02           |
| 10. Appropriation from<br>Depreciation Fund                     | .. .. | 7,77.12         | 9.99                      | 7,87.11            | 8,05.33                  | +18.22             |

4. The non-voted appropriations sanctioned by the Government of India and the expenditure against those appropriations are given below :—

| Non-Voted.                                                |       | Original<br>Appropriation. | Supple-<br>mentary<br>Appropriation. | Final<br>Appropriation. | (Lakhs of rupees).       |                            |
|-----------------------------------------------------------|-------|----------------------------|--------------------------------------|-------------------------|--------------------------|----------------------------|
|                                                           |       |                            |                                      |                         | Actual Expendi-<br>ture. | Excess (+)<br>Savings (—). |
| <i>Expenditure charged to Revenue.</i>                    |       |                            |                                      |                         |                          |                            |
| 1. Railway Board                                          | .. .. | 4.19                       | —0.19                                | 4.00                    | 4.00                     | .. ..                      |
| 2. Inspection                                             | .. .. | 2.28                       | —0.24                                | 2.04                    | 2.03                     | —0.01                      |
| 3. Audit                                                  | .. .. | 4.25                       | —0.02                                | 4.23                    | 4.23                     | .. ..                      |
| 4. Working Expenses—Administra-<br>tion                   | .. .. | 1,05.50                    | 7.51                                 | 1,13.01                 | 1,12.99                  | —0.02                      |
| 5. Working Expenses—Repairs,<br>Maintenance and Operation | .. .. | 1.00                       | .27                                  | 1.27                    | 1.25                     | —0.02                      |
| 11. Miscellaneous Expenditure                             | .. .. | 9.10                       | .51                                  | 9.61                    | 9.56                     | —0.05                      |
| 14. Interest Charges                                      | .. .. | 32,90.37                   | —53.22                               | 32,37.15                | 32,55.16                 | +18.01                     |
| <i>Expenditure charged to Capital.</i>                    |       |                            |                                      |                         |                          |                            |
| 7. New Construction                                       | .. .. | .75                        | —0.18                                | .57                     | .65                      | +0.08                      |
| 8. Open line works                                        | .. .. | 1.00                       | 2.20                                 | 3.20                    | 2.46                     | —0.74                      |
| Discharge of Debentures                                   | .. .. | ..                         | 20.23                                | 20.23                   | 20.23                    | .. ..                      |

5. *Excesses over voted grants.*—The excesses over voted grants which require to be regularised by excess votes of the Legislative Assembly are shown below :—

| Demand No.                                                                    | Final grant. | Actual expenditure. | Excess.   |
|-------------------------------------------------------------------------------|--------------|---------------------|-----------|
| 4. Administration .. .. .                                                     | 10,30,00,000 | 10,34,63,107        | 4,63,107  |
| 6. Companies' and Indian States' share of surplus profits and net earnings .. | 56,50,000    | 56,65,149           | 15,149    |
| 10. Temporary withdrawals from Depreciation Fund .. .. .                      | 7,87,11,000  | 8,05,33,325         | 18,22,325 |

The excess under Demand No. 4 was mainly due to an unexpected payment of Municipal rates and taxes on the Eastern Bengal and Great Indian Peninsula Railways, to larger contributions for hospitals and medicines and to the charges in respect of special class apprentices having been debited to this Demand instead of to Demand No. 11. A larger increase in the earnings of certain branch line companies than anticipated caused the excess under Demand No. 6. The excess under Demand No. 10 represents the increase in the deficit of the Railways. The percentages of the excesses in the three cases are 4, 3 and 2.3 respectively. There were excesses during the year under three Demands against four in the preceding year. We recommend that the Assembly should assent to the excess demands which will be placed before them by Government in due course.

6. The excesses over non-voted appropriations were only two during 1933-34 as against six in 1932-33.

7. Taking the total railway expenditure both voted and non-voted, there was a saving of 4 lakhs or .04 per cent. under expenditure charged to revenue and a saving of 3.03 lakhs or 17.42 per cent. under capital expenditure. The position in this respect compares as follows with the last three years :—

*Expenditure charged to revenue (excluding appropriations to and from the Reserve Fund).*

| Year.           | Final grant and appropriation. | Savings. | Percentage of column (3) to column (2). |
|-----------------|--------------------------------|----------|-----------------------------------------|
| 1930-31 .. .. . | 1,05,11                        | —2.98    | 2.83                                    |
| 1931-32 .. .. . | 1,01,38                        | —4.24    | 4.15                                    |
| 1932-33 .. .. . | 97,36                          | —37      | 35                                      |
| 1933-34 .. .. . | 96,81                          | —4       | .04                                     |

*Expenditure charged to Capital and Depreciation Fund.*

| Year.           | Final grant and appropriation. | Savings. | Percentage of column (3) to column (2). |
|-----------------|--------------------------------|----------|-----------------------------------------|
| 1930-31 .. .. . | 25,74                          | —1.14    | 4.39                                    |
| 1931-32 .. .. . | 29,18                          | —4.95    | 16.96                                   |
| 1932-33 .. .. . | 19,55                          | —2.66    | 13.60                                   |
| 1933-34 .. .. . | 17,34                          | —3.03    | 17.42                                   |

Under expenditure charged to revenue the variation in the total as compared with the final allotment amounted to .04 per cent. only and

the variations in the totals of the individual demands also were not large. This result was, however, achieved in many cases by large excesses counterbalancing large savings within the Demands. We also noticed several cases where either no funds were allotted for expenditure which could reasonably have been foreseen and provided for or insufficient or excessive provision of funds was made. We realise that, in a large concern like the Railways, the Railway Board has to work on the totals of each demand rather than on individual subheads. We also realize that original estimates may be subject to alteration on account of unforeseen items, such as, larger or smaller volume of traffic than originally estimated, accidents, floods, etc. Even after making allowance for all these, we are of opinion that there is considerable room for improvement. The Railway Administrations should see that the totals allotted by the Railway Board are distributed among the individual subheads with greater accuracy.

Under Demands for capital expenditure on the other hand even the total expenditure diverged very far indeed from expectations. For example, under Demand No. 8, the total expenditure amounted only to 5.81 lakhs against an allotment of 8.92 lakhs. We were told by the Financial Commissioner that the capital programme was settled several months in advance, that it was very difficult for Railway Administrations to make accurate estimates so much in advance and that many factors entered into the picture over which Railways had little control. The Financial Commissioner has informed us that he is drawing the attention of all Railway Administrations to the large difference between the amounts they have been demanding and the amounts they have been actually able to spend and that he will endeavour to correct the tendency to overestimating in preparing the programmes for 1936-37. We consider that the Railway Board should take all possible steps to secure greater accuracy in estimating.

While examining the question of the control of the Railway Board over Railway Administrations we have considered whether a more effective control could not be exercised if the Board were enabled, by a further delegation in minor matters, to relieve themselves of any necessity for interfering in questions of detail and so to leave themselves free to concentrate on securing effective control in matters of first class financial importance.

8. *Irregular reappropriations.*—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 and every reappropriation within a grant which is not in accordance with the prescribed rules. During the year under review the following reappropriations were sanctioned by Railway Administrations which were not strictly within the powers delegated to them :—

(1) *Grant No. 4.*—The Bengal and North-Western Railway reappropriated Rs. 16,000 from the sub-head "Worked Lines" to the sub-heads "Establishment" and "Miscellaneous".

(2) *Grant No. 5.*—The Bengal and North-Western Railway transferred Rs. 69,000 from the sub-head "Worked Lines" to the sub-heads "Repairs and Maintenance" and "Operation other than fuel".



- (3) *Grant No. 6.*—In allotting the sum of Rs. 13,48,000 to the Bombay, Baroda and Central India Railway under this head the Railway Board omitted by oversight to distribute it under the two sub-heads of the grant. The Railway Administration made good this omission and distributed the total between the two sub-heads. Though this was the right thing to do, it was technically incorrect.
- (4) *Grant No. 8.*—The North-Western Railway made a reappropriation of Rs. 2,48,000 between works costing over one lakh each and other works. Two other Railways made reappropriations between track renewals and other sub-heads, namely, the Assam-Bengal Railway to the extent of Rs. 56,000 and Bengal-Nagpur Railway to the extent of Rs. 29,000.

*Financial position of the Railways.*

9. The total deficit during the years 1931-32 to 1934-35 amounted to about Rs. 32 crores. In 1935-36 the budget anticipated a deficit of only Rs. 2 crores, but judging from the actuals of the first few months it appears that the deficit will be much greater unless there is considerable improvement in earnings during the remaining months of the year. The position is actually more disquieting than these figures indicate, because under the present accounting system certain expenditure which according to sound financial principles should be charged to revenue is being charged to capital. The Auditor General in his letter forwarding the Appropriation Accounts to the Government of India says as follows :—

“ In paragraph 42 of his Review the Financial Commissioner expresses regret that it has not been possible to proceed much further with the examination of various important questions essential to a proper financial settlement for Railways, such as the correct amount to be set aside for depreciation, the principles of allocation of expenditure between capital and revenue, and the amortisation of railway capital at charge. In paragraph 9 (b) of my letter submitting the Railway Appropriation Accounts for the year 1930-31 I drew attention to certain paragraphs (paragraphs 208—213) of the Audit Report which discussed disquieting tendencies towards over-capitalisation, and I emphasised the necessity of immediate examination of the problem so that Government should be prepared with a well-considered scheme in connection with the setting up of a Railway authority under the new constitution. In paragraph 28 of their Report on the Appropriation Accounts of 1930-31 the Public Accounts Committee stressed the necessity of early decision on the various problems thus indicated. The tendencies towards over-capitalisation that were brought to notice three years ago are still in operation, and during these three years net Railway earnings have failed to meet interest charges by 27.39 crores. Evidences of improvement are unhappily still uncertain. In the meantime, the preparation of the scheme for Railways under the new constitution must be in an advanced stage, while, according to the admission of the Financial Commissioner, Railways, the complicated financial problems connected with this scheme are still far from settlement. This is a position which seems to me to be exceedingly unsatisfactory.”

We were informed that the whole question of Railway finance was engaging the serious attention of the Government of India. There was no difficulty in arriving at a theoretical solution of the problems of allocation between capital and revenue. Ideally, the depreciation fund ought to be turned into a reserve for renewals and minor improvements and a definite provision for amortisation should be made out of revenue. The former would involve an increased allocation of something like 2 crores a year to cover expenditure which is at present being wrongly charged to capital while the latter ought to be something like 5 crores a year. The trouble was however that the Railways were failing to meet from Revenue their ordinary interest charges even on the present basis of charge. The deficit on this account was nearly 8 crores in 1933-34, about 5 crores in 1934-35 and in February 1935 it was estimated at 2 crores for 1935-36. But it is now clear that what appeared to be a process of continuous improvement has suffered an interruption and that unless the remaining months of this year show a great change, the deficit for 1935-36 may not be materially less than that for the preceding year. Even so, as has already been pointed out, this understates the real position by something like 2 crores. The question thus becomes not so much one of a slow tendency to over-capitalisation because of a somewhat lax accounting system but of the inability of the railways as a whole to show a profit even on the present system. To this matter we devoted a great deal of attention. We were informed that interest charges would show a gradually declining tendency and might in 5 years time fall by about 2 crores. We understand moreover that the new scales of pay for new entrants will ultimately produce a saving of about 3 crores a year but this will of course take a whole generation to mature fully. Apart from these, the Railway Board think that no more than economies of a minor administrative order are now obtainable. There is obviously not in these any assurance of a return to solvency in a measurable time, much less of any surplus for amortisation of debt or contribution to general revenues and, if the position is as stated by the Railway Board, solvency can only be restored by increasing traffic receipts. We are well aware that a restoration of economic prosperity is the most satisfactory means of effecting this but we do not see in the present condition of world affairs any certitude that this will be at all rapid. We think therefore that it is vitally necessary that the Railway Board should conduct an exhaustive review of their freight and fares policy and should consider every possible means of increasing their revenue. Apart from what is normally understood by reviewing freight policy, we urge that they should press on with their consideration of the steps required to meet road competition. We do not at all intend to imply that the expenditure side should be neglected. We are most reluctant to accept the Railway Board's estimate of the possible further economies and we think that the search for them must be relentlessly pursued. But we are prepared to believe that an increase of receipts is, in present circumstances, likely to be the more important factor in the restoration of financial stability.

Incidentally some of us would like to call attention to the fact that Railway Finances are being made the instrument of Government policy towards particular industries with the result that burdens are thrown on the Railways which ought to fall on the general taxpayer. An instance of this is the reduction of the output of Railway collieries to help the Indian coal industry. We were informed that, if Railway collieries are worked to their full capacity, the Railways will be able to produce coal at least as



cheaply as the market rate and thus avoid a loss in the working of the collieries amounting approximately to 12 lakhs. On the assumption that this statement is correct, a considerable proportion of us feel that it is not right that a commercial concern like the Railways should be made to subsidise the coal industry.

We hope we have made clear that we regard immediate and continuous attention to the solution of these problems as of vital importance to Indian interests. Some of the non-official Members wish to place on record their views in regard to the failure to press to an earlier conclusion an examination of the working of the separation convention. Under the Resolution passed by the Assembly regarding the separation of railway from general finance, the convention should have been revised periodically after being tried provisionally for at least 3 years. The explanation given by the Financial Commissioner for not revising the convention is recorded in paragraph 3 of the proceedings. If however the convention had been revised earlier, the question of the proper allocation of expenditure between capital and revenue would have come up for consideration earlier and an examination of the question of allocation between capital and revenue could not have failed to disclose that the surplus was really less than it appeared to be under the old allocation. In the face of this, it is doubtful whether Government would have felt justified in embarking on the very large capital expenditure of the "prosperity" years. In that case the unremunerative capital at charge would clearly have been reduced and the present financial problems would have assumed a less intractable aspect.

#### Miscellaneous.

13. The Director of Railway Audit has brought to our notice a case in which the North-Western Railway were unable to recover from the auctioneers about Rs. 44,000, being the sale proceeds of scrap metal auctioned. The decree obtained by the Railway Company could not be enforced as the debtors were paupers. The Director of Railway Audit reports that in this case (1) the agreement was not signed by each member of the firm of auctioneers as required by the rules, and (2) the Railway Administration did not exercise its right of not allowing the removal of the auctioned material until the full amount due had been received from the auctioneers. We recommend that the Railway Board should issue necessary instructions with a view to avoid such omissions in future and they should also impress upon the Railway Administrations that proper care should be taken in selecting auctioneers.

14. We understand from the Auditor General that the Railway Codes are generally out of date. We agree with him that the Railway Board should immediately take up their revision and complete it before the new Statutory Railway Authority comes into existence.

15. While going through the Quarterly Statement of outstanding items, we found that the departments generally took a considerable time in taking action on the recommendations of the Committee. The departments should try to avoid such delays in future. In this connection, we recommend that a special meeting of the Committee should be held some time during the Delhi session, if so desired by the members, to examine the action taken by the departments on the various recommendations and suggestions of the Committee.

16. We append to our report minutes of the 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 the department on the observations and recommendations contained in these proceedings.

P. J. GRIGG.

B. DAS.

S. SATYAMURTI.

N. G. RANGA.

THEIN MAUNG.

MR. YAKUB.

J. RAMSAY SCOTT.

SHER MR. KHAN.

BHAI PARMA NAND.

R. D. DALAL.

S. C. MUKHERJEE.

FAZL-I-HAQ PIRACHA.

K. SANJIVA ROW,

14th September 1935.

Proceedings of the 12th and 13th meetings of the Public Accounts Committee held on Thursday, the 22nd August, 1935, at 11 A.M. and 2.30 P.M., respectively.

#### PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.

Mr. B. DAS, M.L.A.

Mr. S. SATYAMURTI, M.L.A.

Professor N. G. RANGA, M.L.A.

Dr. THEIN MAUNG, M.L.A.

Mr. J. RAMSAY SCOTT, M.L.A.

Maulvi Sir MOHAMMAD YAKUB, Kt., M.L.A.

Captain SHER MOHAMMAD KHAN, C.I.E.,  
M.B.E., M.L.A.

Bhai PARMA NAND, M.L.A.

Dr. R. D. DALAL, M.L.A.

Rai Bahadur Sir SATYA CHARAN MUKHERJEE,  
Kt., C.B.E., M.L.A.

Khan Sahib Shaikh FAZL-I-HAQ PIRACHA,  
M.L.A.

*Members.*

Mr. A. C. BADENOCH, C.I.E., I.C.S.,  
Auditor General.

Mr. B. NEHRU, Director of Railway Audit.

} Were also  
present.

Mr. P. R. RAU, Financial Commissioner,  
Railways.

Mr. T. S. SANKARA AIYAR, Director of  
Finance.

Mr. V. S. SUNDARAM, Controller of  
Railway Accounts.

} Witnesses.

6. The Committee continued the general discussion on the financial position of the Railways and then took up the various points mentioned in the Auditor General's letter.

7. Paragraph 3 of the Auditor General's letter.—The Committee agreed with the Auditor General that certain comments on defects in budgeting and in current control of expenditure, which are included in this year's report of the Director of Railway Audit, should in future be included in the Financial Commissioner's review. The Committee also desired that the Financial Commissioner should take steps to see that the appropriation accounts reached the Auditor General on the due date.

8. Paragraph 6 of the Auditor General's letter—Financial irregularities.—(i) Paragraph 58 of the Audit Report.—The Auditor General stated that the Agent of the particular Railway admitted the mistake and assured him that he had taken steps to secure that it would not occur again.

(ii) Paragraph 59 of the Audit Report Allocation of expenditure on rolling stock.—The Financial Commissioner explained that most of the Railways had accepted the revised classification, and that he thought the new formula proposed by them would probably be accepted by all without much difficulty.

(iii) Paragraph 138 of the Audit Report.—Some of the members of the Committee felt that the loss to Railways in this case was due to proper care not having been exercised in selecting auctioneers. The Committee desired that instructions should be issued by the Railway Board—

- (a) that proper care should be exercised to select auctioneers of certain financial standing ;
- (b) that the auctioned material should not be allowed to be removed until the full amount had been received from the auctioneers ; and
- (c) that the agreements with the auctioneers should be signed by duly authorised persons.

9. The Committee then went into the other paragraphs of the Audit Report mentioned in paragraph 6 of the Auditor General's letter.

The Committee then adjourned till 11 A.M. on Saturday, the 24th August 1935.

Proceedings of the 15th meeting of the Public Accounts Committee held on Saturday, the 24th August, 1935, at 11 A.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.

Mr. B. DAS, M.L.A.

Mr. S. SATYAMURTI, M.L.A.

Professor N. G. RANGA, M.L.A.

Dr. THEIN MAUNG, M.L.A.

Maulvi Sir MOHAMMAD YAKUB, Kt., M.L.A.

Captain SHER MOHAMMAD KHAN, C.I.E., M.B.E.,  
M.L.A.

Bhai PARMA NAND, M.L.A.

Dr. R. D. DALAL, M.L.A.

Rai Bahadur Sir SATYA CHARAN MUKHERJEE, Kt.,  
C.B.E., M.L.A.

Khan Sahib Shaikh FAZL-I-HAQ PIRACHA, M.L.A.

Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor General.

Mr. B. NEHRU, Director of Railway Audit.

Mr. P. R. RAU, Financial Commissioner of Railways.

Mr. T. S. SANKARA AIYAR, Director of Finance.

Mr. V. S. SUNDARAM, Controller of Railway Accounts.

} Members

} Were also  
present.

} Witnesses.

10. The Chairman brought to the notice of the Committee certain unauthorised and improper press reports of the proceedings of the Committee. The Committee desired that the Secretary should issue a statement to the effect that the reports were not only unauthorised and improper, as the proceedings were private, but also completely inaccurate.

11. The question of the codification of the Railway rules and regulations was then taken up. The Auditor General informed the Committee that the Railway codes were generally out of date and expressed the opinion that, in fairness to the new Railway Authority, they should be revised and brought up to date before that authority came into existence. The Committee agreed with the Auditor General and desired that this matter should be taken up immediately by the Railway Board.

Sir MAURICE BRAYSHAY, Kt., Chief Commissioner of Railways.

Mr. P. R. RAU, Financial Commissioner, Railways.

Mr. T. S. SANKARA AIYAR, Director of Finance.

Mr. V. S. SUNDARAM, Controller of the Railway Accounts.

Witnesses.

14. *Unanticipated credits*.—Under grant No. 5 there were unanticipated credits to the extent of about 29 lakhs which were utilised for expenditure, and but for the utilisation of these credits a supplementary grant of about 23 lakhs from the legislature would have been necessary. The Committee was informed that, according to the previous recommendation of the Public Accounts Committee, 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 has to be obtained, as grants were voted net, however, it was not constitutionally unlawful to appropriate unanticipated credits to increased expenditure. Under this grant it was not a case of incurring fresh expenditure which would not have been incurred but for the credits, but an excess over ordinary expenditure in the closing months of the year which in the ordinary course would have led to an excess grant. The excess would have been 23 lakhs in an estimate of over 30 crores.

15. The Committee discussed with the Chief Commissioner the general administration of the Railways and their financial position, especially the steps that might be taken to improve revenue, reduce working expenses, increase the facilities for third-class passengers and to meet the rail-road competition.

16. While examining the financial position of some of the railways, the Committee was informed that the railways were at present granting certain special concessions as a result of the general policy of the Government of India. The Committee desired to have a note from the Railway Department showing to what extent these concessions reduced the Railway earnings. One instance of this is reducing the output of railway collieries to subsidise the Indian coal industry. The Committee was informed that, if railway collieries were worked to their full extent, the railways would be able to produce coal at least as cheaply as the market rate, and thus avoid a loss on working of Railway collieries amounting roughly to about twelve lakhs. On the assumption that this statement was correct, a considerable proportion of the members of the Committee expressed the opinion that railway collieries should not be so worked as to subsidise the coal industry.

17. The Committee then went through the balance-sheets and profit and loss accounts of railway collieries. They desired that the Auditor General should consider whether the form in which these are at present prepared could not be improved.

18. The Committee desired that the Railway Department should examine and send a note to the Committee to show whether there is any basis for the allegation generally made that the rates of freight at present charged operate in such a way as to help the export of raw materials and the import of foreign manufactured goods to the detriment of Indian industries.

The Committee then adjourned till Tuesday, the 27th August 1935.

Proceedings of the 17th meeting of the Public Accounts Committee held on Tuesday, the 27th August 1935, at 12 noon.

PRESENT :

The Hon'ble Sir JAMES GRIGG, K.C.B., Finance Member, *Chairman*.

Mr. B. DAS, M.L.A.

Mr. S. SATYAMURTI, M.L.A.

Professor N. G. RANGA, M.L.A.

Dr. THEIN MAUNG, M.L.A.

Mr. J. RAMSAY SCOTT, M.L.A.

Maulvi Sir MOHAMMAD YAQUB, Kt., M.L.A.

Captain SHER MOHAMMAD KHAN, C.I.E., M.B.E., M.L.A.

Dr. R. D. DALAL, M.L.A.

Rai Bahadur Sir SATYA CHARAN MUKHERJEE, Kt., C.B.E., M.L.A.

Mr. A. C. BADENOCH, C.I.E., I.C.S., Auditor General.

Mr. B. NEHRU, Director of Railway Audit.

Members.

Were also present.

Sir MAURICE BRAYSHAY, Kt., Chief Commissioner of Railways.

Mr. P. R. RAU, Financial Commissioner, Railways.

Mr. T. S. SANKARA AIYAR, Director of Finance.

Mr. V. S. SUNDARAM, Controller of the Railway Accounts.

Witnesses.

19. The Committee considered the Memorandum furnished by the Railway Board on the financial results of the electrification of the B. B. & C. T. and G. I. P. Railways, and generally accepted the views of the Board about the financial effect of these schemes. They desired to have next year a similar report on the electrification of the South Indian Railway. They then took up the quarterly statement of outstanding items. The Committee expressed the opinion that there was considerable delay in taking action on their recommendations and desired that every effort should be made to expedite their disposal. Special reference was made to item (1), namely, concessions for military traffic, which has been outstanding from 1928-29.

20. The Committee then adjourned and agreed to meet some day during the session of the Assembly to consider the draft report.

## APPENDIX

Statement showing action taken or proposed to be taken on recommendations, etc.,  
disposed

## PART II.—

| Serial No. | Year of Report.                          | Paragraph of Report or Proceedings.                  | Recommendations or suggestions.                                                                                                                                                                                                                                                         |
|------------|------------------------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | 1928-29<br>1929-30<br>1930-31<br>1931-32 | 5 P. ..<br>53 P. ..<br>3 P (Item No. 80).<br>8 R. .. | That the question of the continuance of special rates and concessions for military traffic obtained by the Military Department from the Railways should be pressed to a conclusion as soon as possible.                                                                                 |
| 2          | 1930-31<br>1931-32                       | 28 R. ..<br>10 R. ..                                 | That the question of the permanent basis on which Works expenditure should be charged to Capital, to the Depreciation Fund and to Revenue should be taken up immediately.                                                                                                               |
| 3          | 1930-31<br>1931-32                       | 46 P. ..<br>11 R. ..                                 | That some definite procedure calculated to obviate the present delays in the apportionment of Joint Station expenses between railways should be laid down as soon as possible and that a memorandum explaining the action taken should be placed before the Committee next year.        |
| 4          | 1930-31<br>1931-32                       | 63 P. ..<br>3 P. (Item No. 10).                      | That a report on the extent to which it is found feasible to adopt various suggestions of the Director of Railway Audit made in paragraph 28 of his Appropriation Report for 1930-31 with a view to expediting the submission of monthly accounts should be furnished to the Committee. |
| 5          | 1931-32                                  | 18 R. ..                                             | That the Railway Board should consider whether they could not obtain an annual report from all the railways showing agreements the conclusion of which was outstanding.                                                                                                                 |
| 6          | 1931-32                                  | 10 P. ..                                             | That a report regarding the Railway Schools should be furnished to the Committee.                                                                                                                                                                                                       |
| 7          | 1932-33                                  | 9 R. ..                                              | That the proposal regarding the method of calculating the contribution to the Depreciation Fund should be formally put to the Auditor General, and if he is satisfied, effect should be given to it but a report should be made to the Committee.                                       |

## DIX I.

so far made by the Central Public Accounts Committee which have not been finally of.

## RAILWAYS.

| Action taken or proposed to be taken.                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The matter is still under consideration.                                                                                                                                                                                                                                                                                              |
| The matter is under the consideration of the Government of India.                                                                                                                                                                                                                                                                     |
| Necessary action has already been taken in the matter as explained in paragraph 255 of the Director of Railway Audit's Appropriation Report for 1932-33.                                                                                                                                                                              |
| The Director of Railway Audit has since agreed that the present arrangements regarding the submission of monthly accounts are quite satisfactory, vide paragraph 270 of his Appropriation Report for 1932-33.                                                                                                                         |
| The Railway Administrations concerned have been instructed to submit annual reports of agreements not finally concluded at the end of each financial year. The first series of such reports for the year ending 31st March 1934 was received by the Railway Board and action, wherever necessary, was taken by them on these reports. |
| Necessary instructions on the lines of the Director, Railway Audit's suggestions, referred to in paragraph 44 of his Appropriation Report for 1931-32, have since been issued to Railway Administrations, vide Railway Board's letter No. 1867-B., dated 30th November 1934 (Annexure).                                               |
| The Assembly approved of the calculation of contribution to the Depreciation fund at the rate of 1/60th of Capital, in considering the Budget for 1935-36.                                                                                                                                                                            |

## ANNEXURE.

LETTER FROM THE GOVERNMENT OF INDIA, RAILWAY DEPARTMENT (RAILWAY BOARD), TO THE AGENTS OF CLASS I RAILWAYS, No. 1867-B., DATED THE 30TH NOVEMBER 1934.

SUBJECT.—*Treatment of Grants made by Local Governments to Railway schools in the Railway accounts.*

It has been brought to the notice of the Railway Board that the procedure obtaining on railways in accounting for grants made by Local Governments to Railway schools is not uniform. In some cases these grants are treated as reductions of expenditure, while in others, the accounts of these schools are kept outside the Railway accounts, only the amount of net grant paid by the Railway being shown as an item of expenditure in the Railway accounts. In the latter case, expenditure which ought to have been included in the accounts and the appropriation accounts of the Railway is kept outside Railway accounts and accounted for as the expenditure of a private body.

2. The correct procedure that should be followed in such cases is as follows :—

The expenditure on Railway schools proper should be provided in gross in the Demands for grants, the amount received from the Local Governments being deducted therefrom, provided the amount is received in the same financial year. Grants received after the close of the financial year should be treated as receipts and the same treatment should be accorded to fees recovered from the pupils.

In the case of other schools run by Local Governments or private bodies to which grants in aid are given by the Railway (Railway aided schools) the grant given from the Railway funds should be treated as expenditure.

3. I am directed to request that the correct procedure as outlined above be followed with effect from the accounts of the year 1935-36, and this should be taken into account when the budget estimates for the next year are prepared.

## APPENDIX II.

LETTER FROM SIR ERNEST BURDON, K.C.I.E., C.S.I., I.C.S. AUDITOR GENERAL IN INDIA, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, FINANCE DEPARTMENT, No. 193-REP./7-35, DATED THE 22ND JUNE 1935.

SUBJECT :—*Appropriation Accounts (Railways) 1933-34 and the Audit Report 1935.*

With reference to rule 15 (1) of the Auditor General's Rules framed under Section 96 D (1) of the Government of India Act, I have the honour to transmit herewith two copies of the Appropriation Accounts of the Railways in India for the year 1933-34 together with two copies of the Audit Report prepared by the Director of Railway Audit, for submission to the Committee on Public Accounts and for necessary action by the Government of India.

2. I have the honour also to transmit herewith two copies of the Review of the above Appropriation Accounts prepared by the Financial Commissioner, Railways, together with two copies each of the Capital Statement, Balance Sheet and Profit and Loss Accounts of Railways in India and of Balance Sheets and Profit and Loss Accounts of Railway Collieries for 1933-34.

3. *Financial Commissioner's Review.*—The Financial Commissioner's present Review approaches much more nearly than his last to the model which has been generally agreed upon in discussions which have taken place in the Public Accounts Committee in recent years ; and I wish to express my appreciation of the trouble which the Financial Commissioner has taken to adapt the Review both in form and in substance to the requirements of my Department and of the Public Accounts Committee, and also to produce it at an earlier date. At the same time I think it is possible for the Review to be still further improved, and in this connection I wish to refer to what is said in paragraphs 3 and 4 of the Audit Report. As the Director of Railway Audit has indicated, Chapter I of his report contains a number of comments on defects in budgeting, and on various defects also in current control of expenditure, as revealed by appropriation audit, which to the extent that they are of importance would have proceeded more suitably from the Financial Commissioner himself as the controlling officer, and might properly have found a place amongst other comments of a similar character which he has actually included in his Review. I presume the Financial Commissioner will now consider these comments, particularly those in paragraphs 11 to 22 of the Report, and will be prepared to furnish further explanation if this should be desired by the Public Accounts Committee.

Again, while the Financial Commissioner's Review was received by me on the 29th of April, the Appropriation Accounts themselves were not received by me until the 3rd of May 1935 as against the prescribed date, the 15th of April 1935. I trust that it will be possible to avoid in future similar delay in the submission of the Appropriation Accounts, as such delay is liable to react unfavourably on the preparation of his Review by the Financial Commissioner and on the preparation of his Audit Report by the Director of Railway Audit.

4. *Excesses and Irregular Reappropriations.*—The excesses which occurred over the final appropriations and which require to be regularised by the vote of the legislature in the case of voted expenditure, and by formal sanction by the Governor General in Council in the case of non-voted expenditure, are set forth in Section III of the Financial Commissioner's Review.

The irregular reappropriations which require to be brought to the notice of the legislature are stated in paragraph 82 of the Review, the Director of Railway Audit's comments being in paragraphs 33 and 34 of his report.

5. *Railway Finance.*—The general position.—In paragraph 42 of his Review the Financial Commissioner expresses regret that it has not been possible to proceed much further with the examination of various important questions essential to a proper financial settlement for Railways, such as the correct amount to be set aside for depreciation, the principles of allocation of expenditure between capital and

revenue, and the amortisation of railway capital at charge. In paragraph 9 (b) of my letter submitting the Railway Appropriation Accounts for the year 1930-31 I drew attention to certain paragraphs (paragraphs 208—213) of the Audit Report which discussed disquieting tendencies towards over-capitalisation, and I emphasised the necessity of immediate examination of the problem so that Government should be prepared with a well-considered scheme in connection with the setting up of a Railway authority under the new constitution. In paragraph 28 of their report on the Appropriation Accounts of 1930-31 the Public Accounts Committee stressed the necessity of early decision on the various problems thus indicated. The tendencies towards over-capitalisation that were brought to notice three years ago are still in operation, and during these three years net Railway earnings have failed to meet interest charges by 27.39 crores. Evidences of improvement are unhappily still uncertain. In the meantime, the preparation of the scheme for Railways under the new constitution must be in an advanced stage, while, according to the admission of the Financial Commissioner, Railways, the complicated financial problems connected with this scheme are still far from settlement. This is a position which seems to me to be exceedingly unsatisfactory.

6. *Financial Administration.*—The following are individual matters relating mainly to the subject of Railway financial administration which appear to me to be of more than ordinary interest and to which the attention of the Public Accounts Committee may be specially directed:—

- (i) *Paragraph 58 of the Audit Report.*—An irregularity in accounting.
- (ii) *Paragraphs 59 and 60 of the Audit Report.*—Two important cases relating to the allocation of expenditure on rolling stock which I brought specially to notice last year, and which have not yet been finally settled.
- (iii) *Paragraph 62 of the Audit Report.*—Loss on the abandonment of the Dacca-Aricha Railway project.
- (iv) *Paragraph 81 of the Audit Report.*—Payment of interest by one Railway to another on the cost of wagons which are either no longer in existence or no longer in use.
- (v) *Paragraph 88 of the Audit Report.*—Breach of orders in relation to an important contract.
- (vi) *Paragraph 111 of the Audit Report.*—Loss on purchase of iron obtained from England.
- (vii) *Paragraphs 112 to 114 of the Audit Report.*—Irregularities and errors in the East Indian Railway Stores Accounts.
- (viii) *Paragraph 132 of the Audit Report.*—Shortage in stock of scrap material.
- (ix) *Paragraph 133 of the Audit Report.*—Shortage in stock of teak wood logs.
- (x) *Paragraphs 135 to 138 of the Audit Report.*—Defects in or non-enforcement of agreements.
- (xi) *Paragraph 148 of the Audit Report.*—Loss due to failure of an accounts office to recover charges due.
- (xii) *Paragraph 170 of the Audit Report.*—Fraud in an accounts office.

(xiii) *Paragraph 177 of the Audit Report.*—Loss due to an accounts office omitting to submit bills.

(xiv) *Paragraph 193 of the Audit Report.*—Consequences of postponement of expenditure.

7. The general conclusion which may be drawn from the Audit Report taken as a whole is that, due regard being paid to the magnitude and variety of the financial transactions which are involved, the standard of financial control attained by the Railway Administrations and the Railway Board may be said to be adequate.

### APPENDIX III.

*Memorandum by the Railway Board on paragraph 109 of the Director of Railway Audit's Audit Report on the Accounts for 1933-34 regarding Irregular Balances under the Workshop Manufacture Suspense Account on the North Western Railway.*

Expenditure incurred in railway workshops is ordinarily debited to a 'suspense' head in the first instance, this head being cleared gradually by the transfer of the relative debits to the departments for which the work is done. One of the important items of work done by the railway workshops is the manufacture of duplicates and other materials for the Stores and other departments of the railway. As supplies were made of the manufactured articles from time to time to the departments concerned, the suspense head is cleared by the transfer of a corresponding debit at an estimated rate called the 'issue rate'.

2. Under an ideal system of costing, the balance at a given moment under the head 'Workshop suspense' should represent the value of the articles in the course of manufacture in the workshop, at that point of time, the value including not only the cost of the materials but the labour already spent on them up to the given point of time. This, however, is only a theoretical ideal; and even with an elaborate system of costing, 'inefficient' balances under the head 'Workshop suspense' are inevitable, that is to say, the book balances under 'Workshop suspense' would differ to some extent—though only slightly—from the actual value of the materials in the course of manufacture.

3. If issue rates are revised at sufficiently frequent intervals in accordance with the varying costs of production, the 'inefficient' balance will naturally not be very large. A suitable workshop accounts procedure ought to provide for the periodical examination of costs and the consequent revision of rates and the adjustment of already accumulated—estimated—'inefficient' balances. But where costs are not so reviewed or revised for a fairly long time and periodical adjustments of costs not made, the 'inefficient' balances accumulate to large figure. When the figures so accumulate, the exact ascertainment of these 'inefficient' balances, is, a matter of difficulty, since it necessitates a careful stock-taking of the articles in the course of manufacture in the workshops and the appraisal of the value of the materials and the labour already consumed in those articles. Apart from the large staff required for the purpose, such verification would seriously interfere with the normal working of the shops.

4. On the North Western Railway owing to failure to analyse and adjust 'inefficient' balances for several years, the balances under 'Workshop suspense' rose to an unusually large figure which clearly indicated, even without a stock-taking, that a large part of it was 'inefficient'. A survey of the workshop undertaken during the Christmas holidays of 1932 revealed that the inefficient balances were of the order of Rs. 5 lakhs; and as a result of further investigation the figure was estimated at Rs. 4,75,747 as detailed below:—

|                                                                                                                      | Rs.             | A.       | P.       |
|----------------------------------------------------------------------------------------------------------------------|-----------------|----------|----------|
| (a) Manufacture of material for Stores Department on account of duplicates required for locos. and carriages .. .. . | 4,83,556        | 14       | 0        |
| (b) Manufacture of material for other branches as per stores work orders .. .. .                                     | 36,476          | 0        | 0        |
| (c) Repairs to Springs received from the divisions .. .. .                                                           | -9,350          | 2        | 0        |
| (d) Difference between actual freight and that debited to works at fixed rates .. .. .                               | -34,935         | 8        | 0        |
| <b>Total .. .. .</b>                                                                                                 | <b>4,75,747</b> | <b>4</b> | <b>0</b> |

5. The most important cause which led to the accumulation of such a large inefficient balance was the failure to revise issue rates for a long period but there were other contributory causes also, such as failure to 'reconcile' different sets of figures, incorrect adjustments (including omissions to make adjustments), the retention of materials in the shops both manufactured and un-manufactured, both serviceable and unserviceable and also, to a small extent, which can be traced, embezzlement of wages and theft of materials. An elaborate analysis was made by the Chief Accounts Officer in the course of 1933, as a result of which several irregularities of procedure came to light, all of which had contributed to the large figure. Adequate steps have since been taken to set right the various defects in procedure that came to light and instructions have been issued to the Accounts Officer in charge of the workshop to submit a detailed report to the Chief Accounts Officer annually as the result of the review of the balance on 31st December each year. Necessary action has also been taken duly on the cases relating to embezzlement of wages and theft of materials.

6. The Railway Board have examined the whole position in consultation with the Controller of Railway Accounts and have brought to the notice of the Agent the various directions in which, in their view, there has been lack of check and supervision. They asked the Agent to examine the matter further in consultation with the Chief Accounts Officer and submit a report on the subject, indicating therein what disciplinary action has been or is proposed to be taken to bring home to the employees concerned the serious failures in essential and fundamental checks. The reply has been received and is under consideration.

## APPENDIX IV.

LETTER FROM THE GOVERNMENT OF INDIA, RAILWAY DEPARTMENT (RAILWAY BOARD), TO THE AGENTS, ASSAM BENGAL, BENGAL AND NORTH WESTERN, BENGAL-NAGPUR, BOMBAY, BARODA AND CENTRAL INDIA, BURMA, EASTERN BENGAL, EAST INDIA, GREAT INDIAN PENINSULA, MADRAS AND SOUTHERN MAHRATTA, NORTH WESTERN, ROHILKUND AND KUMAON AND SOUTH INDIAN RAILWAYS; THE MANAGER, JODHPUR RAILWAY; THE AGENT, H. E. H. THE NIZAM'S STATE RAILWAYS; THE CHIEF MINING ENGINEER, RAILWAY BOARD; AND THE CENTRAL PUBLICITY OFFICER, INDIAN STATE RAILWAYS, No. 1728-B., DATED SIMLA, 21ST AUGUST 1935.

*Railway Appropriation Accounts for 1933-34 and the Director of Railway Audit's report thereon.*

I am directed to draw your attention to the Auditor General's remarks on the report of the Director of Railway Audit on the appropriation accounts of Railways for 1933-34 (Appendix II). The Railway Board are glad to note, and they have no doubt your administration will appreciate the general conclusion drawn by him in the last paragraph of his letter which runs as follows:—

"The general conclusion which may be drawn from the Audit Report taken as a whole is that, due regard being paid to the magnitude and variety of the financial transactions which are involved, the standard of financial control attained by the Railway Administrations and the Railway Board may be said to be adequate."

2. While the Board have no doubt that you have already carefully studied the report of the Director of Railway Audit and taken all steps necessary to apply to your railway the lessons to be learnt from the various cases of irregularities mentioned therein, they desire to draw special attention to a few points which they consider important:

*Paragraphs 11 to 22; 29 to 32; 34 to 37; 39 to 45 and 46 to 54. Budgeting and control of expenditure.*—The Board trust that steps will be taken to eliminate, as far as possible, the defects brought to notice, such as the omission to provide in the budget for certain fixed and recurring charges, failure to distribute final allotments over sub-heads of grants, irregular reappropriations, changes in classification and wrong booking of expenditure.

*Paragraphs 71 to 76. Expenditure on new equipment.*—Attention is drawn to the instructions issued on the subject in Railway Board's letter No. 33/256-S., dated 8th July 1933. The Board trust that these instructions are now being carefully followed and that new equipment and appliances are not obtained in large numbers or quantities without the administration completely satisfying itself as to their suitability for the purpose for which they are intended.

*Paragraphs 82 and 83. Incurring of expenditure on behalf of other Departments.*—The Board consider it important to ensure that, before any work which involves a recovery of a portion or the whole of it from another department of Government is undertaken the approval of that department should be obtained to the full extent of their liability in the matter, just as in the case of private bodies the amount involved is recovered in advance.



*Paragraphs 85 and 88. Contracts.*—The Railway Board consider that the fundamental precaution to be taken in arranging for the execution of works on contracts cannot be too strongly and too frequently impressed on all the officers concerned, namely, that no contractor or contractors should, except in a case of extreme urgency, be allowed to commence the work to be entrusted to them without a definite understanding in writing as to the terms (including the description of the work to be done, the rates at which they are to be paid, etc.), on which they are to execute the work.

*Paragraphs 90 to 97. Employment of staff on works other than those to which their pay is charged.*—The Railway Board regret to notice from the report of the Director of Railway Audit that this irregularity has not disappeared entirely.

*Paragraphs 108 and 109. Inefficient balances in workshop accounts.*—The Railway Board regret to note that large inefficient balances were allowed to accumulate in the workshops of certain railways without special steps being taken by the executive and accounts departments to analyse them, to ascertain the causes which led to them and to devise methods of avoiding a recurrence. The main causes for such accumulation were, it is observed,

- (a) want of proper care and watchfulness in the fixing and revision of rates for outturn from workshops, waste, scrap, etc., from time to time,
- (b) initiating a vital change in the accounts procedure without the necessary accounts, assistance and supervision,
- (c) the undesirable practice of manufacturing articles in excess of requirements, and
- (d) the absence of the fundamental check of issues from one department with the receipts in the department to which the issues were made.

The Railway Board desire to impress on Railway Administrations the necessity of having a frequent examination made of the state of the suspense balances in their workshops.

*Paragraphs 112 to 114. Stores accounts.*—The serious irregularities disclosed in these paragraphs were apparently part of the general and prolonged disorganisation of stores accounts on the East Indian Railway, and can, the Board trust, be taken to be far from typical of the state of affairs on railways generally. Nevertheless they desire to draw the attention of all railways to the serious consequences that may ensue by initial neglect of prescribed procedure and the failure to take timely action. It will be observed that the serious differences that were allowed to accumulate between the balances of stores on the general books of the accounts office and the balances on the books of the executive officers were due to the failure for a considerable period to reconcile these balances and to maintain correct price ledgers and check them properly at periodical intervals with the results of stock-taking.

*Paragraphs 115 to 129. Purchase of stores.*—Some of these cases show a regrettable want of co-ordination in the preparation of indents between the department requiring the stores and the department responsible for their purchase. Others show an equally regrettable failure to make a careful estimate of requirements before making a purchase. The

Railway Board trust that as a result of the instructions contained in their letter of 10th November 1934 there will be few or no such cases in future.

*Paragraphs 137 and 138. Auction sales of scrap through auctioneers.*—The Railway Board trust that adequate steps are now being taken to safeguard the interests of the railway and to ensure that money due to the railway is paid promptly and that the scrap sold is not ordinarily handed over before the price is received by the railway.

*Paragraphs 172 and 173.*—The Railway Board trust that railway administrations are taking steps to settle outstanding questions as speedily as possible.

No. 1728-B., DATED THE 21ST AUGUST 1935.

Copy forwarded for information to the Chief Accounts Officers, East Indian, Eastern Bengal, Great Indian Peninsula, North Western and Burma Railways, Director, Railway Clearing Accounts Office, Controller of Railway Accounts, Director of Railway Audit, the Auditor General in India and the Finance Department.

## APPENDIX V.

*Report by the Railway Board on the financial results of the electrifications of the Bombay Railways.*

The attached statements which have been prepared in consultation between the Railway Administration and the statutory auditor concerned show the financial results of the electrification schemes on the Great Indian Peninsula and Bombay, Baroda and Central India Railways for the years 1930-31 to 1934-35. These have been prepared on the same basis as those which were prepared by Mr. Nixon as Director of Railway Audit in October 1933, and were placed before the Public Accounts Committee last year. The figures for the Great Indian Peninsula Railway show the result of all the schemes in a consolidated form as they are inter-dependent.

2. The figures for the two railways are summarised below :—

|                | Great Indian Peninsula.           |                                          | Bombay, Baroda and Central India. |                                          |
|----------------|-----------------------------------|------------------------------------------|-----------------------------------|------------------------------------------|
|                | Traffic in train miles.<br>Lakhs. | Percentage of net savings on net outlay. | Traffic in train miles.<br>Lakhs. | Percentage of net savings on net outlay. |
| Estimate .. .. | 55.40                             | 10.51                                    | 16.60                             | 16.93                                    |
| 1930-31 .. ..  | 42.50                             | 4.80                                     | 14.28                             | 10.35                                    |
| 1931-32 .. ..  | 41.87                             | 5.37                                     | 13.43                             | 10.96                                    |
| 1932-33 .. ..  | 41.21                             | 5.23                                     | 12.56                             | 11.62                                    |
| 1933-34 .. ..  | 41.85                             | 4.90                                     | 14.00                             | 13.43                                    |
| 1934-35 .. ..  | 41.80                             | 4.42                                     | 14.07                             | 15.54                                    |

3. On the Great Indian Peninsula Railway the decrease in the percentage in 1933-34 is due to certain adjustments between capital and revenue, and expenditure incurred for the first time on the normal periodical overhaul to electric locomotives. In 1934-35 the expenditure on overhauls and repairs increased.

4. The more favourable results obtained on the Bombay, Baroda and Central India Railway as compared with the results on the Great Indian Peninsula Railway are due to the fact that the gross capital expenditure in the former case was reduced to a much larger extent proportionately by the credit for the steam stock released. The actual value of this has proved to be even larger than was originally estimated.

5. The percentages given above have been worked out after taking the net outlay as equivalent to the gross outlay reduced by the cost of steam stock released because of the electrification and also by the extra outlay that would have been required for increasing traffic if no electrification had been carried out. This last is, as pointed out in last year's memorandum problematical. Increased traffic has not materialised to the extent anticipated and it is possible that some part of the estimated saving should be neglected. If the whole of it is neglected, the percentages will be as follows :—

|                 |      | Great Indian Peninsula.<br>Per cent. | Bombay, Baroda and Central India.<br>Per cent. |
|-----------------|------|--------------------------------------|------------------------------------------------|
| 1930-31 .. .. . | 3.12 | 3.18                                 |                                                |
| 1931-32 .. .. . | 3.58 | 3.46                                 |                                                |
| 1932-33 .. .. . | 3.49 | 3.77                                 |                                                |
| 1933-34 .. .. . | 3.24 | 4.61                                 |                                                |
| 1934-35 .. .. . | 2.87 | 5.58                                 |                                                |

6. As was pointed out last year, the real percentage of net savings for each railway probably lies between the figures in paragraphs 2 and 6 and, in all probability, more near the former than the latter. In both cases it is reasonably certain that extra outlay would have been necessary in any case even if electrification had not been introduced, in order to improve the capacity of the line, though it is not now possible to state with any degree of accuracy the number of additional steam locomotives which it would have been necessary to purchase immediately. In the case of the Bombay, Baroda and Central India Railway, for example, it would have been necessary in the absence of electrification to quadruple the line and the cost of this would have been so high as to be prohibitive. It has been estimated that, though the additional expenditure for additional steam stock would not all have been spent at once and some portion of it could have been deferred until the full increase in traffic was in sight, land for additional track facilities required for steam working would certainly have been required at once and the cost would not have been less than a crore of immediate expenditure and might have been considerably more. There would also have been a considerable expenditure necessary on the renewal of the existing stock. The estimate, therefore, of expenditure avoided by electrification is more likely to be an under than an over estimate.

## STATEMENT 'A'

## Financial results of the Great Indian Peninsula Railway Electrification Schemes.

| Particulars.                                                                                                  | Estimate all Sections electrified Total Estimates | Actuals including percentage out. |          |          |          |          |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------|----------|----------|----------|----------|
|                                                                                                               |                                                   | 1930-31                           | 1931-32. | 1932-33. | 1933-34. | 1934-35. |
| 1                                                                                                             |                                                   | 3                                 | 4        | 5        | 6        | 7        |
| 1. Traffic in lakhs of train miles (Steam) .. .. .                                                            | 55.40                                             | 42.50                             | 41.87    | 41.21    | 41.85    | 41.80    |
| 2. Gross outlay on electrification                                                                            | 950.90                                            | 942.65                            | 953.93   | 959.72   | 959.78   | 959.20   |
| 3. If no electrification estimated extra steam outlay for increased traffic .. .. .                           | 175.93                                            | 175.93                            | 175.93   | 175.93   | 175.93   | 175.93   |
| 4. Cost of steam stock released because of electrification .. .. .                                            | 254.71                                            | 172.98                            | 172.98   | 172.98   | 172.98   | 172.98   |
| 5. Net outlay on electrification (item 2—item 3—item 4).                                                      | 520.26                                            | 593.74                            | 605.20   | 610.81   | 610.87   | 610.29   |
| 6. Cost of Steam Working, i. e., working expenses excluding depreciation .. .. .                              | 158.54                                            | 116.38                            | 114.65   | 112.85   | 114.60   | 114.46   |
| 7. Cost of Electrical Working, i. e., working expenses excluding depreciation .. .. .                         | 87.52                                             | 72.85                             | 66.83    | 65.08    | 68.81    | 71.76    |
| 8. Gross savings in Working Expenses due to electrification (item 6—item 7) .. .. .                           | 71.02                                             | 43.53                             | 47.82    | 47.77    | 45.79    | 42.79    |
| 9. Depreciation on gross outlay on Electrification .. .. .                                                    | 27.20                                             | 23.83                             | 24.12    | 24.66    | 24.67    | 24.65    |
| 10. Depreciation on Steam Outlay avoided .. .. .                                                              | 10.88                                             | 8.81                              | 8.81     | 8.81     | 8.81     | 8.81     |
| 11. Increase in annual depreciation due to Electrification (item 9—item 10) .. .. .                           | 16.32                                             | 15.01                             | 15.31    | 18.85    | 15.86    | 15.84    |
| 12. Net savings on working expenses due to Electrification (item 8—item 11) .. .. .                           | 54.70                                             | 28.52                             | 32.51    | 31.92    | 29.93    | 26.95    |
| 13. Percentage of gross savings on gross outlay<br>(Item 8 × 100).<br>Item 2 .. .. .                          | 7.47                                              | 4.62                              | 5.01     | 4.98     | 4.77     | 4.40     |
| 14. Percentage of gross savings including depreciation on electrical assets only—<br>(Item 8-9 × 100) .. .. . | 4.61                                              | 2.09                              | 2.48     | 2.41     | 2.20     | 1.89     |
| 15. Percentage of gross savings on net outlay—<br>(Item 3 × 100)<br>Item 5 .. .. .                            | 13.65                                             | 7.33                              | 7.90     | 7.82     | 7.50     | 7.01     |
| 16. Percentage of net savings on gross outlay<br>(Item 12 × 100)<br>Item 2 .. .. .                            | 5.75                                              | 3.93                              | 3.41     | 3.33     | 3.12     | 2.81     |
| 17. Percentage of net savings on net outlay—<br>(Item 12 × 100)<br>Item 5 .. .. .                             | 10.51                                             | 4.80                              | 5.37     | 5.23     | 4.90     | 4.44     |

*Financial results of Suburban Electrification of the Bombay, Baroda and Central India Railway.*

| No. | Particulars.                                                                                                                          | Estimates<br>1931-32 | Actuals<br>1932-33. | Actuals<br>1933-34. | Actuals<br>1934-35. |
|-----|---------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------|---------------------|---------------------|
| 1   | Traffic in lakhs of train miles (Steam)                                                                                               | 16.66                | 12.56               | 14.00               | 14.07               |
|     |                                                                                                                                       |                      | (Lakhs of Rupees.)  |                     |                     |
| 2   | Gross outlay on Electrification                                                                                                       | 204.28               | 202.90              | 202.90              | 202.90              |
| 3   | If no electrification, estimated extra steam outlay for increased traffic                                                             | 72.00                | 72.00               | 72.00               | 72.00               |
| 4   | Cost of steam stock released because of electrification                                                                               | 50.00                | 68.79               | 68.79               | 68.79               |
| 5   | Net outlay on Electrification (Item 2—Item 3—Item 4)                                                                                  | 82.28                | 62.11               | 62.11               | 62.11               |
| 6   | Cost of steam working—working expenses excluding depreciation                                                                         | 37.55                | 25.82               | 28.78               | 28.02               |
| 7   | Cost of Electrical working—working expenses excluding depreciation                                                                    | 21.16                | 16.73               | 18.57               | 17.40               |
| 8   | Gross savings in working expenses due to Electrification (Item 6—Item 7)                                                              | 16.39                | 9.09                | 10.21               | 11.52               |
| 9   | Depreciation on gross outlay on Electrification at 3 per cent. (Item 2)                                                               | 6.12                 | 6.09                | 6.09                | 6.09                |
| 10  | Depreciation on steam outlay avoided at 3 per cent. on items 8 and 4                                                                  | 3.66                 | 4.22                | 4.22                | 4.22                |
| 11  | Increase in annual depreciation charges due to Electrification (Item 9—Item 10)                                                       | 2.46                 | 1.87                | 1.87                | 1.87                |
| 12  | Net savings in working expenses due to Electrification (Item 8—Item 11)                                                               | 13.93                | 7.22                | 8.34                | 9.65                |
| 13  | Percentage of gross savings without allowing for depreciation on gross outlay (Item 8 × 100)                                          |                      | Percentages.        |                     |                     |
|     | Item 2                                                                                                                                | 8.02                 | 4.48                | 5.03                | 5.68                |
| 13A | Percentage of gross savings (after allowing for depreciation on electrical outlay) on gross outlay (Items 8-9 × 100)                  |                      |                     |                     |                     |
|     | Item 2                                                                                                                                | 5.03                 | 1.48                | 2.03                | 2.68                |
| 14  | Percentage of gross savings on net outlay (Item 8 × 100)                                                                              |                      |                     |                     |                     |
|     | Item 5.                                                                                                                               | 19.92                | 14.63               | 16.44               | 18.55               |
| 15  | Percentage of net savings (after allowing for depreciation) on gross outlay (Item 12 × 100)                                           |                      |                     |                     |                     |
|     | Item 2.                                                                                                                               | 6.84                 | 3.44                | 4.11                | 4.76                |
| 16  | Percentage of net savings (after allowing for depreciation) on net outlay (Item 12 × 100)                                             |                      |                     |                     |                     |
|     | Item 5.                                                                                                                               | 16.93                | 11.62               | 13.43               | 15.54               |
| 17  | Percentage of net savings (after allowing for depreciation on actual gross outlay (of 202.90) with traffic of 16.60 lakhs train miles |                      |                     |                     |                     |
|     |                                                                                                                                       | 6.86                 | 4.70                | 4.87                | 5.62                |

## APPENDIX VI.

*Memorandum by the Railway Board on the enquiry conducted by Mr. F. A. Pope.*

To ascertain whether further economies were possible on India Railways, the Government of India obtained, by the kindness of the London Midland and Scottish Railways, the services of Mr. Pope, General Executive Assistant to the President of that railway. Mr. Pope who has been closely in touch with the various processes of rationalization put into practice in recent years on the London Midland and Scottish Railway was in India from December 1932 to February 1933.

2. In view of the shortness of Mr. Pope's visit, it was decided that he should concentrate his attention on the Great Indian Peninsula Railway and inaugurate a detailed analysis of important activities of railway operation—"job analysis"—on that line. It was arranged to associate with him certain officers of other railways who could observe his method and, if necessary, continue the investigations after his departure from the country. The following were the officers selected for the purposes:—

Mr. J. A. Bell, Divisional Superintendent, East Indian Railway.

Lt.-Col. C. F. Carson, R.E., Divisional Superintendent, North Western Railway.

Mr. R. C. Case, Deputy Transportation Superintendent, Great Indian Peninsula Railway.

Mr. G. S. G. Higginson, District Transportation Officer, Bengal Nagpur Railway.

Mr. G. A. R. Trimming, Deputy Chief Mechanical Engineer, East Indian Railway.

3. Mr. Pope and these officers worked on the Great Indian Peninsula Railway during the months of January and part of February 1933. By the end of February, Mr. Pope presented a report to the Railway Board, copies of which are in the Library of the Legislature. In his covering letter, which is printed at pages vii and viii of the Report, Mr. Pope pointed out that already a large number of economies had been effected on Indian railways and there were no big individual economies left except the better use of locomotive power, and possible further amalgamation of railways, both of which are now under separate consideration. He, however, was emphatically of opinion that considerable savings would be found possible if a detailed analysis of every operation conducted on a railway "job analysis" were undertaken. For this purpose, he pointed out that it was necessary to have a continual organised research and investigation.

4. In accordance with this recommendation, which is further elaborated on page iv of the Report under the "Summary of conclusions and recommendations", it was decided to start job-analysis on all State-managed Railways, and the State Railway officers who were originally

associated with Mr. Pope were selected to carry on the various investigations. Later similar organisations were started on most Company-managed railways as well and at the present moment such organisations exist on ten railways, as shown below :—

| Railway.               | Officer appointed.        | Substantive position.                   | Date of appointment. |
|------------------------|---------------------------|-----------------------------------------|----------------------|
| E. I. Railway ..       | Mr. J. A. Bell ..         | Divisional Superintendent               | 1-3-1933             |
| N. W. Railway ..       | Lt.-Col. F. C. Carson ..  | Ditto ..                                | 1-3-1933             |
| G. I. P. Railway ..    | Mr. R. C. Case ..         | Deputy Transportation Superintendent .. | 1-3-1933             |
| E. B. Railway ..       | Mr. G. A. R. Trimming ..  | Dy. C. M. E., E. I. R. ..               | 1-3-1933             |
| B. N. Railway ..       | Mr. G. S. G. Higginson .. | Dist. Transportation Officer            | 1-4-1933             |
| Burma Railways ..      | Mr. W. J. Air ..          | Asstt. Engineer ..                      | 15-5-1933            |
| A. B. Railway ..       | Mr. Prendergast ..        | Personnel Officer ..                    | 3-7-1933             |
| B., B. & C. I. Railway | Mr. B. C. Covell ..       | Dy. Agent (Senior) ..                   | 2-10-1933            |
| M. & S. M. Railway ..  | Mr. C. H. C. Bowen ..     | Dist. Engineer ..                       | 28-10-1933           |
| S. I. Railway ..       | Mr. C. Middleton ..       | Dist. Engineer ..                       | 1-5-1933             |

5. These officers continue to draw, while engaged on this work, the pay which they otherwise would have received. They have, since their appointment, organised a small staff to assist them in their operations. On some railways it has been found necessary to have an additional officer to assist in the investigation. The total cost involved during 1933-34 is estimated at Rs. 3 lakhs.

6. When this research work was initiated, the Railway Board asked Railway Administrations to report progress every six months to indicate what economies had been recommended by these officers. The first six monthly progress reports from the important State Railways have now been received and show that, while the research work is only in its initial stages, the analyses already undertaken cover a large variety of railway operations ; including, indeed, such widely diverse matters as administrative organisation, intensive use of locomotives, reduction of shunting charges, savings in shed maintenance, painting of structures, reduction in the use of stationery, bigger loads of trains, improved routing of traffic, better utilisation of scrap, and many others. Moreover, on the principle of no saving being too small to be ignored, small economies have been suggested in such items as the process of copying correspondence, the clearing of points, the use of lights and fans, and even in the curtailment of number of newspapers taken. So far as can be gauged at present, it is apparent that substantial savings in working expenses may be anticipated from the work now being carried on by these officers, justifying the small special research organisations which have been set up on each railway. Brief particulars of the savings anticipated on the four State-

managed railways shown in their first six monthly progress reports are given below :—

(a) On the *East Indian Railway* it is anticipated that, in connection with only 9 items of railway operation, savings amounting to Rs. 1½ lakhs have been effected during 1933-34 and it is hoped that this may increase to two lakhs in 1934-35. In addition, 26 other items are still under investigation and if the savings anticipated on these materialize they will amount to about 3½ lakhs.

(b) On the *Great Indian Peninsula Railway* altogether 64 different items of operation have been analysed, and the possible savings up to September 1933 are placed at 2½ lakhs, which it is anticipated may increase to 6½ lakhs during the whole year. It would, however, be optimistic to assume that the administration will benefit to this extent immediately as the powers of retrenchment must, to some extent, be gradual.

(c) On the *North Western Railway* some 11 different items of operations have been analysed but as these have been conducted at many different stations (as for instance shunting costs, shed maintenance, etc.), the aggregate number of analyses undertaken up to the submission of the progress report amounts to no less than 78. If all the recommendations are finally accepted the savings estimated on an annual basis would amount to 12 lakhs ; of this amount already 5½ lakhs have been accepted as attainable by the departments concerned. It is estimated that during the year 1933-34 1½ lakhs may be saved.

(d) During the first six months of "job analysis" on the *Eastern Bengal Railway* a large number of detailed analyses have been carried out covering operations in the Mechanical Traffic, Engineering, and Stores Departments. During the present year the savings resulting from these are estimated at over 2 lakhs, a figure that, it is hoped, will increase considerably in future years.

7. The results to date after six months careful detailed analysis of such operations as have already been examined on four railways may be classified as below :—

## Savings in 1933-34.

## Future Savings.

| (In lakhs).<br>Rs.     |                            | (In lakhs.)<br>Rs.              |                  |
|------------------------|----------------------------|---------------------------------|------------------|
| (a) claimed as made.   | (b) estimated as possible. | (a) estimated as attainable, or | (b) accepted, or |
|                        |                            | (c) under consideration.        |                  |
| 1. E. I. Railway ..    | 1.50(a)                    | 1. E. I. Railway ..             | 3.51(c)          |
| 2. G. I. P. Railway .. | 2.50(b)                    | 2. G. I. P. Railway ..          | 6.50(a)          |
| 3. N. W. Railway ..    | 1.50(b)                    | 3. N. W. Railway ..             | 5.75(b)          |
| 4. E. B. Railway ..    | 2.00(b)                    | 4. E. B. Railway ..             | 4.00(a)          |

It should be realized that all these figures, including even that of the *East Indian Railway* in the first column, should be accepted with reserve.

for retrenchment must be a slow and deliberate process. It is felt, however, that the results, so far, are sufficiently encouraging; more especially as "job analysis" has been in force for a comparatively short time. It should, moreover, be borne in mind that this process of research has only so far been applied to a certain number of operations and there are still large numbers waiting to be examined. On the London Midland and Scottish Railway the process of 'job analysis' was started some years back, and is still being carried on, as there is much ground remaining to be explored.

8. In addition to the 'job analysis' organizations working on each railway, the Railway Board themselves are examining certain other subjects recommended in Mr. Pope's report, among them being:—

- (a) the better use of locomotives;
- (b) the better use of railway land;
- (c) the more careful listing of surplus track, equipment, and accommodation;
- (d) additional research and experiments;
- (e) improved workshop practice, especially in regard to standardization of pattern design, the use of scrap, and the compilation of 'cost' data;
- (f) possibility of reducing hot axles.

As regards item (e) a small Committee is now engaged in investigating the compilation of "cost" data.

9. In recommending the initiation of 'job analysis' on each Railway Mr. Pope emphasized that no individual or railway has a monopoly of ideas or efficiency, and to ensure the proper pooling and wide application of all available economies he suggested that officers engaged on this research should hold periodical meetings to exchange ideas. This suggestion is being followed.

10. As the Committee are aware, Mr. Pope's services have again, through the kindness of the London Midland and Scottish Railway, been secured for Indian Railways during this winter; and he has been employed in making a more detailed investigation into the other State-managed Railways and examining the work done during the year by Railway Administrations themselves.

#### APPENDIX VII.

##### Memorandum by the Railway Board on the progress of 'job analysis' on Indian Railways up to 31st March 1934.

In February last, the Railway Board placed before the Standing Finance Committee for Railways a memorandum describing briefly the results of Mr. Pope's first visit to India, and explaining that small organisations for conducting a detailed examination of all railway activities—called by Mr. Pope 'Job Analysis'—had been set up on principal railways. A summary of the results of this work, as claimed and estimated then, was given, and these were shown to be sufficiently encouraging to justify a continuation of the organisations.

2. Further reports on 'job analysis' from certain railways are now to hand, giving the progress up to the end of the official year 1933-34. These show that the work is being continued with vigour and with an encouraging degree of success. The more interesting features of these reports are summarised in the following paragraphs:—

3. (a) On the *East Indian Railway* considerable savings have been effected during the official year 1933-34, generally under three headings:—

- (i) Economies in expenditure on fuel by substituting cheaper for more expensive coal and obtaining coal from nearer collieries;
- (ii) Better utilisation of scrap metal; and
- (iii) Reduction of staff.

The total savings, effected during the year, amounted to Rs. 7,01,083, which has been checked and certified as correct by the Chief Accounts Officer, while the total cost of the 'job analysis' organisation during the year amounted only to Rs. 77,691.

It is reported that investigations under 20 separate heads are also in progress, covering such extensive ground as the organisation of the Stores Department, running sheds, sick line work, station work and marshalling yards; and including such varied items as the increased loads of goods trains, the intensive use of coaching stock, reduction in the use of stationery, reclamation of oil from used waste from axle boxes, the use of pulverised coal in stationary boilers, and the compilation of fuel and commercial statistics on Hollerith machines.

(b) On the *Great Indian Peninsula Railway*, the cost of 'job analysis' during the year 1933-34 amounted to Rs. 56,680 and the savings effected to Rs. 4,29,482, chiefly under wages. Since the initiation of the work on this railway, no less than 136 separate investigations have been started, covering many widely divergent activities. The cost of staff in many of the departments has been, and is still being, scrutinised, and considerable reductions have been found possible. The Nagpur Division has been merged in the Bhusaval Division and further important developments are forecasted in the intensive use of locomotives, regarding which a separate report will shortly be available.

(c) On the *North Western Railway* the cost of 'job analysis' for the year 1933-34 amounted to Rs. 32,000 and the savings effected during the same period to Rs. 12,66,749. One of the most important investigations undertaken on the North Western Railway dealt with the maintenance of track and resulted in savings amounting to Rs. 5,23,629. This saving has been effected under "Maintenance of Way and Works", the bill for which generally accounts for about 15 per cent. of the working expenses of railways. Another Rs. 2½ lakhs has been saved by careful analysis of shunting and other activities at stations, and a further sum of over a lakh by improved methods of utilising scrap. Analysis is still being continued in connection with track and other maintenance, the operation of running sheds, and the working of marshalling yards and goods sheds. Considerable work still remains to be done in the analysis of the work of clerical staff, and further reports are shortly promised in connection with the work done in certain Stores depots. It is also hoped to initiate

shortly an important investigation, aiming at further co-ordination of all mechanical workshops.

(d) On the *Eastern Bengal Railway* the cost of 'job analysis' for the year ended 1933-34 amounted to Rs. 63,000 per annum, whereas the annual saving effected on one item alone, *viz.*, reduction of station staff, amounted to more than this sum. Actually a conservative estimate places the economies effected during the year at Rs. 2,14,864. This figure is chiefly made up of wages.

One interesting detailed investigation conducted on the *Eastern Bengal Railway* dealt with the maintenance of Block Instruments and Fixed Signals. Every operation, however small, in connection with this work was scrutinised and tested, and it was found that, if conducted to a reasonable time table, the work could be carried out with considerably less staff. The savings effected during 1933-34 amounted to Rs. 38,000.

Investigations into the better use of locomotives and coaching stock have already produced substantial results. On two districts the daily mileage of locomotives has been appreciably raised, and on the *Calcutta suburban services*, it has been found possible to provide increased trains with fewer coaching rakes. These analyses are still proceeding.

Further savings are forecasted in purchases of less quantity of high grade coal, and the abandonment of certain telegraph lines, with a consequent saving of rent.

(e) On the *Bombay, Baroda and Central India Railway* 'job analysis' started later at the beginning of October 1933. The economies actually effected have not been reported, but the annual savings which have been recommended and accepted are estimated to be Rs. 3,52,862 whereas the annual cost of the job-analysing organisation is anticipated to be Rs. 58,789. The principal saving anticipated is under the heading 'intensive use of engines', accounting for nearly Rs. 1½ lakhs. Analysis of the work in certain workshops and traffic stations is expected to result in a further saving of about Rs. 1½ lakhs.

4. The table below shows the savings effected on the five railways mentioned above, together with the cost of the job-analysing organisation on each railway for the year 1933-34 :—

| Railway.                                         | Cost of 'job<br>analysis'<br>organisation. | Savings<br>effected. |
|--------------------------------------------------|--------------------------------------------|----------------------|
|                                                  | Rs.                                        | Rs.                  |
| East Indian Railway .. .. .                      | 77,691                                     | 7,01,083             |
| Great Indian Peninsula Railway .. .. .           | 56,680                                     | 4,15,000             |
| North Western Railway .. .. .                    | 32,000                                     | 12,66,749            |
| Eastern Bengal Railway .. .. .                   | 63,000                                     | 2,14,864             |
| Bombay, Baroda and Central India Railway .. .. . | 58,789*                                    | 3,52,862*            |
| Total .. .. .                                    | 2,88,160                                   | 29,50,558            |

\* Only estimated annual figure.

## APPENDIX VIII.

COPY OF LETTER No. 8593-F., DATED THE 21ST AUGUST, FROM THE RAILWAY DEPARTMENT (RAILWAY BOARD), TO THE AGENT, NORTH WESTERN RAILWAY, REGARDING IRREGULAR BALANCES UNDER WORKSHOP MANUFACTURING SUSPENSE ACCOUNT OF THE LOCOMOTIVE WORKSHOPS, MCGHALPURA, FURNISHED TO THE PUBLIC ACCOUNTS COMMITTEE IN SEPTEMBER 1935 IN ACCORDANCE WITH AN UNDERTAKING GIVEN BY THE FINANCIAL COMMISSIONER OF RAILWAYS BEFORE THE COMMITTEE.

With reference to the correspondence resting with your letter No. 256-S/21/3/1933, dated the 22nd July 1935, I am directed to state that the Railway Board, after a very careful perusal of the explanations given, consider that the explanations are far from satisfactory.

2. To begin with, the Railway Board observe that the main cause for the accumulation of the inefficient balances in the workshop manufacturing suspense account was the radical change made in April 1928 in the procedure of booking expenditure, and that this radical change, which, in the opinion of the administration, required really an expert accountant to initiate and supervise, was left to be inaugurated by the Production Engineer without any assistance from the Accounts Department. They also observe that this change was made in consultation with the then Chief Auditor of the railway and, so far as can be ascertained, without the written approval of any authority higher than the heads of departments concerned. The Board do not think that such vital changes in accounts procedure should have been initiated without the consultation of higher accounts or administrative authorities, and are of the opinion that the then Chief Auditor should have paid more attention to evolving a suitable accounts procedure to fit in with the reorganisation and to placing at the disposal of the Production Engineer a person with the necessary experience of workshop accounts to assist him in details.

3. Another cause for the growth of the inefficient balance in this case was, it is noticed, the irregular system, which was then in force in the workshops, of manufacturing material in excess of requirements. It is stated that this was probably a legacy from the past when all expenditure in the workshops was charged to revenue repairs. That such a state of affairs should have been allowed to continue reflects, in the opinion of the Railway Board, seriously on the efficiency of the supervision exercised over the working and management of the workshops.

4. The Railway Board further observe that no explanation has been offered on the first point raised in their letter No. 8593-F., dated the 12th June 1935, namely, the failure to exercise the fundamental and obvious check of the quantities of articles manufactured in the shops with the quantities issued and of the quantities issued by the shops with the quantities acknowledged by stores. For this also the Railway Board must hold the Audit and Accounts Department, and in a lesser degree, the workshop management, responsible.

5. In conclusion, I am to state that the Board feel greatly disturbed by the state of affairs revealed by this case, and trust that you are taking steps to impress on all the workshop staff, both accounts and executive, the lessons to be learnt from this case and that you are taking adequate measures to prevent the recurrence of such cases.



[Mr. J. C. Nixon.]

the terms of reference had been got into proper shape, there was no very considerable delay before the announcement was made to the public. Incidentally, at that time, it was also discovered that the term 'tribunal' was, in the terms of the wording of the relevant sections of the Bill, an inappropriate term to apply to this committee. I suppose it was considered too late then or unnecessary to change its title. But official minds were aware that the word 'tribunal' was not the proper one to apply to this body. I have thought it advisable to put these considerations, which came to my personal knowledge, before the House in the hope that they might clear up some misapprehensions which seem to have existed in the minds of Members of this House at the last adjournment debate.

Sir Henry Howard and I were appointed in December, 1930, to survey the ground which we thought should be covered in this matter of the financial adjustments between India and Burma. We signed our report in April, 1931, and it was formally published in September of that same year. And, when I say formally published, I mean that it was formally laid on the table of this House, it was delivered to the Press and copies were placed on sale at the Government depots. Perhaps, as one of the joint authors of this report, I may be permitted to express a certain amount of disappointment that there was not a bigger run on it, because, I think, only two copies have been sold since it was open to be purchased. And yet, Sir, that memorandum was sufficient to inform non-official opinion in India, if non-official opinion in India had been interested in this subject, that this was a matter which involved at any rate 50 or 60 crores of capital money and which had repercussions on the budgetary position of the Government of India to the extent of some three crores or so. Sir, as a mere financial official of Government it does seem to me that non-official opinion has at times made itself very much more voluble in matters which concern the taxpayers of India less. For, within the next three years or so, let me say up to the end of 1934, non-official opinion in India gave expression to views on this not unimportant matter on only three occasions. And of those three occasions, two were at the instance of the Government itself.

The first occasion was when the Howard-Nixon memorandum was presented to the Standing Finance Committee. I was asked to attend all the meetings of that Committee and several Members of the Committee consulted me out of office hours to ask for explanations of the various statements in the memorandum. During the course, both within and without the Committee, of my giving what help I could to its members, I undoubtedly offered for their consideration various alternative renderings that had passed through my mind and which at various stages I had discarded in favour of the final recommendations which I made in the Howard-Nixon report. And I think, I may say without injustice to the members of the Standing Finance Committee, that where in a few cases they did offer alternative renderings to those put into the Howard-Nixon report, in every instance, except one, those alternatives originated from me and had, therefore, been considered by me at an earlier stage of the proceedings.

The Standing Finance Committee completed its labours in March, 1932, and its report was formally presented to the predecessors of this House in the early days of April, 1932. There was a debate which occupied two

days. In this House at the moment I believe there are not many Members who took part in that debate. However, I do not think I am doing them an injustice if I say that they never seriously got down to the financial issues. And I think that that statement is best confirmed by the fact that the House on that occasion came to the conclusion that they would wish to postpone consideration of this subject,—a mode of dealing with a difficult matter which some of my friends opposite will probably say is not confined merely to Legislatures.

The third occasion on which non-official opinion expressed itself at all on this subject during these three years was in a document which is called "Report on the financial obligations between Great Britain and India" and is headed "The Congress Select Committee". I propose at a later stage of my speech to return to some of the statements made in the report, and I will content myself at this stage by making only two observations about it. The first observation is that if, what to me appears to be the intricate matter of dividing up the assets and liabilities of the Government of India between India and Burma can be disposed of, as apparently in this report it is intended to be disposed of, in 16 lines of print, then Sir Henry Howard and I made very unnecessarily heavy weather of the matter. And secondly, if my information is correct, this report seems to have suffered very much the same fate as the report of the Standing Finance Committee of the old Legislature, inasmuch as, it has been left in a state of suspended animation in the absence of its formal adoption by its parent body.

Perhaps, Sir, it was not an unfair inference to make from the paucity of the expression of non-official opinion for a space of three to 3½ years when Government concluded that non-official opinion in India had nothing more to say on the subject. And, Sir, if I may go a little ahead of the time-table to which I have got at the moment, I would refer to a letter addressed to the Government of India by the Federation of Indian Chambers of Commerce and Industry, dated the 13th August, 1935, a copy of which was published in the papers. This letter set out,—and if I may say so, set out very ably,—some of the issues which were concerned in this problem. But, Sir, I think I am being fair to the letter in stating that it did not purport to offer any views as to how these various issues should be treated. So that for the last three or four years there has been no idea put forward by non-official India of any financial consequence which had not already passed through the minds of those who, from time to time, have been responsible for advising the Government of India in the matter.

Sir, when Sir Henry Howard and I were put on to tackle this problem we were given no voluminous back papers to read because there were none. So far as I am able to gather, except possibly in regard to the case of Northern Ireland, previous to this, no systematic attempt had ever been made in such circumstances as these scientifically to distribute the assets and liabilities between two partners. The whole field of principle was open to Sir Henry Howard and me to explore. And in due course we came to the conclusion that there were, even on theoretical grounds, only three possible manners of approaching this problem. Two of those possible methods of approach I would describe as historical, and I would



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like to give some slight, but I am afraid inadequate, account of what those two methods of approach would mean.

The first method I would call the analysis of debt method. It would assume that in general the revenue transactions of the past had been conducted for the mutual benefit of the two countries and that on the whole should be regarded as closed and done with, except in so far as those transactions had in any respect affected the debt position. For it was the opinion of all of us that it was in the matter of the distribution of the debt that the main problem arose. The process would mean that we should go back to 1826 when Burma first appeared on the scene and trace out the rise and fall of the public debt of Indian and attempt to ascribe specific causes to each rise and to each fall. And if that cause was a cause which could be attributed to Burma that item would be made over to Burma's account, and if that cause could be attributed to Continental India then India would assume the corresponding responsibility. That method of approach has a certain plausibility about it and yet there are some theoretical objections that one can urge against it, apart from practical ones. There does seem to me to be something wrong about a process which means that a debt, incurred perhaps 100 years ago on some specific object, but which, in the meantime, in some manner or other, has been paid off, should be resuscitated and charged to one or other of the parties. Also, as a practical difficulty in this method of approach, I would refer to the very large number of items which would be found in such an analysis as this, where the debt would have been caused on joint account, neither specifically for the purpose of one party nor for the purpose of the other. I refer to such items as debt liabilities incurred in the unfortunate days when the Government's yearly finances result in a revenue deficit. There have been occasions where debt has been incurred by Government in maintaining the currency, and I think I may include in this group the cost of military operations on the frontier. In regard to each of these, it would be necessary to assign a fractional share of responsibility to Burma, and it would also be necessary to decide whether each of these events should be shared between Burma and India specifically having regard to the circumstances attending it, or whether one fraction should be applied to all liabilities of this nature.

Then, again, there is another difficulty. It is not the practice of the Government of India, nor, I believe, of many Governments, to go out into the open market and borrow for specific purposes. At the beginning of the year, the Government of India in the Finance Department takes a survey of the likely receipts during the next year; the receipts, let me say, from the deposits of Provident Fund contributors, receipts accruing from the Post Office Savings Bank, and in other ways; and, finding a gap between the disbursements which they want to make and the receipts which they seem likely to get, they go into the market and raise the amount of money necessary to fill that gap. So that when Government engages on some capital undertaking, such as the building of New Delhi, it cannot ordinarily say whether for that purpose it is using interestfree money deposited for instance by local bodies or cheap Savings Bank money or part of the dearer ordinary Borrowings of the Government.

But certain persons who have most strongly advocated this analysis of debt method of approach have in their minds particularly debts which have been incurred through military operations. There are difficulties particularly in regard to such items. It is not the usual practice of Governments to keep a commercial balance sheet when they are running a war. At a time of war, the expenditure of civil departments usually goes up, and in any properly arranged balance sheet that would have to be a factor to be taken into account. One would also have to take into account what would have been the normal cost of military defence of the country, and also the fact that the normal cost may have moved upwards or downwards as a result of the military operations.

But some of the gentlemen whom I have heard refer to this method of approach, especially when they are considering this problem of India and Burma, have had in their minds more particularly the three so-called Burmese wars. The first Burma war took place in 1820 something: Its cost has been variously placed by authorities at anything between £3 millions and £15 millions. How much it did cost I am not able to say. But in any consideration of how that particular liability should be apportioned, it would almost certainly be necessary to take into account the fact that as a result of that war an indemnity of one crore was paid. And I suppose it would also be necessary to take into account the fact that that one crore of rupees was paid not into the coffers merely of continental India but into what then became the joint coffers of India and Burma. Further still, in dealing with the first Burma war, it would be necessary, I think, to take into account that as a result of the war, part of what is now the British province of Assam was annexed. The second Burmese war was a little war. The third Burmese war was not really a war at all. It was a military occupation which extended over several years, and again various figures have been given by various authorities as to the cost of that military occupation. But it has been very pertinently pointed out that the military occupation of Upper Burma as a consequence of the third Burmese War involved the administration of Upper Burma and, at that time what in ordinary circumstances would have been called the civil administration of Upper Burma was conducted by the military. Certainly, the Burma people, if they had to take over the cost of the third Burmese War, would ask that the cost of the civil administration should be deducted from it.

But there are other people who have been interested in this particular method of approach who have had in their minds a rather wider point of view and that is that there should come into account some third party. Honourable Members will have read the newspapers as I have, and will have noticed that in the Burma Legislature a resolution was passed suggesting, that instead of the Burma people taking upon themselves the liability for the amount of debt assigned to them in the tribunal's report, it would be a very good thing for Burma if His Majesty's Government would take it on. (*Opposition cries of "Hear, Majesty's Government would take it on."*) I have no doubt the people of Burma would have been equally satisfied if the Government of India had agreed to take it on. (*Honourable Members: "No, no."*) I do not doubt that they would have made no complaint if the Government of Abyssinia had offered to take it on. Sir, this problem, as it was set out in all the earlier documents on the subject emanating from the Round Table Conference, has been spoken

# REPORT OF THE TRIBUNAL ON FINANCIAL SETTLEMENT BETWEEN INDIA AND BURMA AFTER THE SEPARATION.

**The Honourable Sir James Grigg** (Finance Member) : Sir, I beg to move :

" That the Report of the Tribunal appointed to advise on the formulation of a financial settlement between India and Burma in the event of separation be taken into consideration."

Sir, I do not propose to make any remarks on this motion at the moment except one, and that is that I think it would be to the convenience and advantage of the House if Mr. Nixon, who has taken part in these negotiations from the beginning, were to make a preliminary statement and if I were to reserve any remarks that I may find it necessary to make till a subsequent stage in the debate. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

" That the Report of the Tribunal appointed to advise on the formulation of a financial settlement between India and Burma in the event of separation be taken into consideration."

**Mr. J. C. Nixon** (Government of India : Nominated Official) : Mr. President, I am called upon to take part in these proceedings for the purpose of attempting to lay before the House what in the official mind have appeared to be the specific issues in this matter of adjustments between Burma and India, and to attempt, at the same time, to give the House some of the considerations which were in the minds of those responsible for advising the Government of India as to the course they should adopt in regard to these issues.

The phrase, " neutral and impartial tribunal ", first occurred in a letter from the Government of Burma, and I take it that their intention in proposing this form of procedure was to eliminate what would have been the alternative manner of dealing with this problem ; which would have been that the Burma Government would have made out a case and submitted it to the Government of India ; the Government of India would have considered the Burma Government's case, made out its own case, offered its comments on the Government of Burma's case and submitted the whole matter to the Secretary of State for his decision. By that process the Government of India would have been in the advantage of having the last word on the subject before the matter came up for judgment. I conceive that the purpose of the Government of Burma in suggesting this alternative procedure was to attempt to put the Government of India and the Government of Burma into a position of equality with respect to one another. I also conceive that the intention behind the use of the phrase ' neutral or impartial ' was to eliminate from the deciding authority any representation of either the Government of India or the Government of Burma.

Certainly, in many of the earlier documents on the subject, and particularly the documents which emanated from the Round Table Conference, it was contemplated that Members of the Standing Finance Committee of the two Legislatures would be associated in some form or other with

the proceedings of the Tribunal. However, in the latest authoritative pronouncement on the subject, the report of the Joint Parliamentary Committee, although there is a reference to the impartial tribunal, there is no reference at all to the association with the proceedings of the tribunal of members of the Standing Finance Committees. It may be that that omission was not intentional ; it may be that it would not be fair to draw an inference from that omission. But it does occur to me that it is possible that the Members of the Joint Parliamentary Committee had before them the reports of the two Standing Finance Committees and read into those reports, what I think I myself read into them, a certain diffidence expressed by the members of the committees as to their capabilities and qualifications for dealing with this somewhat intricate subject.

The decision of the Joint Parliamentary Committee that they were recommending to Parliament the separation of Burma must have come to the notice of the India Office some time in September, 1934, and was communicated to the Government of India. At that time had the Government of India been looking round for non-officials to associate with the tribunal's proceedings, they would naturally have chosen members of the Standing Finance Committee who had spent a considerable time in soaking themselves in the subject. But I need hardly remind the House that the Assembly which was in existence at that time was shortly coming to an end, and I hardly think that the present House would have felt that their interests and their responsibilities would have been properly represented had the members of the Standing Finance Committee of the dying Legislature been appointed to represent the non-official interests of India. It could not have been until February of this year that the new Standing Finance Committee could have been brought into existence and certainly some time must have elapsed before those Members could have got themselves acquainted with the subject. This would have meant a very considerable delay in bringing into operation the Tribunal and that was a delay which His Majesty's Government, at that time apparently, felt it was unwise to face.

I was not present at the debate on the adjournment motion last Session, but I have read through the proceedings and I gather that certain Honourable Members there had a complaint in regard to the lateness of the announcement of the composition of the Tribunal and of its terms of reference. I think, Sir, I can throw a certain amount of light on that matter and I can assure the House that the delay in making the announcement was neither deliberate nor inadvertent. Certain terms of reference for the committee had been drafted in the India Office and had been sent out to India and Burma for scrutiny. I do not remember now whether these terms were altered when they came out to this country. However, it was quite evident to everybody that the terms of reference eventually decided upon did clearly enough indicate the scope of the Tribunal's work, and I have every reason to believe that that draft of the terms of reference was actually made over to the members of the Tribunal when the Tribunal was first called together. But it must have been about Christmas that somebody, I do not know who, discovered that the terms of reference, as drafted, did not accord with the relevant sections of the Bill. The matter was made over to the legal officers of the India office. It is possible that they took somewhat longer over the matter than was necessary. But I might remind the House that the Bill itself was only published in the latter part of January, 1935, and, I believe, that after

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of as an apportionment of the assets and liabilities between Burma and India....

**Mr. President** (The Honourable Sir Abdur Rahim) : Today being Friday, the House has to be adjourned earlier than usual. The House now stands adjourned till a quarter past two of the clock.

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 Abdur Rahim) in the Chair.

**Mr. J. C. Nixon** : Mr. President, I just want to make two further observations on the subject which I was dealing with before lunch. I was remarking on the fact, that so far as the question before the House is concerned, the earlier documents in the matter had referred to dividing assets and liabilities between two parties, India and Burma, and the terms of appointment of the Amery tribunal were framed in the same manner. So that, whatever Honourable Members opposite may have to say in regard to this subject, they can hardly throw blame on to the Members of the Amery Tribunal for refusing to go outside the terms of their reference.

I would like now to say a few words on the second possible historical method of approach to this subject which I would describe as the debtor and creditor method. This method would suppose that year by year, since Burma first came into the picture in 1826, it would be possible to compile an account showing the various monies which had been raised on behalf of Burma and spent on behalf of Burma and a yearly balancing figures set down. And at the time of separation those balancing figures should be added up and would represent either what Burma should pay India or on the other hand what India might have to pay Burma. The question of compound interest, as the authors of the Congress Report have remarked, might have to come into consideration in a method of this nature. Just to illustrate some of the practical difficulties of that method of approach, I would refer to some of the differences which occurred between Sir Henry Howard and myself in dealing with the accounts of even so recent a year as 1929-30. For one purpose it would have been convenient for us if we could have distinguished between the receipts which were referable to Burma and those which were referable to continental India in the method of Income-tax. As Honourable Members of this House know, the place of assessment, under the Indian Income-tax Act, is a matter largely of the convenience of the income-tax authorities or of the convenience of the assessee. For instance, the Imperial Bank is, I understand, assessed in Calcutta, although its operations of course cover Burma. On the other hand, the Burma Oil Company, which must make a very large proportion of its profits in India, is assessed for income-tax purposes in Rangoon, and in the published accounts, its payments are shown as a receipt under Burma. Sir Henry Howard and I had a certain amount of talk as to how we could adjust these facts, and at the end we had to confess that the only way to do so was to guess. The difference

between our guesses for the accounts of the year 1929-30 amounted to 20 lakhs. Sir Henry Howard suspected that my guess was in favour of India and I thought, that Sir Henry Howard's guess was in favour of Burma. I have no doubt that if any attempt were made to go over the accounts of each year since the time that Income-tax was instituted, the person who made the guess,—I call it a guess because it is nothing more than a guess,—on behalf of India would always guess in favour of India and *vice versa*, so that, in regard to this matter alone,—we are taking only the last 45 years into account,—there is room for a difference of opinion of, at any rate, five to ten crores. Again, Sir Henry Howard and I came up against the problem of the Posts and Telegraph Department. It is only in recent years that Government have attempted to set out the working of the Posts and Telegraph Department on commercial lines so as to be able to say whether any particular section of it is run at a profit or loss. And even so, they have not attempted to make separate profit and loss statements for individual geographical parts of the Indian Empire. I did, as a matter of fact, get the Posts and Telegraph Department for the year 1929-30 to make a special compilation for Burma in order to arrive at some rough conclusion as to how that section of the department was working. They did not purport to put any great reliance in the figures which they produced for me, and, I am sure, that that department would be the first, if I gave them the problem of doing that process year by year back to when the Posts and Telegraph Department first started, to declare the matter to be impossible. Then again, if one were tackling the question in this manner, one would have to take into account the cost of the army. About a crore and half rupees are spent in Burma on the Indian Army, and the rest in India. But no one would pretend, at least nobody representing India would pretend, that that  $1\frac{1}{2}$  crores of expenditure in Burma represents the proper contribution which Burma should be making to the cost of the Indian Army. On the question of how exactly the contribution of Burma to the cost of the Indian Army ought to be computed, I am not ready with an answer, but I am pretty certain that any suggestions I might make would be very strongly opposed by anybody representing Burma.

I refer to this method, what I have called the debtor and creditor method, particularly because, so far as I have been able to understand the Report of the Congress Select Committee, this is the manner of approaching the problem which that Committee has selected to follow. I am not quite sure whether I understand what this Report purports to do in regard to Burma, or whether it really purports to indicate the financial adjustment which should take place between the two countries in the event of separation. (*Some Congress Members* : "No.") I can only say that some of my Congress friends have certainly quoted at me the figure which is given here, 102 crores, and in their minds this is the answer to that problem. Also I notice on one page of this Report a footnote which rather indicates to me, although it does not prove it, that at any rate one of the authors of this Report looked on it in this way. However taking the Report for what it is, I would like to refer to one or two figures in it. Before I do so, I would draw the attention of the House to a small asterisk which appears on page 60, against which a footnote indicates that that figure is subject to re-computation. I can, therefore, assume, I think, that the other figures against which there are no asterisks

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are not subject to re-computation, but are final figures. And I want to refer to two items which appear among these final figures. There is a sum not exactly specified but forming a part of 22 crores which, according to this Report, Burma is liable to repay to India on account of losses incurred in running the Burma Railways in the way of revenue deficits and interest. I do not know whether the authors of this report had access to the same papers from which I studied the position of the Burma Railways, but there is no reason why they had not because all the papers I consulted were documents readily available to them. It is true, that at one time, the Burma Railways had cost Government Rs. 30 lakhs, but, in my mind, it is equally true that since that date they have repaid to the exchequer that Rs. 30 lakhs and a very handsome sum in addition. I am quite sure that my Honourable friends from Burma would say that in any approach to the problem along these lines there would be no question of Burma paying India for deficits on the running of the Burma Railways, but, on the contrary, a very serious question would arise as to the amount which India has received on account of the profits that have accrued, at any rate, in recent years from the running of the Burma Railways. I would also just like to note here that in this account there is no mention of a small sum of Rs. 30 crores or so which the Burma Railways cost, capitally, and which, according to my conception, Burma would certainly have to pay to India. I do not know whether that omission from this Report is deliberate or inadvertent, but it seems to me to be rather serious. The second small item in this Report which I would like to refer to is one of a crore a year—and, by the way, this is again not one of the figures subject to re-computation—a crore a year for the last 45 years to represent what Burma should reimburse to India on account of the services of the Indian Army. So far as the Howard-Nixon memorandum throws light on the problem, it indicates that at any rate, in about the year 1929-30 Burma was contributing a sum of the order of Rs. five crores a year towards the upkeep of the Indian Army, of which Rs. 1½ crores were spent in Burma and the other Rs. 3½ crores in India. I believe Burma thinks that this contribution of Rs. five crores was rather larger than the amount which Burma ought to have contributed for that purpose. On that point I am not in agreement with them, but I am satisfied that at that stage they were making a contribution towards the cost of the Indian Army of that order of figure. I am also as certain that if one were to approach the problem in the manner which I have described—the debtor-creditor method—no question would arise of Burma paying one crore a year for the last 45 years extra to what she has already subscribed for the purpose. My Burma friends are much more likely to suggest that, of the sum of money which Burma has already subscribed to the upkeep of the Army, some portion should be reimbursed to them.

This method indeed would lead to an analysis year by year, as I said, of the sums of money received and spent or obligations undertaken on behalf of the two countries. It would mean an analysis of figures and an analysis of facts; and, so far as my opinion is worth any thing, I would say that neither the figures nor the facts any longer exist from which this method could be pursued. Further than that I will say that this method assumes a relationship between the two parties which, in fact, did not exist, at any rate, up to the year 1921, and, even since the year 1921, has existed only in a very partial form.

For these reasons and for others, Sir Henry Howard and myself discarded the historical approach to the solution of this problem. The conclusion we came to was that we would have to take the assets and liabilities as they happened to exist on the date of separation and not go into the past to see who had been to blame or who should receive credit for the past. And our object was to try and formulate an equitable plan of dividing that body of assets and liabilities in terms of the circumstances at the date of separation. As it happened, the Amery Tribunal concluded that that, or at any rate something similar to that, was the proper principle to apply to this problem. I get from some of the things which the Tribunal said during its deliberations the phrase which should perhaps be applied to this method—and I would call it the dissolution of partnership method. No one would pretend that the relationship in the past between India and Burma was that of partners; but as lawyers know, in Courts every day there is a variety of case which comes up for decision in which certain assets and liabilities have to be apportioned, and, in general, the Courts apply a common principle to that type of case even though the case could not be described as a dissolution of partnership.

I would now, Sir, like, in the time that remains to me, to show the application of this principle, which I have described as the dissolution of partnership principle, affects some of the more specific elements of the problem. I do not propose to dwell very long on the currency matter. Burma does and did require to know what would happen in regard to that large body of assets behind the currency in the event of Burma, at some future date, deciding to have its own currency. But it was apparent to Sir Henry Howard and to me, and it has become more apparent since, that the two Governments, and indeed I believe everybody interested in the problem would at any rate for some time after separation desire that there should not be added to the complexities of the situation a change in the currency, and an agreement between the two Governments to that effect has been embodied in a memorandum which was circulated to Honourable Members at the same time as the report of the Indo-Burma Tribunal. As a consequence of that agreement, in due course, an amending Bill to the Reserve Bank of India Act will be presented to this House. The Tribunal, having been told that it was not intended to divide the currency assets at the time of political separation, concluded, therefore, that the matter did not come within their terms of reference, but they did cast a glance at this subject for the following reason. During the negotiations between the two Governments the Burma Government pointed out to the Government of India that there were certain recent elements in the Government of India debt which could be clearly traced to currency operations. They suggested that the proper manner of sharing those liabilities was one based on currency factors. The Government of India did not agree, but they were not prepared to make an issue of the matter with the Burma Government; in fact, they were prepared to make, if this amounted to a concession, a concession of it. However, the Tribunal, being more prompted, if I may say so, by the logic of the situation, refused to isolate these particular elements of the public debt of India. They considered that these should be treated the same as any other part of the public debt of India and divided in the ratio to which I shall presently refer.

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LEGISLATIVE ASSEMBLY.

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In the matter of debt, it is the practice of Government, in its accounts, to divide it up into two portions. Against one portion are specified certain assets, and it is understood in our accounts that specific amounts of the debt can be associated with those assets. It was the opinion of Sir Henry Howard and myself—agreed to by the two Governments, and eventually accepted by the Tribunal—that the proper manner of partitioning that portion of the debt was that the party which came into possession of the asset should take the corresponding amount of debt shown against that asset in the public accounts. The Tribunal somewhat departed from that general rule in the case of the Railways where they made an adjustment on account of certain repayment of railway capital which occurs year by year. I must confess that in that respect the Government accounts are not altogether consistent with themselves. There is avowedly an anomaly in the Government accounts on that point and Sir Henry Howard and the Tribunal were too shrewd to miss it. As regards the balance of the debt which is not represented by assets of any sort, the problem arises as to how it should be shared between Burma and India. Sir Henry Howard and I concluded that the proper manner of dividing it up was in accordance with factors dependent upon the respective revenues raised in the two countries, but there remained between us a fairly large gap as to what should be taken into account in defining those revenues. The Government of India supported my view of the case. The Government of Burma made certain modifications in Sir Henry Howard's original views when they argued their case before the Tribunal. But this was an issue where the Tribunal insisted on taking its own lead. It was not prepared to accept an unqualified principle that the proper manner of dividing this balance of debt was in strict accordance with the respective revenues raised in the two countries. It would be a little difficult for me,—in fact I think I should regard it as impossible,—to summarise the arguments of the Tribunal when dealing with this question of the ratio, and I shall have to direct the attention of Honourable Members to paragraphs 52 to 64 of their report. There is one feature, however, in their argument which I would like to refer to and that is that the Tribunal considered it was relevant to take into account the differential effect of the protective policy of the Government of India on the customs revenue paid by the inhabitants of Burma as compared with the customs revenue paid by the inhabitants of continental India. I would, Sir, with your permission, read out their final conclusion on this subject. It is in paragraph 64 of their report :

“ We do not propose to assign any precise weight to these different alternative arguments for a ratio of contribution below that of the actual revenue contribution of recent years. But our study of all the various aspects of the question and of the arguments and figures presented to us has led us to the conclusion that, for our particular purpose of arriving at a just financial settlement, the proper ratio in which Burma should contribute in respect of the liabilities outstanding at the date of separation (subject to certain qualifications in connection with currency) should be 7.5 per cent.”

Up to this point, Sir Henry Howard and I had been dealing on comparatively amicable terms. The differences between us were differences of detail rather than of principle. But, when we came to the question of pension, we found we were miles apart and the gap never seemed to close. Briefly put, the view which I held of pensions, both military and civil,

was, that they were a liability which, looked at in a capitalised form, was no different in nature from the balance of generalised debt and that, therefore, they should be shared between the two countries in the same ratio as was applicable to the balance of debt.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : May I ask one question ? Will you please explain this point. The ratio that was determined previously was 10½ per cent. and now they have reduced it to 7½ per cent. What is the data for this change ?

Mr. J. C. Nixon : It is true that the Howard-Nixon report, so far as it represented the views of myself, calculated the proper ratio at ten per cent. or thereabouts, taking only the revenues into account. It is also true that the Tribunal have chosen the figure of 7½ per cent. I expressed my inability to summarise the arguments by means of which the Tribunal had arrived at that 7½ per cent. figure and I do not think that I can do any more than direct Honourable Members to the relevant part of the Tribunal's report.

I was talking on the matter of pensions. I had said that I had viewed the pensionary liability as being very much in the same class as the balance of debt not represented by assets. On the other hand, Sir Henry Howard considered that the liability of Burma in the matter of pensionary obligations should be measured by the proportion of the departments which Burma proposed to take over after separation. For instance, Burma proposes after separation, as I understand them, to employ troops which will cost it about a crore and a half and it considered that its proper share of the military pensionary liabilities should be measured by the figure of a crore and a half as against the whole cost of the Indian Army, which, at the time we were dealing with this, was about 50 crores. So that they considered that their proper share of military pensions was about three or 3½ per cent. On the other hand I said that it should be ten per cent., and, as I have just said, the Tribunal considered that it should be 7½ per cent. The Tribunal accepted the principle advocated by the Government of India although the actual financial advantage of their decision is certainly reduced by the fact that they have pitched on 7½ per cent. as the sharing ratio. In order to indicate to Honourable Members the magnitude of this liability, I would remind them that the net pensionary bill of the Government of India at the present time, including civil and military pensions, is of the order of eight crores of rupees a year and if one wants to think of that liability in capital terms one would have to multiply by some such figure as eight (and, I may say, not by 15, as has been suggested by a recent contributor to the *Hindustan Times*). The application of this principle to pensions goes further than in regard to the active pension list of which I have just given you the figures. It was acknowledged by all the parties concerned that a liability will also lie on Burma in regard to what has been called part-earned pensions which are the pensions which will arise in the future of which a portion can be attributed to pre-separation service. And the same principle—that India is due to receive from Burma 7½ per cent. of the total of that liability—applies to this factor. It is a little difficult for me to indicate to Honourable Members the magnitude of that liability but, according to certain calculations which I have made, I put



[Mr. J. C. Nixon.]

the total of that liability down at a figure of between 80 and 90 crores capitally. I said it would be very difficult to work out the amount. In order to arrive at an irreproachably accurate figure, I think I might very well describe the problem as impossible, and it was because of that in the Howard-Nixon Report I proposed a composition. On a rough calculation I considered that Burma would owe India something of the order of five crores on account of part-earned pensions. I am not prepared to say that the figure should not be four crores or six crores. I think I am prepared to say that it is not ten crores. It is round about the neighbourhood of five crores. On the other hand, as I conceived the problem, owing to the fact that a disproportionate amount of the buildings and land used for departmental purposes is found in continental India and not in Burma I could see that India would be due to pay to Burma some compensation on that account. Again the figures are very vague. I collected some and guessed at others, and I came to the conclusion, without cooking the result, that the amount which India might be held to owe to Burma on that account was, by accident, also a figure of the order of five crores. And my suggestion was that these two vague and difficult-to-calculate elements should be considered as cancelling one another out. The Tribunal were not able to accept this suggestion of mine. They thought that my calculations were not as accurate as might be arrived at in the matter and they left the more accurate determination of the figures to the application committee.

I promised in an earlier part of my speech to refer again to the report of the Standing Finance Committee and particularly to those points where they offered alternative renderings to the recommendations which I originally made in the Howard-Nixon Report. I may say that in the Howard-Nixon Report Sir Henry and I had assumed rather implicitly that the eventual liability of Burma to India should be expressed in the form of a rupee obligation. The Standing Finance Committee had recommended that part of that liability should be expressed in sterling and the rest in rupees. That notion had occurred to me while I was writing the Howard-Nixon Report but I rather came to the conclusion that it did not automatically cut out the risk which I have no doubt was in the minds of the members of the Standing Finance Committee. However, I must say that I could see no harm in the suggestion. My instructions were to press that request before the Tribunal, which I did, and I pressed it in the belief that it would be readily acceded. The Tribunal asked on what grounds I would attempt to assess how much of the liability should be expressed in sterling, and I gave them three or four possible alternatives. I must say I was rather surprised to see that they did not concede that point. Another of the points on which the Standing Finance Committee view was somewhat different from the suggestion made by me originally was in the matter of the asset which is described as the "military land scheme, Bombay" and against which an amount of debt of about two crores is exhibited in the accounts. In regard to that asset the Standing Finance Committee suggested that instead of using the figures of the published accounts, we should ask that that particular property should be valued and adjusted at its valuation. There is no doubt that what was in their minds was that the present value of that property was undoubtedly well below what it originally cost. The Government of India, on con-

sidering that suggestion of the Standing Finance Committee, thought that it would be inconsistent to have a valuation in regard to this one asset while they were not asking for a valuation in regard to the other assets. In the case of some of the other assets the case might go in the opposite direction because we have assets worth more than they originally cost. On this point, therefore, I received no instructions from the Government of India. Then, the Standing Finance Committee suggested that India should press a claim against Burma on account of the accumulated leave which will be to the credit of officers at the time of the separation. It is known to Honourable Members that Government servants accumulate a certain amount of leave and take it in blocks from time to time. They do not necessarily take a fixed amount of leave every year. I had referred to this point in the Howard-Nixon memorandum. My solution of it was to throw it in with the composition as the amount is comparatively small. But I must say that at the same time I had some doubts as to whether it was a properly adjustable item, or whether it was not more correct to view it as rather a current day to day item with which we were not concerned. I, however, pressed this claim before the Tribunal under the instructions of the Government of India, but, as can be seen from the report, the Tribunal has negatived it.

But a more important aspect of the subject with which the Standing Finance Committee dealt was the matter of what I have called "dead assets", or the buildings and land in the use of the Departments of the Government of India, which, generally speaking, have been bought out of revenue and against which generally no debt liabilities stand. The Standing Finance Committee expressed in their report a point of view which, as a matter of fact, I had originally given them,—that it was a conceivable attitude to take up that the destination of any assets which had been acquired in the past out of revenue resources should be considered as automatic, and that the luck of the party which got possession should stand. They did not suggest in their report that this should be actually pressed as a claim, but they did suggest that it was a point of view which the Government of India should bear in mind. The instructions which I received from the Government of India were very prominently to bring this point of view to the notice of the Tribunal. I did that, and I argued it, if I may say so in all modesty, rather well (Laughter)—so well, indeed, that at one time I nearly believed in the theory myself. But, as a matter of fact, I was not able to convince the Tribunal that an asset was any the less an asset because it had no debt attached to it. It is acknowledged that an asset with debt liabilities is an asset, but the suggestion I had to make to the Tribunal was that it ceased to be an asset after the debt was paid off. I think all Honourable lawyer Members of this House will in their heart of hearts believe that the Tribunal, at any rate on that point, was correct.

Sir, the last proposition which I want to refer to in the report of the Standing Finance Committee is the one in which they recommended that the Government of India ought to obtain from the Burma Government, after separation, a separate contribution on account of the Indian Army, on the ground I think that even though the two countries were separated, Burma must, by reason of its geographical position, get a certain amount of protection from that army. I am not prepared to combat that argument at all, but the Government of India in fact gave me no instructions on the point because on the advice I gave them that this consideration was

[Mr. J. C. Nixon.]

really outside the terms of reference of the Committee. It concerned continuing arrangements between the two countries after separation and was not one of the assets and liabilities to be divided at the time of political separation.

Sir, I may now sum up in a few words the proposals of the Tribunal so far as they affect the Indian case, and I will do so by saying that on principle the Government of India have won their case, but the amount of damages awarded to them is less than they claimed. On the other hand, Burma finds itself in the position that it will have to pay up more than it bargained for.

But Honourable Members will also be interested to hear what, if the recommendations of this Tribunal are brought into effect, will be the effect on the budgetary position of the Government of India. On this matter I must speak with caution. The necessary figures for a calculation appear many months after the event; but I have attempted to make as close an estimate as I can and I say that if Burma had been separated from India on the first of April of the current year on the terms of this report, the effect on the budgetary position of the Government of India would have been a deterioration of something of the order of two crores. (Applause.)

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair has received notice of three amendments, one is from Mr. Gauba, the other is from Mr. Das and the third is from Mr. Mathuradas Vissanji. All the three amendments are almost identical in terms. The Chair is feeling some doubt as to whether the first amendments are in order and whether their effect is not that of a direct negative. The Chair would like to hear Mr. Gauba and Mr. Das on that point.

**Mr. K. L. Gauba** (East Central Punjab : Muhammadan) : Sir, the motion before the House is that the report of the Tribunal be taken into consideration and the negative of that would be that it should not be considered. My amendment is that the report be rejected by the Government of India. Therefore, I submit that that is an entirely different matter and the amendment is admissible.

**Mr. President** (The Honourable Sir Abdur Rahim) : Does it not amount to the same thing ?

**Mr. K. L. Gauba** : No, Sir. I submit it is different.

**Mr. President** (The Honourable Sir Abdur Rahim) : All right. The Honourable Member had better simply move the motion. All the three motions may be moved and then there will be discussion on all of them.

**Mr. K. L. Gauba** : Sir, I formally move the motion that stands in my name, namely :

"That the Report of the Tribunal appointed to advise on the formulation of a financial settlement between India and Burma in the event of separation be rejected by the Government of India as unjust and inequitable to India."

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I move :

"That the Report be rejected as being unfair to both India and Burma."

**Mr. Mathuradas Vissanji** (Indian Merchants' Chamber and Bureau : Indian Commerce) : Sir, I move :

"That the Report be rejected as being inequitable to both India and Burma, and that, in consequence, the Government of India be requested to move the Secretary of State for India, that, in accordance with promises made in this Assembly, the assurances given at the Round Table Conference and in the Report of the Joint Select Committee of the British Parliament, the problem of Financial Adjustment between India and Burma be investigated into afresh by another Tribunal, with representatives of both India and Burma thereon to make recommendations on the question of distributing the Assets and apportioning the Liabilities between the countries affected and concerned, after proper hearing of the case from all the parties concerned, and before final steps are taken in the matter."

**Mr. President** (The Honourable Sir Abdur Rahim) : Amendments moved :

"That the Report of the Tribunal appointed to advise on the formulation of a financial settlement between India and Burma in the event of separation be rejected by the Government of India as unjust and inequitable to India."

"That the Report be rejected as being unfair to both India and Burma."

"That the Report be rejected as being inequitable to both India and Burma, and that, in consequence, the Government of India be requested to move the Secretary of State for India, that, in accordance with promises made in this Assembly, the assurances given at the Round Table Conference and in the Report of the Joint Select Committee of the British Parliament, the problem of Financial Adjustment between India and Burma be investigated into afresh by another Tribunal, with representatives of both India and Burma thereon, to make recommendations on the question of distributing the Assets and apportioning the Liabilities between the countries affected and concerned after proper hearing of the case from all the parties concerned, and before final steps are taken in the matter."

There will now be discussion on the amendments and the original motion.

**Mr. K. L. Gauba** : Sir, I hope Mr. Nixon will not think me uncharitable when I refer to the very excellent and lucid address, which he has just concluded, as having missed the main question before the House. He seemed to labour under the misapprehension that this House was considering the Howard-Nixon report, the Congress report and the report of the Standing Finance Committee. Looking at the clock, Sir, one noticed that during 60 out of the 70 minutes in which the Honourable Member very ably occupied the floor of the House, he dilated upon the three matters, which are really not before us at all. The matter before the House today is the report of the so-called Tribunal appointed by the Secretary of State.

Here, Sir, I would like to state definitely that we do not criticise Mr. Nixon's advocacy of India's case before the Tribunal, nor do we criticise the very excellent report which he published in conjunction with Sir Henry Howard. What we are out to discuss today is the extent to which the report published by the so-called Tribunal (on the 15th of March, 1935), can be accepted by this Assembly or by either of the two countries interested. I would also like, at the outset, to make it absolutely plain that in moving the rejection of the Amery Report, we, on this side of the House, do not want any kind of unfairness to Burma. We stand for fairness to Burma, just as we stand for fairness to India. The question whether Burma can pay a particular sum which India ought to get is really beside the point. What we have to see is this : What is due to India and how can India get it ?



[Mr. K. L. Gauba.]

Sir, I propose briefly to touch on the so-called arbitral character of the Amery Committee, which has been euphemistically referred to as an arbitral Tribunal. You know, Sir, that none of the parties to the case were before that Tribunal, except in the person of the officials nominated by the respective Governments. The people of Burma and the Legislative Council of Burma, the people of India and the Legislative Assembly of India, knew absolutely nothing of these proceedings until the proceedings were well advanced and the report had practically been signed. The intimation pertaining to the appointment of this so-called arbitral Tribunal was not made till the 16th February this year. It was only later stated that the Tribunal had actually started work on the 21st December, 1934. On the floor of this House the Honourable the Finance Member made a statement on the 26th of March, which he had to retract on the 28th of March. He did not know on the 26th March that the report had been actually signed in London.

The question of the personnel of the Tribunal has already been debated in the Assembly; and it is not necessary to go over the ground again. I think there are no two opinions in this country or in Burma as regards the personnel of the Tribunal. Neither the people of India, nor the people of Burma, had any confidence in this Tribunal, nor, was it a Tribunal in the terms in which it was promised to both these two countries. The whole business has been a piece of sharp practice,—if I may say so,—about this Tribunal. The Tribunal—I will refer to the pledges presently—was appointed behind the back of the people of Burma and the people of India. This Tribunal was not a Tribunal of financial experts, it was not a Tribunal of judicial experts. This Tribunal consisted of a Colonel Amery, an *ex-Secretary* of State for the Colonies, Sir Sydney Rowlatt, who holds a K.C.S.I., for various services rendered to India—we know what those services were—and Sir Walter Nicholson, a civil servant in the Aviation Department. (Laughter.) This, Sir, is the personnel of the Tribunal which has to decide the question, where crores of rupees of the two countries are involved! If the Secretary of State had himself done the job, it would have been much more honest than the appointment of this utterly worthless Tribunal.

These proceedings, we have seen, are referred to as arbitration proceedings. Well, Sir, an arbitrator might arrive at an erroneous decision; he might make a mistake. In such circumstances one does not question the findings, which are presumed to be *bona fide*. But where fraud intervenes—I see the Honourable the Finance Member looking at me,—I repeat it again,—where fraud intervenes.....

**The Honourable Sir James Grigg:** Fraud on whose part?

**Mr. K. L. Gauba:** Where fraud intervenes, it vitiates the arbitration. Fraud may be in the reference; fraud may be in the arbitral proceedings; and finally fraud may be in the conclusions to which the arbitrators subscribe. I submit, Sir, that on all three grounds,—it is a very bold statement to make, I know—but on all the three grounds, this report is vitiated by fraud on both countries.

Let us take the first question—the terms of reference. Over and over again, the proceedings of the Round Table Conference and the Burma sub-committee of the Round Table Conference refer to a just settlement

between the two countries. Over and over again, if you see the various reports of the proceedings, the term used is 'a just settlement'. The terms of reference to the Amery Committee are "to determine as equitable apportionment between the two countries of assets and liabilities". I submit that the term "assets and liabilities" is quite a different matter to "a just financial settlement". In the case of "a just financial settlement", so many other questions can rightly and legitimately come in; so many other questions would be within the Tribunal's purview, questions which cannot be relevant in a mere mechanical distribution of assets and liabilities. Thus the liability for wars or post-separation pensions under heads of military charges. The Honourable Member, who has just spoken, referred to the historical approach and he spent a lot of time in ridiculing or in indicating that the historical approach was really not the proper approach to the subject. But in any question concerning India and Burma, the historical approach is a vital approach. After all, India has spent, according to his own estimates, between 10 and 21 crores on Burma wars. We do not say that these 10 to 21 crores are to be paid by Burma. We say that these 10 to 21 crores ought to be paid by the people in whose interests those wars were waged. (Applause.)

Next, Sir, I turn to the fraud apparent in the proceedings. Here I would refer Honourable Members to the debate which was held in this House on 5th April, 1932. Sir George Schuster referring to this Tribunal, in the course of the debate, in which you, Sir, took so conspicuous a part, said, "the sub-committee of the Burma Round Table Conference practically accepted the recommendations of the Government of India". He read and quoted the report of the sub-committee, and went on to say, "this is a point on which I would call the special attention of the House, that is, the Burma sub-committee recommended, not only that the expert's statement of the case should be considered by the Standing Finance Committee, but that the two Standing Finance Committees should be actually associated with the proceedings before the Tribunal". You would note, Sir, that we have had this debate on the 5th and it was continued on the 6th April, 1932. The urgency for the debate was stated by Sir George Schuster to be that the Burma elections were about to be held in the autumn of that year and also a likely hurry in the appointment of the Tribunal. The Honourable Members of this House wanted a postponement of the discussion to the Simla Session, but the Finance Member, of that time, opposed it on the ground that as both those matters were urgent, it should be discussed then and there. That was in April, 1932. The year 1932 passed, the year 1933 went by, the year 1934 had also practically elapsed when, at the end of December (1934), this committee was appointed. Now, to come forward with the specious excuse that the Finance Committee of this House could not be associated with the enquiry on account of the elections,—all one can say is that it works like a very shady business indeed. The Government had two and a half years at their disposal to appoint this committee, but they did not appoint one. The Government waited and waited and at last appointed a committee when the old House had been dissolved and when fresh elections had taken place and when it was impossible to associate a Standing Finance Committee with that enquiry. But, that is not the only point. After all, if the Government could not get a committee of this House to be associated with the enquiry, was India absolutely bankrupt of any financial expert who could be associated with this enquiry? Was Burma devoid of any Burman financial expert who could be associated with this

[Mr. K. L. Gauba.]

enquiry? Mark You! And this is worth noting that you have had till now three financial enquiries beginning from the Meston enquiry, and every time you have kept out Indians from association with these enquiries. What is the reason? (*Honourable Members*: "Shame.") I leave it to the House to judge.

Now, let us come to the findings of the Tribunal. In the terms of reference, we have seen how there was back-sliding.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair has not fixed any time limit for this debate. But it is usual for the Chair, with the consent of the House, to allow 15 to 20 minutes for every speaker in such cases. Having regard to the number of Members who desire to speak on this subject, it seems to the Chair that it would be best for it to fix a time limit and the Chair suggests to the House that the time limit in this case be 20 minutes with discretion to the Chair to give any Honourable Member more time if the Chair considers it necessary.

**Dr. Ziauddin Ahmad**: May I just say that this is not a Resolution on which there may be fixed a time limit. But still it is open to the Chair to fix a time limit on any debate. But this is a very important question about financial adjustments and I request you to give us the full time and allow us to discuss it fully even if the debate is not finished today.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair has taken that fact into consideration. The debate is not likely to be finished today, and the Chair believes Government are prepared to give some time next Monday. Even then, it is necessary to put some time limit, subject to discretion being left to the Chair to extend it in particular cases. The Chair does not want to be too rigid, but it suggests to Honourable Members, who are going to speak, that they must have regard to other Honourable Members who desire to speak on this important subject, and the Chair suggests that 20 minutes should ordinarily be the time limit.

**Mr. K. L. Gauba**: Sir, I will try to conclude as briefly as I can, but the question is really so important and so complicated that I would request your indulgence for a few minutes, if I happen to exceed the time limit.

I was referring to the question of the third line of attack on this report, namely, the findings. As I said, Mr. Nixon, very cleverly and very brilliantly avoided the Report in 60 out of the 70 minutes for which he occupied the attention of this House. Let us refer to the question of the ratio, which was mentioned by Mr. Nixon. The Honourable Member read out the findings of the Committee, namely, paragraph 64 at page 15. He stated that Honourable Members would find out for themselves the reasons upon which the Commission had arrived at the ratio of 7.5. Well, Sir, I have read this report from beginning to end and fairly carefully, and I think other Members also have read it. I do not think those reasons are in this report at all. And for very good reasons. -- Mr. Nixon had made a careful calculation of a ratio at ten per cent. The Committee or the Tribunal wanted to find a lower ratio. So the best way to do it was to fix the ratio without assigning reasons. They have thus given absolutely no reasons at all on so vital a question, namely, the ratio upon which the liability of Burma is being assessed.

Sir, on the question of the quantum of debt the procedure adopted by the Committee is also open to the gravest objection. Mr. Nixon and Sir Henry Howard in their report estimated the rupee and the sterling liabilities on the 31st March, 1930, at 1,100 crores. The Committee has estimated it variously on a variable basis of interest,—and one does not know where they got that line of procedure from,—between 924 crores and 999 crores on the variable basis of interest being charged at 3½ per cent. and 3¾ per cent. The difference in these figures alone is the very trivial sum of 200 crores. Another instance is the 39 millions which have been taken off the liabilities standing against Railways. The Railways, as we know, have charged no depreciation on their account until after 1924. Well, the Committee wants to have it both ways. They want 39 millions or the 40 crores and they also want the assessment of the assets of the Railways as they stand at present, namely, depreciation only having been charged from 1924. Personally I have no objection, and I do not think anybody would have any objection, if the assets of the Railways are valued on the basis of a commercial valuation and the depreciation is reckoned accordingly, or else the system adopted prior to 1924 of the 40 crores which have been taken off the liabilities should be conceded.

Coming to the question of payment, here too, Sir, we find most interesting propositions. The Standing Finance Committee of this House, as also the Howard-Nixon Report, clearly stated that any amount found against Burma should be a first charge on the revenues of Burma. Now, Sir, what has happened is really another interesting piece of trickery. Certain loans have been raised in the past by the Government of India or the Secretary of State on the revenues of India. Those revenues included, not only the revenues of India, as we understand it under the Government of India Act, but also on the central revenues from Burma. Now what has been done under the Government of India Act, in a most amazing piece of draftsmanship, is that in the separation all the loans which were raised on the joint security of the revenues of Burma and India have been transferred to the security of the revenues of India and the revenues of Burma have been freed from that liability. Sir, I do not think there is any parallel to this. I will explain it by one example. You have a partnership or a company. The company or the partnership raises loans on its assets. Then a division or dissolution comes about and they split up into two companies or concerns. Well, those assets, even after division, are bound by the charges that have already been created upon them. Now, Sir, certain monies and loans have been raised on the revenues of India,—the revenues of India meaning the revenues of geographical India as also the revenues of geographical Burma. Now that separation comes about how can you take off the charge on the revenues of Burma and saddle the revenues of India with the entire responsibility? Under what law or code can you do this? The provisions I would refer you to, are sections 177 and 178 of the Government of India Act. I will read out section 178:

"All liabilities in respect of such loans, guarantees and other financial obligations of the Secretary of State in Council as are outstanding immediately before the commencement of part III of this Act and were so secured on the revenues of India shall as from that date be liabilities of the Federation and shall be secured upon the revenues of the Federation and of the provinces."

I submit that this is a provision—whether it is legal or illegal remains to be seen hereafter—for which no parallel exists in constitutional history.

[Mr. K. L. Gauba.]

I submit that this provision is contrary to morality as also to decency. You have raised monies on the security of the revenues of Burma : how can you remove the security from those revenues ?

As I have submitted, the whole case boils down to this,—whether this report can be said to be based on equity, justice and good conscience. It cannot. I would submit here in conclusion that the separation is not of India's seeking : it is not very much of Burma's seeking. It is the seeking of a certain set in England and a certain set in Burma. It is the result of a very definite course of Imperialism. What the exact motive is one does not know : all we know is this : ever since this question of separation was sprung upon the Round Table Conference—it came as a surprise as Sir H. P. Mody will probably tell the House—ever since that time, the question of separation has been absolutely driven, and the financial settlement also has been driven in the same manner, irrespective of the promises to the people, and irrespective of the promises to this Legislature. We know that a large part of the unproductive debt—Mr. Nixon has referred to it in his report—is largely due not to the needs of India but on account of the war that India had to engage in. Now, the assessment of these liabilities must be made on basis of an historical approach, which Mr. Nixon so lightly repudiated. If Burma cannot pay all these liabilities, which India has incurred, well, those who had these obligations incurred must pay up to India.

**An Honourable Member :** They will never pay !

**Mr. K. L. Gauba :** A period of 45 years is made out for the repayment of this loan. Who knows what will happen in 45 years ? Our point is this : if you want separation of Burma, for whatever purposes you may want it, it is for you to pay the bill of separation. (*Opposition cries of "Hear, hear."*) We are not concerned with instalments from Burma—whether it is two crores, or three crores or one crore.—You wanted the separation of Burma and you should pay the price for the separation of Burma.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has now spoken for thirty minutes.

**Mr. K. L. Gauba :** With these words, I move my motion.

**Mr. B. Das :** Sir, at the outset, I wish to make it clear that we, congressmen, stand by the resolution of the Karachi Congress over cessation of Burma and if my Burmese friends or a majority of them want separation, we wish them good luck. At the same time we would like them not to throw more on our liabilities than they can help. The motion which I have tabled is not so much to condemn the recommendations of this Tribunal—because this House by a majority condemned this Tribunal in that adjournment motion which was moved in the last Session—we have no confidence in this Tribunal as it did not represent the spirit in which it was promised to be appointed by the Round Table Conference : I do not find the two gallant Knights from Bombay here who were so vehement in their speeches yesterday—and both of them were members of the Round Table Conference and, if I am right, Sir H. P. Mody was a party to the promise which he exacted at the Round Table Conference that the Standing Finance Committee of this House

would be associated with the Tribunal. What happened ? I listened to the very pleasant speech of my honourable friend, Mr. Nixon, whom I welcome to this House once again, but he went over grounds that do not hold. The Tribunal met some time in February : but no members of the Standing Finance Committee were sent out. The real truth is that the present Finance Member was new at the time ; he did not know the fair promises that were given by his predecessor on the floor of this House in 1932 and to which my Honourable friend, Mr. Nixon, was a party,—he was a Member of this House and a Joint Secretary to the Government of India in the Finance Department at the time. The then Finance Member gave an assurance, but the Government was afraid of the Congress. The Government knew, by the result of the elections, that the Congress has come by a majority and if the assurance of Sir George Schuster was to be carried out, some Congress Members, at least, would find themselves represented either as associates or members of the Tribunal. Sir, Mr. Nixon has asked us to be generous or rather to be fair to this Amery Tribunal. I do not wish to take any notice of this Amery Tribunal ; but I blame the British Government and the Secretary of State for appointing a tribunal to which the whole issue of the financial questions which would arise out of the separation of Burma was not referred to. I do not know who else I shall blame, but I blame the Government of India partly because they did not insist on their commitments to this House. Sir, my Honourable friend, Mr. Nixon, dilated on the work of an impartial Tribunal. How could he say that the Tribunal was neutral and impartial ? Britain is a party to the separation of Burma.....

**Mr. S. Satyamurti** (Madras City : Non-Muhammadian Urban) : Britain is the author.

**Mr. B. Das :** As my friend, Mr. Satyamurti points out, Britain is the author. Now, if Britain is the author, Britishers cannot be fair arbitrators and cannot arbitrate impartially. Sir George Schuster deliberately asked this House four points, and one point he mentioned in the debate of 1932, was, that we should express an opinion as to the personnel of the Tribunal. I did suggest that the Chairman should be a member from the League of Nations, and another Honourable Member of the House suggested that members could be found from the British Empire. If the Capitation Tribunal could find a Chairman in Sir Robert Garran from Australia and two Members from India and two Members from Britain.....

**The Honourable Sir James Grigg :** What was the result of that Tribunal ? The result was three different Reports.

**Mr. S. Satyamurti :** Because they were honest.

**Mr. B. Das :** Sir, I do not condemn that Capitation Tribunal. The personnel of this Tribunal should have been constituted of members from the Dominions, from Australia or South Africa, no Britisher ought to have found a place there. The fact is that the British Government wanted the separation of Burma from India, and, therefore, any decision of this Tribunal is to be regarded with great suspicion and it has naturally gone so much against us. I must recognise the good work done by my honourable friend, Mr. Nixon, in connection with the

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Howard-Nixon Report and also subsequently. If one reads through this Amery Tribunal's Report, it would be seen that my honourable friend, Mr. Nixon, tried to represent our case very ably; he stuck to his guns; he demanded that India should demand a ratio of ten per cent. in the matter of the settlement of the liabilities and assets. Although he found himself in difficulty to express definite views in regard to the military burden of Burma, it is an issue which should not be deferred but settled simultaneously along with the general issue of ratio of liabilities and assets. He did not express his own views over the ratio, but he simply asked us to read through the paragraphs 59 and 60 of the Tribunal's Report. It is surprising to see the non-financial outlook of this Tribunal! They talk of the protective tariffs which India enjoys. My honourable friend, Sir Homi Mody, is not here to tell us his views or to tell us what benefits India enjoys through protection. It says that because India is deriving a certain amount of benefit in protective tariff, so the share of the Burmese receipts which are calculated at 9½ per cent. should be reduced to eight per cent. One cannot understand how this could happen, and, after Burma is separated, all the customs revenue will go to the Government of Burma and will not remain with the Government of India. How can the Tribunal agree to this silly idea and suggest the reduction of the Burmese contribution and arrive at the figure of eight per cent., unless it has some sinister motive to reduce the 10½ per cent. which Mr. Nixon demanded should be 7 per cent. I do not want to take even one pie more from Burma than is India's due, but, I believe I have read the Howard-Nixon Report and also this Tribunal's Report, and I maintain that India's demand should not be less than 10 per cent., and, therefore, this Report is unacceptable.

With regard to the military burden of Burma, the Tribunal did not consider it at all. Why did they feel diffident: In one place they say:

"The problem of the defence of Burma as a separate State in the British Empire will no doubt involve consideration of the share she should properly take in the common defence."

Sir, we have been accustomed to the Simon Commission Report, the Joint Parliamentary Committee Report and the Government of India Act. We find India is saddled with the octopus of military burden to the tune of 45 crores. If Burma is to separate, Burma should take her proportionate share of the military burden, and if Burma could claim ten per cent. of the share of the assets and liabilities or even 7½ per cent. of the share as this Tribunal has suggested, then Burma must bear 7.5 per cent. of the Defence cost in the least. I ask the Honourable the Finance Member who will no doubt reply later,—I ask him to tell us whether the Government of India asked the Secretary of State to tell the Tribunal to examine this question, or if, as the Howard-Nixon Report at one place pointed out,—they were afraid of the Army Council in London—that it would be referred to a Committee subject to the sanction of the higher authority, meaning the Army Council in London. Has the Government of India in contemplation such a Committee to allocate the fair share of the military burden of Burma?

Sir, I do not like to go into the historical analysis of things or into the historical issues of the debt position. Thinking in my mercantile

way, I would like to come to a fair settlement in regard to the ratio which, as I have said, is ten per cent., and, as I said in the last Session, while I condemned the Government in that adjournment motion, I again say that Burma should contribute ten per cent. of the military burden to India, and that will come to 4½ crores, which will give the Finance Member Rs. three crores more for nation-building work in the provinces. This morning when we were interjecting that England should pay, the Finance Member said: "the cat is out of the bag." I do not say that England should pay the share of the loan incurred by India in the matter of conquest of Burma. I do not wish to go into the past history, but if England wants the separation of Burma, let an impartial Committee allocate the share of the military burden, and it will never be less than ten per cent. There cannot be one set of laws for one party and another set of laws for another party, and the futile argument of the Burmese Government,—I hope the representative of the Burma Government will speak later,—the futile argument of the Burma Government that Burma has got only one division of the Army and 1½ crores is enough for Burma's military burden, is a silly argument, and no fair-minded Britisher or Indian will agree to it, unless he wants to dance to the tune of his master's voice.

At this stage, I wish to protest against the slur which Mr. Nixon cast on the previous Assembly of which, Sir, you and I were Members. My honourable friend, Mr. Nixon, said that the Members in the previous Assembly did not face the situation boldly and frankly. I must point out to Mr. Nixon that if this Assembly is stronger, the previous Assembly was no less strong in the expression of its views. Of course, the present Finance Member does not possess the persuasive voice of Sir George Schuster who in his own persuasive ways wanted to shelve the whole discussion on Burma finance and refer the whole thing back to England. But then we all protested, and, as my honourable friend, Mr. Nixon, pointed out, we had a two days debate. We did not go into the technical details, although some of us pointed out that 10½ per cent. should be the minimum figure in the matter of Burma's contribution towards the military burden or even towards India's debts, over pensionary charges and other liabilities. Sir, it was very unkind of my honourable friend, Mr. Nixon, to say that we did not examine the issues then. If anybody has failed, it is the Government. Let me hope my honourable friend, Mr. Nixon, did not express similar sentiments before the Tribunal that the Legislative Assembly did not express any view. He was supposed to represent the views expressed in the Assembly debates before the Tribunal as well. I am sorry my Honourable friend, Mr. Nixon, misunderstood the whole situation and misinterpreted the views of the Assembly. Mr. Nixon is to share the blame, as much, because he occupies a position in the Government of India; he cannot lay it at the door of the Government of India during the transition stage. The promise was blithely given by Sir George Schuster and, Sir, the Congressmen coming in large numbers into the Assembly has evidently upset the mental equilibrium of the Government of India. Sir, I am not going into details of the financial issues. I have said that I will be satisfied and India will be satisfied if the ratio is fixed by an impartial tribunal—not a tribunal of Britishers, but anybody that may belong to the British Empire, and not to the British Parliament or the British Government. Burma's

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military burden should be settled. If that is done, I think a satisfactory basis for a solution of the financial questions between India and Burma could be arrived at.

My Honourable friend, Mr. Nixon, alluded to the currency agreement. I have gone over it and I think it represents a fair sense of the situation, and in fact, the Standing Finance Committee recommended similar steps in 1932. I was not a member of that Committee, but one thing that I should like to know is, if Burma desires to separate her currency assets from India whether it will be entitled to ten per cent. of assets as I demand it, or  $7\frac{1}{2}$  per cent. of the assets as this Tribunal has fixed it. I would like to know whether there is any other idea in the mind of the Government and if they wish to give more. In fact, the Howard-Nixon Report itself said that Burma should get 21 per cent. of gold and 35 per cent. of the silver reserve. Why should there be different theories, different principles in the matter of sharing the currency reserve? If the Finance Member or the Government of India are determined, through their master Lord Zetland's orders, that  $7\frac{1}{2}$  per cent. should be the percentage in the settlement of financial dues let India and Burma, I want to know why it should not be provided in the Act of separation that after separation, Burma should be entitled to  $7\frac{1}{2}$  per cent. of the currency reserve that we have got in India?

My Honourable friend, Mr. Nixon, did not like to repeat Sir George Schuster's analysis of the position of debt. Sir George Schuster, while he made his speech in 1932, said that Burma's debt at the time of separation, if it separated in 1932, would be Rs. 66½ crores; while the Howard-Nixon report said it should be Rs. 62 crores. I would like to know whether the Honourable Mr. Nixon argued India's case on the basis of Rs. 66½ crores, or even he increased the demand on the head of Debt. My Honourable friend, Mr. Gauba, has pointed out, and my Honourable friend, Mr. Nixon, did the same, about the jugglery in figures after taking into account the railway capital account, which the Tribunal indulged in. These are little things which do not appeal to me. These are minor issues, but I do complain that Mr. Nixon should have yielded in the end that India should bear the burden of the Bombay Military Lands which have gone down very much in price, and in fact, when those lands are sold, the proceeds will go to the army department and will not be returned to the taxpayer in any shape or form. To sum up, what I do demand of this Government to do is to represent to the British Government that this Assembly has no confidence in the Amery Tribunal's Report, as it was not asked to review the whole financial position and financial relationship between India and Burma, and, therefore, this Assembly asks the British Government to appoint an independent and neutral tribunal to go into the whole question and fix the military burden of Burma and thereby give relief to India's finance to the extent to which Burma will share the burden of Defence, and to fix a ratio over liabilities and assets equitable and fair both to Burma and India and not to fix it simply because Burma will be separated very soon and find itself in the clutches of Britain and that Britain wants to spare herself a share of the luxury of that separation.

**U Thein Maung (Burma : Non-European) :** Mr. President, we wish to place before this House the views of the Burmese people on the Report of the Tribunal in order to remove the impressions that may still be there that Burma has done unduly well or well at all, and that the Burmese people are or should be quite satisfied. As my Honourable friend, Mr. Nixon, has very rightly pointed out, we lost on principle and we shall have to pay much more than we bargained for, and I must say that we are thoroughly dissatisfied with the Report of the Tribunal.

We claim that Burma should be completely free from any liability in regard to the unallocated debt of India; and we are fortified in this claim by Mr. Nixon's own note, dated the 27th May, 1931, which is at pages 97—102 of the Proceedings of the Standing Finance Committee, Volume XI. From the figures in paragraph 11 of that Note, it will be seen that for the ten years preceding 1914-15, India received Rs. 34½ crores approximately by way of surplus out of the central revenues from Burma. From 1914-15 up till 1920-21—a period of seven years—the surplus revenues amounted to Rs. 30½ crores. Assuming, as stated in paragraph 12 of the same note, that the result of the Howard-Nixon investigation of figures for 1929-30 is to suggest that Burma's contribution to central revenue, after meeting its own local charges, is of the order of Rs. three crores annually, the amount of the surplus revenues paid to India from 1914-15 to 1929-30 would be about Rs. 57½ crores. Even making every allowance for overhead charges and other charges met in India, which should not exceed Rs. 1½ crores annually, there should be a balance of something like Rs. 30 crores in favour of Burma; and, as the Finance Committee of the Burma Legislative Council has rightly pointed out, this should completely free Burma from any liability in regard to the unallocated debt. I may add that the actual central gain from Burma, that is, the excess of central revenue collected in Burma over central expenditure on Burma, from 1904-05 to 1933-34, is nearly Rs. 177 crores.

In the alternative and without prejudice to the above claim, we urge that deductions should be made from the present debts of the Government of India for the purpose of determining Burma's share of the liability :

- (a) for debts which were incurred before the annexation of Burma and paid up thereafter, and
- (b) for debts which represented the costs of the Burmese wars or the costs of any other war or military operation outside India.

Burma never had a share in the benefits of the former and the latter were really incurred—not for the benefit of India or Burma—but in the interests of Great Britain and they should, in fairness to India and Burma, be paid by Great Britain as has already been pointed out by the Honourable Members of this House.

As regards the ratio of Burma's liability, if any, for the debts of India, it should have been fixed on the basis of benefits received—i.e., on the basis of the geographical distribution of the benefits conferred by the policy and expenditure of Central Government, inasmuch as Burma can, in fairness, be asked only to pay for such benefits.

Commercialized debts allocable to Burma and her share of the dead assets are the fairest indices of the extent to which Burma has benefited by the said policy and expenditure and neither of them exceeds four



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per cent. of the respective totals. We claim that Burma's share of the commercialized debts and dead assets is the fairest basis and that four per cent. is the fairest ratio.

Failing that and without prejudice thereto, the Tribunal should have fixed the ratio on the basis of population and on that basis the liability of Burma would be about five per cent. only. In this connection we need hardly remind the House that we have recently been given our share in the rural development fund on the population basis without any special weightage or allowance whatsoever as in the case of Assam, the N. W. Frontier Province, Bombay and Punjab, although admittedly Burma is the least developed part of British India in spite of its being the most heavily taxed province. This, by the way, is quite in keeping with the general treatment we have received at the hands of the Government of India ever since we came under it—the general treatment which compelled us to seek and obtain separation.

Failing to accept the population basis, there might have been some justification for fixing the ratio on the basis of relative national wealth or income and according to paras. 61 and 62 of the report the ratio on this basis would have been in the neighbourhood of 6½ per cent. only. In this connection it may be noted that the Meston Committee also held, after due consideration of her relative capacity to pay, that Burma's contribution to any all-India deficit should be 6½ per cent. thereof.

We submit that the Tribunal acted most arbitrarily in adopting the 7½ per cent. ratio. They obviously allowed their judgment to be influenced by the amount of central revenue collected in Burma, subject to certain allowances and adjustments which were obviously necessary.

The ratio on the basis of central revenue is most unfair to Burma. Mr. Nixon himself has admitted in para. 27 of the aforesaid note 'Taxation in Burma is higher per head than anywhere in India'. The incidence of taxation is heavier in Burma, as Burma has been taxed in the interests of India and Indian industries; and to fix the ratio on the basis of central revenue is to perpetuate the admitted grievance of Burma and to compensate India for lost opportunities of exploiting her and making her pay out of all proportion to the central expenditure on her.

Now, Sir, I come to the pensionary charges. The fairest basis for division of liability for pensionary charges is the proportion which the pay and allowances of the pensionable establishments employed in the administration of central subjects in Burma bear to the pay and allowances of the Central pensionable establishments in United India subject to an adjustment as regards Burma's share of liabilities arising out of the supervisory functions of the Government of India.

On that basis, Burma's share of the central civil pension is only 6.1 per cent. and her share of the military pensionary charges is only 3 to 3½ per cent. and yet the Tribunal has recommended that the absurdly high ratio of 7½ per cent. should apply not only to debts but also to the capital value of pensions.

We claim that, after application of a proper ratio, Burma's share of the liabilities should be reduced by a rebate on account of her payments to the central revenue far in excess of central expenditure on her as set out above.

We also claim that Burma's share of the liabilities should be distributed between Burma proper and areas which are excluded or partially excluded as set out in the Eleventh Schedule to the Government of India Act, 1935, since at least the Federated Shan States, among the excluded areas, would have a Federal fund and would be able to pay their share thereof.

I turn now to the method of payment. We are dissatisfied with the recommendations that the first instalment should be payable six months after separation and that the entire debt should be repaid within 45 years.

The Tribunal has ignored the request that there should be a moratorium—a short respite of five years after separation—

4 P.M. during which Burma should not be required to make any payment on account of the principal debt, although such a period is absolutely necessary to enable Burma to secure a cash balance and to provide funds for the capital works which may be necessary as the result of separation. The request is a very reasonable one and it should have been granted, inasmuch as Burma is to remain within the Indian currency system for at least five years after separation and the Reserve Bank for India is to manage and control her coinage, currency and monetary policy during that period.

The recommended period of redemption is far too short. In framing the scheme for debt redemption in 1924, Sir Basil Blackett based his proposals on a redemption period of 80 years for productive debts and fifty years for unproductive debts. The redemption period of the British debt to the United States of America has been fixed at 62 years. Following these precedents, the equated payments should have been calculated on a period of not less than 60 years. Surely, Sir, neither the British Government nor the Government of India can grant us a period shorter than the one for the payment of their own debts.

We hope that the Government of India and the Secretary of State for India would give due consideration to our claims and grievances, as set out above and as embodied in the recent Resolutions of the Legislative Council of Burma, and that the recommendations of the Tribunal would be accepted with modifications and adjustments in the light of our further representations and that non-official representatives of both India and Burma would be appointed to the Application Committee to avoid further mistakes and, what is more important, to avoid further discontents.

Sir, we do not ask for any favour or concession. We do not want to do India out of what is justly due to her. We only want the voice of the two countries to be heard, and justice to be done as between them (Hear, hear) with the help of their accredited non-official representatives. (Loud Applause.)

**Mr. Mathuradas Vissanji :** Sir, I must congratulate the Honourable Mr. Nixon on the way that he placed his case before us and on the part that he played in bringing about the memorandum and placing the views of the Government of India before the Tribunal. (Hear, hear.) It was very clever of him indeed, but I must point out that he stated in the morning that the people of India apparently were not taking that much interest in these affairs judging from the trend of the sale of two copies of his memorandum. But I may mention to him that those copies, when

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asked for, were never available to us anywhere ; and only last January, when I applied to the Librarian here, I came to know that copies were marked " confidential " and they could not be available to the public.

**Mr. J. C. Nixon :** Sir, on a point of personal explanation, that is not correct.

**Mr. Mathuradas Vissanji :** I have got a copy here marked " confidential ".

**Mr. J. C. Nixon :** It should not then be in your possession, Sir.

**Mr. Mathuradas Vissanji :** Whatever it is, we asked for it in Bombay and we could not get it. That being the case, we were not in a position to prepare our case in the absence of that memorandum, really speaking, in the absence of an invitation from the Government of India to us and in the absence of any expression or desire on their part to consult us on the subject before they laid their views before the Tribunal. So the indifference that is attributed to us does not hold any water. Sir, in moving the amendment that stands in my name, I need not repeat what is so well-known as to the history of this matter. Sir, I ask in the amendment I have moved that the Report be rejected because it is inequitable both to India and Burma. It is not my intention to show in what particular details the Report is inequitable ; but I would like to show how the very constitution of the Tribunal which has prepared it, and the procedure under which it has been prepared, tend inevitably to make the Report unfair and unacceptable to the two countries directly affected by it. The Tribunal, Sir, was constituted, in direct opposition to the promises given on the floor of this House, that when the matter came to be finally adjudged, the Tribunal adjudging it would have upon it representatives of this country and of Burma. These assurances were repeated at the Round Table Conference ; and if one reads correctly the meaning of *para. 482* of the Report of the Joint Committee on Indian Constitutional Reforms, it reiterates the same assurance.

Sir, the Amery Tribunal had not only no representatives upon it of either India or Burma, it did not even hear any representation from these two countries.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Abdul Matin Chaudhury, one of the Panel of Chairmen.]

I am aware, Sir, that officials of both these countries' Governments were heard by that Tribunal ; but, as I shall show later on, official representation is not enough in such cases to represent fully the countries' point of view. A Tribunal, Sir, which consists only of the representatives of one of the parties to a case, and would not even hear representatives of the other parties concerned, cannot make a fair and equitable award ; and, were there no other reason to reject this Report, I submit, Sir, the personnel and procedure of the Amery Tribunal would alone suffice to entitle both India and Burma summarily to reject its Report.

We were told, Sir, the last time this matter came up for discussion in this House, on an adjournment motion, that if the House wanted to make any representation, the Government of India would forward its proceedings to the Tribunal. This assurance was given to us by the Honour-

able the Finance Member himself. But, Sir, even while the Honourable Member was offering this bait, the Tribunal had already signed its Report !!! Sir, had the House been so minded as to take the Honourable the Finance Member at his word, and devise some method of preparing such a representation, there was no means of placing it before the Tribunal in time to make it consider it before coming to its decision. I remember, Sir, the Honourable Member described this unhappy episode, a day or two later, as a case of unintentional misleading. Take it as you like, the fact remains that, Sir, even this House had no opportunity, even if it could and would make any representation. A Report, Sir, which had been arrived at without any hearing of the parties primarily concerned, cannot but be condemned by every one with the most rudimentary sense of justice. Sir, even if we had sufficient time to prepare such a representation, this Assembly is, I submit, in all deference, not a suitable body to prepare and submit a case on this country's side on a matter of such importance and complexity. The problem before the Tribunal is admittedly so intricate, so many detailed calculations are involved in it, so many considerations of principles have to be taken into account, that such a large body as this Assembly cannot, even if it were so minded, prepare any satisfactory representation on such manifold and complicated issues. The problem must, if it is at all to be satisfactorily solved, be investigated into, no doubt, by a truly impartial Tribunal, with adequate representation of all the three countries concerned, and after proper hearing being given to the representatives of such non-official public opinion as is to be found in each country. I have, therefore, demanded, Sir, the operative part of my amendment, that a fresh Tribunal be appointed, and the matter be re-investigated into by that body, giving proper hearing to all the parties concerned, before the Secretary of State finally decides on it.

I shall indicate hereafter, Sir, what I think ought to be an unexceptional composition for such a Tribunal. But here let me observe that Government had before them, even while this matter was being investigated, the precedent of the Capitation Tribunal, which was appointed to advise on only one specific issue. It was an issue as between parties whose association still continues, and is presumed to continue as long as God wills it. On that Tribunal, Sir, there were Indian jurists of the eminence of Sir Shadi Lal and Sir Shah Suleman. Before that Tribunal, likewise, appeared representatives of India and of the War Office, to argue their respective points of view. But, Sir, despite this analogy, and in spite of the far more complicated nature of the problem before the Amery Tribunal, there was no Indian or Burman appointed on that body, nor was any representative of this country or of Burma invited to give evidence before it. Sir, with these fundamental defects, how can we accept the Report of such a Tribunal ?

Sir, I have already admitted that the official representatives of the Government of India and of Burma did appear before that Tribunal, and aided it in arriving at its conclusions. But, Sir, recognising fully the ability and impartiality of such officers, does that necessarily preclude us from demanding that non-official viewpoint needs to be also represented before such a Tribunal ? Sir, the Government in this country seems to think that knowledge and experience and wisdom in such matters is the sole monopoly of their officers. I humbly submit, Sir, that I do not share that view and that there are, in this very matter, sufficient indications to



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show that my belief about some modicum of knowledge being found outside even the sacred ranks of the Indian Civil Service could be held by many besides myself. But even assuming, Sir, for the sake of argument, that the knowledge, experience and ability of these officers of Government are beyond cavil, may I give the illustration, once again, of the practice before Courts of Law in many parts of the British Empire? Not the most distinguished and experienced advocate, appearing before a judicial Tribunal, would shun the aid and briefing by a solicitor. Sir, because a solicitor briefs or coaches a counsel, does the latter become the less an efficient advocate? Even if the case for this country and for Burma must be represented only by officers of Government, could they not have associated with them, as advisers, assessors, or *aids* representatives of non-official opinion on the matter? They have not done so; and to the extent that these official representatives have, for want of such aid and briefing, failed to take into account some of the most important points affecting the judgment, we are entitled to say, Sir, that our case has not been properly pleaded; and that, accordingly, for the sake of mere justice, it needs to be re-investigated into.

Sir, official representatives of the type of Mr. Nixon or Sir Henry Howard, are unable, by their very position, to take into account certain obvious considerations that materially affect issues like those before the Amery Tribunal. Without doubting their honesty and loyalty in the least, one may point out for instance, that they have allowed the Tribunal to assume,—and they have made their own representation on the assumption—that there were only two parties to this case: India and Burma. Non-official opinion, however, is convinced, Sir, that there are three parties: India, Burma, and Britain,—the last not the least important nor the least concerned. Sir, I cannot go into the reasons which lead us to entertain such a view without exceeding unduly the time limit for my observations. But, the House will, I hope, agree, Sir, that, at least this is a viewpoint which needs to be submitted to a Tribunal appointed to adjudicate on such problem.

Similarly, Sir, there is the question of the viewpoint from which the problem has to be approached. The official representatives have, apparently, allowed the Tribunal to hold that the only correct viewpoint for approaching this question is to regard that the existing Government of United India is not a partnership between two existing entities; but that it is a single Government, which at the date of separation, will go out of existence, leaving behind it certain assets and liabilities, which the Tribunal regard it as their task equitably to distribute and apportion false, it is morally unjust, and necessarily leads to an indefensible judgment. Sir, the Tribunal offer no reason for their view that this is not a case of dissolution of partnership. They do not even seem to have given a thought to yet another alternative viewpoint, *viz.*, that of a Joint Family, one member of which seeks a partition of the family property. Sir, non-official opinion in India and Burma holds that those two countries are joined not only by the material bonds of common economic interests, but that they have still stronger bonds of common culture and common ideals, which will hold us together even if for purely material concerns we seem to be temporarily separated. Sir, I mention this matter

only to show, that the judgment of the Tribunal would be materially different, according as it approaches the question from the viewpoint of simply distributing the assets and apportioning the liabilities of a defunct entity between two brand new creations; or, secondly, of taking the accounts of a partnership concern on the dissolution of the firm, or, thirdly, the partition of a Joint Family, members whereof are tied together by bonds of blood and culture, ideals and worship, and may, for all the appearances to the contrary today, find it to their mutual advantage once more to reunite when their present causes of friction or dissatisfaction, if any, are ended. Sir, the Tribunal not having even considered such alternative viewpoints, and official representatives of the two Governments apparently not having drawn the attention to these possible alternative viewpoints, this Assembly cannot, I submit, Sir, in justice or decency, accept this Report without causing irreparable damage to the lasting interests of both India and Burma.

There is, again, the matter of the actual issues considered by the Tribunal, on the number and nature of which, also, non-official opinion may quite conceivably take a different view from that of the official representatives. Sir, may I mention, only for the sake of illustration in support of my argument, the case of the public debt of India? The Tribunal has taken without scrutiny the aggregate of the Debt. If properly analysed that debt would, I venture to submit, be apportionable radically differently from the apportionment advised by the present Tribunal. The cost of the Burmese Wars and annexation; the deficits in the Burman local administration ever since Burma became part of the Government of India; the share of Burma in the so-called War Gift,—these are instances which spring to one's mind at the first glance at paragraphs 9 and 10 of the Report. We, on this side of the House, think, Sir, that the cost of the Burmese Wars and annexation ought not to be charged either to India or to Burma; and, so far as those amounts add to the total of the Indian Public Debt, the same should be reduced and the amount debited to Britain, who has received the whole of the benefit from such wars and conquests. Similarly, Sir, we are also persuaded that the so-called War Gift of over 189 crores of rupees being initially invalid, ought not to be charged against this country or Burma; the more so as for the present all war debts are in suspension. The Tribunal, in paragraphs 16 and 21 of their Report regard this item as an exception in the total of the Public Debt. Burma is, I am aware, made directly responsible for her share of the principal and interest, if and when such payments are resumed. But the amount of real liability on this account is unjustly over-stated; and, inasmuch as the entire gift is, in non-official opinion, of doubtful validity both India and Burma ought to be exempted from it.

I could, perhaps, Sir, multiply such instances indefinitely. I mention them simply as illustrations to give point to my argument that the Report of the Tribunal is necessarily inequitable to both India and Burma, and ought, therefore, to be rejected. Let me mention, Sir, the case of the Ratio of division recommended by the Committee, as itself needing further scrutiny. I will not prejudge the issue by stating why I consider the Ratio recommended to be inequitable and much less would I state what Ratio I would consider to be just and proper. But, Sir, while such cardinal points are open to serious difference of opinion, grave dissatisfaction is bound to arise with the Report of the Tribunal. How then can

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we accept its recommendations, without permanently injuring our mutual interests ?

I doubt, Sir, if even in the actual calculations and the principles of apportionment, the Tribunal have advised, there cannot, also, be genuine difference of viewpoint and opinion. The treatment of assets like buildings, Roads or Railways ; or of their Reserve and Depreciation Funds ; or of Currency and Gold Standard Reserves ; or of accruing liabilities on account of Pensions, Provident and Family Pensions Funds ; might quite naturally, and in perfect good faith, lead to difference of opinion, even amongst the most experienced experts. Without asserting that the actual recommendations of the Amery Tribunal in respect of all these items are necessarily unjust, I cannot conceal it from this House that such a suspicion is bound to attach to their recommendations, so long as no Indian or Burman representatives, equally versed in such matters, were allowed even a hearing before the adjudication was made.

In uttering these sentiments, Sir, I am actuated by yet another sacred consideration, which I will briefly place before this House. Sir, it may be that the result of a proper investigation may reveal factors and considerations which are today naturally not emphasised by those who are determined upon separating India from Burma ; but which, when revealed, might quite possibly induce these two sister countries in the future to annul the proposed separation. Sir, I know those considerations would not be for the impartial Tribunal to pronounce upon. But the very investigation may make revelations which might induce these countries to reorient their whole national course. Sir, with such hopes in our hearts, how can we help demanding, while it is still time, that the matter be reinvestigated into *de novo*, and according to the procedure I have suggested ?

Sir, let me add one word, at this stage, explaining, beyond the possibility of misunderstanding, our fundamental attitude in this matter. By objecting to this Report, we Indians are not to be understood as desiring to add to the liability of Burma towards India. Far from it. All that desire is that the matter be properly investigated into by an impartial Tribunal such as was promised ; and with adequate safeguards that all relevant facts, materials and considerations should be submitted to that Tribunal before it makes its recommendation. And may I add, Sir, that if, as a result of such a proper and exhaustive investigation, the eventual liability of Burma is found to be much less than what the present Tribunal has recommended, India would not only freely accept such a decision, she would be really glad that a younger and less advanced sister starts upon her new life with a lesser burden than was at first proposed. We would not only be just towards Burma but even be generous, if only in memory of the long years of our association and affection, if only in the hope and wish that the door for future reunion should not be barred for her between India and Burma. Sir, I realise that any such hopes would be doomed to disappointment, if, in our settlement, we adopt the Shylockian attitude. But, Sir, while we would contribute to Burma's progress all that we can in justice and even in generosity, we must at least know that we are being just as well as generous. I am sure Burman brothers reciprocate this sentiment entirely, in this House and in Burma.

Sir, let me now make a suggestion as to the kind of a Tribunal, which would not only be truly impartial but whose experience, fitness and authority no one would dispute for a moment. Sir, I think if a Tribunal is constituted, having the Presidents of the Indian and Burman Legislative Assemblies upon it, and presided over by the Speaker of the British House of Commons, no one will question in the least degree the Tribunal's authority, impartiality, or competence to adjudicate upon such issues. Sir, lest it may be regarded as an impossible or fantastic suggestion, permit me to mention the precedent of the Irish Home Rule Conference in 1914, and which was presided over by the Speaker. Sir, the end of that Conference is, I know, ominous in history ; but that does not prevent me from quoting its analogy, if only as a precedent to save me from a charge of making an absurd suggestion.

Sir, my task is done. I have, I trust, laid out sufficient considerations to make the House realise that the present Report is inequitable, and must consequently be rejected ; and that a fresh Tribunal be constituted to reinvestigate into the matter, and make fresh recommendations, which may be then acted upon by the powers that be. Sir, I hope the House will accept my amendment. (Applause.)

**Dr. Ziauddin Ahmad :** Sir, before I develop my arguments in connection with the question at issue, I should like to ask one or two questions. Is it or is it not a fact that the Right Honourable Colonel Amery had been the Colonial Secretary under the British Government ? The answer is, yes. The next question is, is it or is not a fact that Burma after separation will come under the Colonial Secretary ?

**The Honourable Sir James Grigg :** No, Sir.

**Dr. Ziauddin Ahmad :** Then, under whom will it be ? Will it be under the Secretary of State for India ? Or will there be a special Secretary of State for Burma ?

**Mr. A. H. Lloyd (Government of India : Nominated Official) :** Under the Secretary of State for India and Burma. There will be one Secretary of State for both.

**Dr. Ziauddin Ahmad :** This subject was first laid before the Standing Finance Committee in 1931-32. Several Members including myself very strongly pressed at that time that the whole question should be approached on historical basis, and that we must look into the whole question systematically. At that time, we could not calculate the figures because we were not in possession of the materials. At the same time, we had a strong feeling that, with the historical approach, our dues will be much greater than those calculated either by Mr. Nixon or by any other authority. The Honourable the Finance Member, Sir George Schuster, on 5th April, 1932, supported the same view. He attempted in the course of the debate that if you calculated on the historical approach, then our Indian dues will be greater than what was calculated in the Nixon-Howard Memorandum which was placed before the Standing Finance Committee at that time. This is the real question on which I stand even today, namely, that we should make this calculation on the basis of historical approach. It is not correct that we should take our assets and liabilities and divide them in some particular manner. This is not a question of a firm going to the Insolvency Court. This is not a question of insolvency that we should take the assets and liabilities and divide

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them between the various partners. It is a question of the separation of the two partners in a business concern. We should consider the whole question from the historical point of view, that is, the amount of money that has been spent by the Indian revenues on the development of Burma year after year. Now, if Government do not agree to our reasonable request to approach the question from the historical point of view, and they look at it from the point of view of the Insolvency Court and then to divide between the two, then the question of ratio, that is in what proportion they should be divided, is a question of vital importance. Now, Mr. Nixon put a certain figure, and it was based on entirely scientific grounds. He took the revenue of Burma and divided the revenue of Burma by the revenues of the provinces and the Central Government, and came to the approximate figure of 10 or 10½ per cent. So we can support this on account of its scientific basis of calculation. But the other figures which are given are purely hypothetical. The population basis is suggested. I say, why do you take the population basis? Why not the area basis? Why not take the area of Burma and the area of British India and divide it? Why not count the lakes and rivers and the cattle, etc., of the two countries? These are exceedingly unscientific, but the most unscientific method is the one adopted by the Tribunal. That is to say, Burma wants five per cent. and India wants ten per cent., therefore, let us have 7½ per cent. This method of division is followed by old women. One man wants one thing and the other man demands one thing, and let us take arithmetical mean. Why not Geometric, or Harmonic or any other mean. My friend, Mr. Nixon, is a mathematician, and he knows that if one man demands X and the other demands y, the proper share is  $\frac{mx + ny}{m + n}$  : m and n should be determined by large number

of data. Old women always suppose m and n to be one. This reminds me of one of the mathematical retorts which Alberuni used in his book "Qānoon Masudi" in connection with the measurement of one degree of the earth. He described the method used by Ptolemy who calculated the side of a rectilinear figure of 360 sides described outside a circle and he calculated also the side of the rectilinear figure of 360 sides inscribed in a circle and took the mean of the two. Yakoob El Kandi, on the other hand, found the value of 15|16 degree, which he could obtain by addition formula without trisecting an angle, and then he added 1|15 to it in order to get the value of one degree. Alberuni was roused to anger, and he said that both calculations give correct figures to two places of decimals, but Ptolemy knew what he was doing and Yakoob El Kandi did not know what he did. I may use Alberuni's enthusiastic language and say that Mr. Nixon knew what he was doing and this Tribunal did not know what they were doing. It is impossible to arrive at any ratio which may satisfy both Indians and Burmans and if such figure is impossible, if the values of m and n, as I have said, cannot be calculated, then the only other alternative is to have a historical approach. And this is really the way which can displease neither the one nor the other party. The representative of the Burmans has suggested the ratio 4 on the basis of the national debt, 5 on the basis of population. Both are entirely arbitrary, and it cannot give any correct ratio. Therefore, to my

mind, this idea to have a fixed ratio in proportion to which the whole of the debt ought to be distributed is a thing which will never be arrived at, and it is useless to make any attempt to do it. It will never please Indians and it will never please Burmans. Therefore, I say that the only way which will satisfy both India and Burma is to have a historic approach. We carry on calculations year by year and arrive at the required figure.

There is one other point to which I should like to draw the attention of the House and which I maintained on the last occasion when the thing came up for discussion before the Assembly, and that is about the period of payment and the method of payment. Of course, somebody suggested 30 years and the Burmans demanded 60 years; and, like the old women's method, the Tribunal suggested 45 years. But what is the guarantee that during this period the payment will be made? We have just heard that they want a moratorium for five years; where is the guarantee that after these five years there will not be another moratorium for ten years, and so on?

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

It is an important question, and we cannot possibly fix the period of payment in this particular manner. To my mind, there are three alternatives which are essential. I said in my speech on the 6th April, 1932 :

"I maintain, and I am strongly in favour of the arrangement that the Government of India should continue to be the currency authority both for India and for Burma until such time as our dues are paid up."

This is an important point, that is, till such time as our dues are not paid up, India should remain the currency authority, and the Reserve Bank of India should be also the Reserve Bank of Burma. This is one kind of security by means of which we can see that all the debts are paid up. There are two other securities, and I give the other two alternatives. The second security is that Burma should pay up the debt by issuing a loan on the security of her revenues and let the creditors of Indian loan be paid out of the new loan which Burma may float on the security of her revenues. In that case, the payment to the Indian creditors will be made by the Burmese Government, and not by us, and it will then be a question between the Burman Government and her creditors to decide in what period they should pay up. Let her float a loan for herself on the security of her own revenue, and, from that loan, they can pay up the loan of the Government of India. The third alternative that I suggest is that the British Government should stand security for the payment of the Burman Loan. We cannot have the security of the Burmese Government, we must have the security of the British Government if debt is to be paid by instalments. Therefore, simply to say that the debt should be paid up by instalments in so many years is no satisfaction to us. We want a solvent security.

So much about the amount and the manner of payment of debt. Now, I come to the Railway problem. This problem, to my mind, is exceedingly simple. One thing I should like to mention about the Railway, which is important, though somewhat irrelevant. I have great

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apprehension about our Railway debts by the proposed Railway Authority. They are required to pay 32 crores a year in interest charges. The authority may say : " We do not consider the railways are worth 800 crores now : evaluate them and find out their present value—it may be only 400 crores and we will pay only 16 crores." We will thus suffer an enormous loss of 16 crores every year. It will be very unfair. Burmans will also demand immediately that their railway debts should also be reduced to half. Then the question of railway depreciation fund, which the Tribunal has discussed, does not arise at all ; because, I am sure, by the time the separation is made, there will not be a single penny left either in the depreciation or in the reserve fund of the railways. The reserve fund has been eaten up entirely. The report has entirely overlooked this fact that for the last three years the one per cent. of the capital at charge has not been paid to the Indian Revenue at all and we must take our loans before the Railway accounts are settled. This is an exceedingly important point which the Tribunal has entirely ignored. After the payment of this debt and the current year's deficit, nothing will be left in the depreciation fund.

Mr. Nixon complained that the Assembly did not take sufficient interest in the financial adjustment, and he gave certain examples. I have already said that I was not in favour of the separation of Burma ; but I also said that I am not concerned in this question. The Assembly was indifferent to discuss the details of an incidence with which it was not in agreement. He then mentioned something about a profit and loss account of the Posts and Telegraphs Department. I do not want to go into details in this matter : but this Department is losing greatly on the new experiments it is carrying out, and the cost of these experiments must be borne equally by Burma and India and not exclusively by India.

Now, I come to one of the most important issues to which I specially draw the attention of the Member in charge of Finance and my friends on this side, and that is the question of the distribution of the army. The Indian army can be divided into two classes, one required for the internal peace and internal protection, and the other for Imperial defence. As regards the first, I suppose a portion of the present army will go to Burma and we will be relieved of its expenditure. In addition, there is the army maintained for Imperial defence : that is no concern of India alone, and there is no reason why we should maintain the whole of it. I say a portion of this also should be transferred to Burma—they can post it on their north eastern frontier or anywhere they like : but if we keep the whole of the defence army, then Burma should pay some portion of the cost of the maintenance of this army. It is entirely unjust that we should be made to pay the whole cost. Burma should not say : " We will not pay for its maintenance ; but when we have occasion to use it, we will pay the cost of the operations then." That is not sufficient. It is the maintenance of the army during peace time—its training, etc., which is really important, and towards which Burma should contribute. This aspect has been entirely ignored by the Tribunal. They have paid no attention whatever to this. I strongly urge that as soon as this separation is effected, then the army bill should be substantially reduced by assigning to Burma a portion of the army we now maintain for internal

peace and for Imperial defence. The cost of the maintenance of the army is approximately the income we derive from the customs : and, as we will lose the customs, we now realise from the port of Rangoon we must not go on maintaining the same army we are now doing and bear the entire cost, but we must reduce our expenditure by the amount of loss of customs. It is quite unfair to Indian revenue by transferring a portion of our present army to Burma.

The question of pensions is a difficult one : but there is not a single difficult problem which cannot be solved unless it is proved that it is impossible to solve it.....

**The Honourable Sir James Grigg :** Squaring the circle !

**Dr. Ziauddin Ahmad :** Yes : It is impossible to solve and it has been proved that it is impossible.

**Mr. S. Satyamurti :** Why do you separate Burma then ? Stop it.

**Dr. Ziauddin Ahmad :** One point has not been clearly brought out in this matter. The general secretariat of India is as much a part of India as it is of Burma : it is, after all, the centre, not a provincial affair. Therefore, the pensions of all officers who serve in the Central Government, including military officers, and the cost of maintenance of the India Office and all the overhead charges ought to be included, and divided between two countries. In that manner, a fair and equitable division can be obtained. I am not in favour of capitalising the pension charges, because, in that case, the whole burden will fall on India, and our debt may or may not be paid, and it may come under a moratorium, and we may receive nothing. Let the Burmese Government take the direct responsibility and pay their share direct to the Secretary of State for India and Burma, so that we may be relieved of the burden. The payment of our debts is very doubtful. We cannot go to war with Burma to realise our debts. We can only go to the Secretary of State and ask him to do justice to us, and we will be entirely at the tender mercies of the Secretary of State.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has only five minutes more.

**Dr. Ziauddin Ahmad :** May I just point out, Sir, that there are not many speakers who wish to speak on this.....

**Some Honourable Members :** There are many.

**Mr. President** (The Honourable Sir Abdur Rahim) : Five minutes more, and the Chair will adjourn.

**Dr. Ziauddin Ahmad :** Then, I shall finish my observations today.

Sir, there is one point which was raised by my friend, U Thein Maung, to which I should like to make a brief reference. He referred to the loans taken by the British Government from America and by other Governments, but the case is entirely different here. Burma has taken no loans from us, and, therefore, the example cited by my friend is not applicable. As was pointed out by my friend, Mr. Gauba, we have been co-partners, and, as such, it is really a question of fair distribution and not a question of the payment of debts.

There is one more small point to which I should like to advert for a moment, and that is our unprofitable debts. They have put down the

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military ground in Bombay and the expenditure on New Delhi as a burden on India. This is also not very fair. Take the case of New Delhi; it is not a thing to be sold, and it is hardly fair that we should treat these things as cost incurred by India alone; the cost incurred on these should be reckoned as general expenditure of the Government of India, and we need not evaluate the values which are not yielding any profit to any country. With these words, Sir, I would very strongly recommend that we do request the Secretary of State for India to consider these points very carefully before coming to any decision. My four main points are: (1) the allocation of military expenditure between the two countries on a fair and equitable basis which should be the proportion of customs revenues. This is really an important thing. If military expenditure remains as it is, and our income from which we pay the military expenditure is diminished, then India will be very much handicapped. My second point is that the  $7\frac{1}{2}$  per cent. ratio which has been fixed is very arbitrary. There ought to be some scientific basis by means of which this figure should be fixed, and if no scientific basis could be arrived at, then historical approach is the only right course to follow. My third point is that there should be some kind of guarantee for the payment of debts. Burma should float a fresh loan. It should be definitely decided that the Reserve Bank of India should continue to function for both the Governments, and it should remain the currency authority till all these debts are repaid by Burma. My fourth point is that certain items which are included as unprofitable debts are not correctly entered. In the end, I would again urge very strongly that we should approach the problem from a historical point of view. The problem is difficult, but it is not impossible to solve.

The Assembly then adjourned till Eleven of the Clock on Monday, the 23rd September, 1935.

## LEGISLATIVE ASSEMBLY.

*Monday, 23rd September, 1935.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## QUESTIONS AND ANSWERS.

### SCALE OF DIET GIVEN TO CERTAIN PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

565. \*Mr. Mohan Lal Saksena: (a) Will Government state how does the scale of diet given to division II prisoners in the cellular jail compare with that given in Bengal jails?

(b) Is it a fact that there was a change in the scale of diet in the case of division III prisoners after the hunger strike by them involving the loss of three lives? Is it also a fact that the new scale is meant for good and well behaved prisoners only and it can be stopped by way of punishment? If so, will Government state the number of prisoners in whose cases it has been reduced? Do Government propose to consider the feasibility of modifying this rule and seeing that the scale of diet is under no circumstance reduced?

The Honourable Sir Henry Craik: (a) I would refer the Honourable Member to the statement laid by my predecessor on the table of the House on the 5th December, 1933, in reply to Mr. Mitra's starred question No. 942. The allowance of vegetables and potatoes is slightly higher in the Andamans. In other respects the scales are identical.

(b) Certain changes were made in the scale of diet prescribed for C class terrorist prisoners. The revised scale of diet is not subject to good behaviour and cannot be reduced as a punishment. The question of modifying the rules, therefore, does not arise.

Mr. Mohan Lal Saksena: Will the Honourable Member read the statement that was laid on the table of the House in 1933?

The Honourable Sir Henry Craik: It was laid on the table of the House on the 5th December, 1933.

Mr. Mohan Lal Saksena: If my Honourable friend has got the statement with him, he may read it out now, so that I may put supplementary questions, if any.

The Honourable Sir Henry Craik: It is too long to read.

Mr. Mohan Lal Saksena: Will you, Sir, allow me to put supplementary questions tomorrow on this?

Mr. President (The Honourable Sir Abdur Rahim): Yes.

COMPLAINTS BY PRISONERS IN THE CELLULAR JAIL, ANDAMANS, AGAINST THE TREATMENT OF DR. TODD.

566. \*Mr. Mohan Lal Saksena : (a) Have Government received any complaint by the prisoners against the treatment of Dr. Todd ? If so, what action did Government take in the matter ? If not, will Government enquire as to what has happened to the applications made by the prisoners to the Superintendent as stated in the article, in the *Advance*, dated 27th June, 1935 ? Are Government prepared to consider the advisability of appointing a medical officer, who has had experience of some civil hospital ?

(b) Is it a fact that there are several qualified medical practitioners amongst prisoners and that they offered to work in the Hospital but permission was not granted to them ?

(c) Is it a fact that a large percentage of the prisoners suffer from malaria and have lost in weight ?

(d) Is it also a fact that Mr. Sudhanshu Sen is suffering from T. B. and has lost about twenty pounds in weight and still arrangements have not been made for proper medical aid and adequate nourishing diet for him ?

The Honourable Sir Henry Craik : (a) No complaints have been received by the Government in regard to the treatment of prisoners by Dr. Todd. The Superintendent of the Jail is competent to deal with all applications and prisoners have facilities for bringing their grievances to the notice of the higher authorities, if they desire to do so. Government do not propose to institute any enquiries in the matter. Dr. Todd is a competent medical officer and Government see no reason for replacing him by another officer. The medical arrangements of the jail are under the general supervision of the Senior Medical Officer, who is an I. M. S. Officer.

(b) Yes. There was no need to make use of their services as the medical staff provided by Government is adequate.

(c) The incidence of malaria in the Cellular Jail in 1933 (the last year for which we have comparative figures) was less than in the jails in a number of the provinces in India. In the first seven months of 1934 the admissions into hospital on account of malaria averaged about ten per cent. of the prisoners : in the same period in 1935 the admissions have averaged little over five per cent. of the prisoners.

(d) Prisoner Sudhanshu Sen was examined by the Senior Medical Officer on June, 14, 1935, who found no sign or symptom of tuberculosis. He has lost about ten pounds weight but he is given careful medical treatment and is on a special diet.

Pandit Lakshmi Kanta Maitra : Are Government taking any steps to eradicate malaria from these jails ?

The Honourable Sir Henry Craik : We are taking all possible steps.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member prepared to allow external medical help in the case of this tubercular patient ?

The Honourable Sir Henry Craik : He is not tubercular. I said the Senior Medical Officer of the Settlement, who has nothing to do with the Jail, examined him and found no sign or symptom of tuberculosis.

Pandit Lakshmi Kanta Maitra : Why is then this loss of ten pounds weight ?

The Honourable Sir Henry Craik : I cannot say without seeing the medical report, but there are many other causes of losing weight than tuberculosis.

BOOKS FOR PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

567. \*Mr. Mohan Lal Saksena : (a) Will Government be pleased to state subjectwise the total number of books in the jail library and their cost ?

(b) Is it a fact that Government recently granted Rs. 300 (three hundred) for purchasing new books and the prisoners asked that books on History, Geography, Economics and general science be purchased out of it, but their request was not accepted and books mostly on fiction were purchased ? Are Government prepared to sanction a sum of at least rupees two thousand for the purchase of new books, the selection to be made by the prisoners themselves subject to the approval of the Secretary to the Government of India in the Education Department ?

(c) Is it also correct that about 200 books were deposited by the relations of the prisoners and most of them have not been given to them on the pretext that the Superintendent has not been able to scrutinise them ? Do Government propose to consider the advisability of making arrangement for the deposit of such books with some official in India for approval being sent to the prisoners without much delay ?

The Honourable Sir Henry Craik : (a) The Government have not the information.

(b) An initial grant of Rs. 500 was made for the purchase of books and a further provision of Rs. 100 has been made by the Bengal Government for 1935-36. I understand that the prisoners were invited last year and have again been invited this year to submit a list of books they would like to read, but the final selection must necessarily depend on the suitability of the books for the majority of the prisoners and the funds available. Government do not consider that any larger grant is required for the purchase of books or that the existing procedure for the selection of books requires a change.

(c) I have no precise information about the number of books received at the Jail from outside sources ; but I understand that a large number of books, including proscribed communist literature received by the local authorities, are entirely unsuitable for issue to the prisoners. Government do not consider that any change in the existing procedure for the issue of books to the prisoners is necessary.

Prof. N. G. Ranga : Who makes this final selection ?

The Honourable Sir Henry Craik : The local authorities,—I believe the Chief Commissioner.

Prof. N. G. Ranga : Is any educational authority consulted ?



**The Honourable Sir Henry Craik :** That I cannot say without notice.

**Pandit Lakshmi Kanta Maitra :** Is it a fact that books supplied by outsiders have to pass through a Board of Censors for approval before they could be passed on to the prisoners ?

**The Honourable Sir Henry Craik :** Yes, that is the practice.

**Mr. Mohan Lal Saksena :** Is it a fact that many books deposited by the relations and friends of these prisoners have not been reviewed by the Censor up till now ?

**The Honourable Sir Henry Craik :** I have no information.

**Mr. Mohan Lal Saksena :** Will the Honourable Member kindly make enquiries in the matter ?

**The Honourable Sir Henry Craik :** No. I have no reason to think that there is any undue delay in reviewing the books.

**Mr. Mohan Lal Saksena :** The Honourable Member can take it from me that I have received complaints from their relations and friends that they have deposited books, but they have not been given to the prisoners yet.

**The Honourable Sir Henry Craik :** If the Honourable Member will send me the complaints he has received, I will investigate.

#### NEWSPAPERS SUBSCRIBED FOR THE PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

566. \***Mr. Mohan Lal Saksena :** (a) Will Government state the names of papers and the number of copies subscribed for the prisoners ?

(b) Is it a fact that the prisoners offered to subscribe at their own expense the *Daily Statesman* and the weekly issue of *Manchester Guardian*, but they were not allowed to do so ? Do Government propose to consider the advisability of allowing some daily paper and increasing the number of copies of the papers already supplied and also supplying Andaman Bulletin, published from the Chief Commissioner's office ?

**The Honourable Sir Henry Craik :** (a) The following papers are supplied to the terrorist prisoners confined in the Cellular Jail, Port Blair :

|                                              |    |            |
|----------------------------------------------|----|------------|
| (1) <i>Illustrated Times of India Weekly</i> | .. | 10 copies. |
| (2) <i>Statesman Weekly</i>                  | .. | 4 copies.  |
| (3) <i>Sanjibani</i>                         | .. | 12 copies. |
| (4) <i>Bangabasi</i>                         | .. | 6 copies.  |

(b) Yes. The terrorist prisoners in the Andamans are supplied with a greater variety of papers than in any Bengal Jail. Government see no reason for supplying the *Andaman's Bulletin* or any other daily paper. The question of increasing the number of copies of some of the papers at present supplied to the prisoners is under consideration.

**Pandit Lakshmi Kanta Maitra :** May I know if there is any particular ban on papers like the *Hindustan Times*, the *Amrita Bazar Patrika*, the *Ananda Bazar Patrika*, for being used by prisoners in the jails ?

**The Honourable Sir Henry Craik :** Such papers are supplied as are thought suitable.

**Mr. S. Satyamurti :** With reference to the answer to part (d) of the question, may I know the reasons why prisoners were not allowed to subscribe at their own expense for the *Daily Statesman* and the weekly issue of the *Manchester Guardian* ?

**The Honourable Sir Henry Craik :** I understand that the Chief Commissioner is considering the question of supply of other papers than those I have mentioned, which the prisoners may desire to obtain at their own expense.

**Mr. S. Satyamurti :** I am asking specifically with regard to the *Daily Statesman* and the *Manchester Guardian* whether there was a request as stated and the request was turned down, if so, why.

**The Honourable Sir Henry Craik :** I have no information.

#### PROVISION OF FACILITIES FOR OUT-DOOR GAMES IN THE CELLULAR JAIL, ANDAMANS.

569. \***Mr. Mohan Lal Saksena :** (a) Is it a fact that gymnasium in jail is fitted with only one horizontal bar and with one set of parallel bars ?

(b) Do Government propose to consider the advisability of providing facilities for out-door games ?

**The Honourable Sir Henry Craik :** (a) The gymnasium in the Cellular Jail contains Horizontal and Parallel Bars, Vaulting Horse, Dumbbells and Indian Clubs.

(b) So far as I am aware it is not the practice to allow out-door games to prisoners in jails in India. Government, therefore, see no reason for providing any such facilities for prisoners confined in the Cellular Jail, Port Blair.

#### AFFAIRS IN THE CELLULAR JAIL, ANDAMANS, UNDER THE PRESENT SUPERINTENDENT.

570. \***Mr. Mohan Lal Saksena :** (a) Is it a fact that the present Superintendent of the jail has risen from the rank of a warder ?

(b) Will Government state how long he has been the Superintendent of the jail ?

(c) Do Government propose to consider the advisability of transferring him and sending some other person who has had experience of dealing with educated prisoners ?

(d) Have Government received any petition from the prisoners representing their grievances and for appointing non-official visitors ? If so, what action have Government taken ?

(e) Is it a fact that the Superintendent has the right of withholding the petitions sent by the prisoners to the higher authorities ? If so, are Government prepared to make it a rule that such representations should be forwarded by the Superintendent with his remarks to the authority concerned and that the prisoners making any representation should not be punished for doing so ?



(f) Is it a fact that Messrs. Probir Goswami and Sudhendu Dam were whipped and Dam was suspected of suffering from T. B. and was dragged from hospital and was whipped? If so, will Government state the reasons for inflicting this punishment?

(g) Will Government state the names of prisoners who have been whipped during the last twelve months and the reasons therefor? Are Government prepared to abolish the punishment of flogging in the cellular jail?

**The Honourable Sir Henry Craik :** (a) Before he entered the Madras Jail Service in February, 1917, Major Upshon, the present Superintendent of the Cellular Jail, held non-gazetted appointments under the Madras Government.

(b) He was promoted to the Madras Jail Service on February 20, 1917. He became Superintendent of a District Jail in 1919 and of a Central Jail in 1925. He was appointed Superintendent of the Cellular Jail in August, 1933.

(c) Government see no reason for taking the action proposed by the Honourable Member.

(d) Yes. Government have passed orders on the grievances of the prisoners which were considered to merits attention. The question of appointing non-official visitors for the Jail is under consideration.

(e) I will state what the rules are. The Chief Commissioner exercises full and absolute control over the discipline and management of the prisoners. The Deputy Commissioner is required to visit the Jail once a month and to submit an inspection note to the Chief Commissioner. It is the duty of the Superintendent to hold a parade every Monday morning to hear complaints, but this does not preclude any prisoner from approaching the Superintendent at other times with a legitimate complaint. The rules do not provide for prisoners sending to higher authorities petitions containing complaints: but any matter which the Superintendent could not deal with himself he would naturally refer to the Chief Commissioner if he considered that it should be brought to his attention. The Government have no reason to suppose that a prisoner making a genuine complaint is punished for doing so. They are not prepared to require that the Superintendent shall submit to higher authority every petition which a prisoner may wish to send.

(f) Probir Goswami was awarded 20 stripes for assaulting the Chief Jailor and Sudhendu Dam 30 stripes for assaulting the Superintendent. Both prisoners were examined by the Jail Medical Officer and certified as medically fit for the punishment. Dam was not suspected of suffering from tuberculosis but he was admitted into hospital for slight fever on November 4, 1934. He had no fever from November 5 to 12th on which latter date he assaulted the Superintendent.

(g) No prisoners other than Probir Goswami and Sudhendu Dam have been whipped during the last twelve months. Government do not propose to abolish the punishment of whipping for grave prison offences.

**Mr. Mohan Lal Saksena :** Is not Sudhendu Dam the same prisoner who has been reported to have lost ten pounds in weight?

**The Honourable Sir Henry Craik :** No, Sir. The other man's name is different.

**Pandit Lakshmi Kanta Maitra :** May I know if these petitions from these prisoners representing their grievances are disposed of by the Honourable Member himself or by the Jail Superintendent?

**The Honourable Sir Henry Craik :** By the Chief Commissioner.

**Pandit Lakshmi Kanta Maitra :** Has not the Home Department anything to do with the disposal of these cases?

**The Honourable Sir Henry Craik :** If the Chief Commissioner considers the subject of sufficient importance, he would send them on to the Home Department, but ordinarily he disposes of these petitions himself.

**Mr. Mohan Lal Saksena :** May I know the answer to part (e)? I have not been able to follow it.

**The Honourable Sir Henry Craik :** It is fairly long, and I have already read it once.

**Mr. Mohan Lal Saksena :** If the Honourable Member is not prepared to read, then they should be laid on the table at least half an hour before question time. Otherwise, we are deprived of our right of putting supplementary questions.

**Pandit Lakshmi Kanta Maitra :** Sir, these are questions relating to political prisoners which are of absorbing interest to the country and we shall not be doing our duty to our country and our constituency if we do not get sufficient information about them. The Honourable Member always gives his answers so quickly and in such a low voice that we cannot follow him, and we cannot put supplementary questions. With your indulgence, I would suggest that these answers relating to the State Prisoners should be sent to us beforehand. Otherwise we should be permitted to put supplementary questions tomorrow.

**Mr. President (The Honourable Sir Abdur Rahim) :** There are two courses open to the Honourable the Home Member, either to read out the answers again or to lay them on the table.

**The Honourable Sir Henry Craik :** I had better read it again to save trouble. [The Honourable Member read out again the answer to part (e).]

**Prof. N. G. Ranga :** What is the answer to part (d).

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member has already read out the answer.

**Prof. N. G. Ranga :** Have Government considered the petition of these prisoners for the appointment of a non-official visitor, and, if so, what is the decision?

**The Honourable Sir Henry Craik :** I have already said that the question of appointing non-official visitors for the jail is under consideration.

**Mr. S. Satyamurti :** With reference to clause (g), may I know what are the reasons why Government are not prepared to abolish the barbarous punishment of flogging in the Cellular Jail?

**The Honourable Sir Henry Craik :** It is necessary in the interests of discipline.

**Prof. N. G. Ranga :** Is the Honourable Member aware that Major Upshon has the credit of having ordered the largest number of corporal punishments while he was Superintendent of the Jail in Rajahmundry ?

**The Honourable Sir Henry Craik :** I am not aware that he has ever received corporal punishment.

**Pandit Lakshmi Kanta Maitra :** Does the Honourable Member think that is it really possible for these petitioners to get redress of their grievances, if the Jail Superintendent is the very person against whom these petitioners have complained ?

**The Honourable Sir Henry Craik :** That is a matter of opinion.

**Pandit Lakshmi Kanta Maitra :** I understood from the Honourable Member's reply that all petitions in the normal course go to the Superintendent. My grievance is that if such grievances relate to the very conduct of the Superintendent, is the Superintendent the proper person to dispose of these petitions ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That is a matter of argument.

**Mr. S. Satyamurti :** When did Government last consider the question and came to the conclusion, that " discipline cannot be enforced without flogging " ? What was the nature of the inquiry ; who inquired ; and what are the materials on which the Honourable the Home Member says that, without flogging, discipline cannot be enforced in the Cellular Jail ?

**The Honourable Sir Henry Craik :** Does the Honourable Member want to know what is my experience ?

**Mr. S. Satyamurti :** I am asking the basis of the Government's opinion that " discipline cannot be enforced in these cellular jails without flogging " ?

**The Honourable Sir Henry Craik :** The " basis " is " experience ".

**Mr. S. Satyamurti :** Has the Honourable Member any experience of jails at any time ? Has he visited them at any time ?

**The Honourable Sir Henry Craik :** I have been in charge of jails for four years, and when I was a District Magistrate, I visited many jails and enquired into many jail offences.

**Pandit Lakshmi Kanta Maitra :** Has the Honourable Member made any inquiries into specific cases where there were complaints against flogging ? Will the Honourable Member make any such inquiries ?

**The Honourable Sir Henry Craik :** I cannot undertake to do that.

**Prof. N. G. Ranga :** Is the Honourable Member aware of the fact that some of the prisoners in the Andaman jails were once prisoners in the Rajahmundry jail and were then flogged under the orders of Major Upshon before he was transferred to the Andamans ?

**The Honourable Sir Henry Craik :** No, Sir, I have no information to that effect.

**Prof. N. G. Ranga :** Is it a fact that Major Upshon has been appointed Superintendent of the Andaman jails, because, he has had, to his credit,

the largest number of corporal punishments inflicted and carried out under his own instructions ? (Laughter.)

**The Honourable Sir Henry Craik :** No, Sir.

**Mr. S. Satyamurti :** Will Government inquire now and consider whether non-official visitors cannot be appointed to a committee,—non-official visitors appointed by themselves,—and come to a conclusion on the need or otherwise for continuing this barbaric practice of flogging ?

**The Honourable Sir Henry Craik :** I am not prepared to do that.

**Pandit Lakshmi Kanta Maitra :** May we know the reason why ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That question cannot be further discussed.

**Mr. Mohan Lal Saksena :** How long will Government take to discuss the question of the advisability or otherwise of appointing non-official visitors to the jails in question ?

**The Honourable Sir Henry Craik :** I expect to discuss the question—as I have already said in reply to another question—with the Chief Commissioner who is going to visit Delhi this cold weather.

**Mr. Mohan Lal Saksena :** Cannot that be done by correspondence, Sir ?

(No reply.)

#### SUPPLY OF MORNING TEA TO PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

571. **\*Mr. Mohan Lal Saksena :** Is it not a fact that the weather of the Andamans is moist and damp and the prisoners suffer from cold, and are Government prepared to consider the advisability of supplying morning tea to the prisoners ?

**The Honourable Sir Henry Craik :** The Andamans, like Bengal, receive a heavy monsoon ; but the climate cannot be called cold : the mean temperature is higher than in Bengal. Tea at the early morning meal is supplied to B class prisoners in the Andamans but not to C class prisoners. Government see no reason to depart from this arrangement.

**Pandit Lakshmi Kanta Maitra :** Is not the climate more damp than in Bengal ?

**The Honourable Sir Henry Craik :** The mean temperature is lower.

**Mr. Mohan Lal Saksena :** May I ask for what reasons Government have arrived at the decision that tea should not be supplied ? Is it on the ground of cost, or what ?

(No answer.)

#### PROTECTION OF INDIANS IN ABYSSINIA.

572. **\*Mr. Mohan Lal Saksena :** Will Government state what action, if any, it has taken to protect the life and property of Indians in Abyssinia ?

**Mr. J. G. Acheson :** The Honourable Member is referred to the answer given on the 3rd September, 1935, to a short notice question on the same subject by Mr. Satyamurti.

#### REFUSAL OF ADMISSION TO INDIAN STUDENTS IN ENGLAND TO A SWIMMING POOL.

573. **\*Mr. Lalchand Navalrai :** Has Government's attention been drawn to the letter of the London Correspondent of the *Roy's Weekly*, dated the 29th July, 1935, regarding the fact of two Indian students having been refused admittance to a Local Swimming Pool in London on the ground of colour ?

(b) If so, what steps do Government propose to take in such matters once for all ?

**The Honourable Sir Girja Shankar Bajpai :** I would refer the Honourable Member to the reply given by me to Mr. Akhil Chandra Datta's starred question No. 546 on the 20th September, 1935.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member what the reason was for not taking any action ?

**The Honourable Sir Girja Shankar Bajpai :** My Honourable friend can know from me what it was : it was that the Secretary of State made inquiries and found that this was an entirely private concern over which Government have got no kind of control.

**Pandit Lakshmi Kanta Maitra :** May I know what was the justification for refusing admittance after tickets were actually sold ? Tickets were then actually sold by the company to some Indians, though the company has now discontinued the practice of selling these tickets. After selling the tickets, does it not stand to reason that those to whom tickets were actually sold should have been given admittance ?

**The Honourable Sir Girja Shankar Bajpai :** The gentlemen concerned have got the ordinary civil remedy.

**Mr. Lalchand Navalrai :** May I take it that it is a fact that Government have no control whatsoever, in any form, over that company ?

**The Honourable Sir Girja Shankar Bajpai :** Yes, Sir.

#### CLASSIFICATION OF THE STAFF OF THE READING BRANCH OF THE GOVERNMENT OF INDIA PRESSES.

574. **\*Syed Ghulam Bhik Nairang :** (a) Is it a fact that there are two classes of employees, Industrialists and Clerks, working in the Government of India Presses ?

(b) Is it a fact that the members of the Reading Branch are classified as "Industrialists" ?

(c) Is it a fact that prior to 1920 they were recognised as ministerial servants ?

(d) Is it a fact that the employees of the Reading Branch do only reading and writing work and do not use any tools, instruments, implements or machines of any kind in the discharge of their duties ?

(e) Are Government aware that the Controller of Printing and Stationery in his memorandum No. C.P.O.-12/74/28, dated the 23rd September, 1929, declared the members of the Reading Branch as being ministerial servants ?

(f) Is it a fact that members of the Reading Branch of Government of India Presses are persons "solely employed in a clerical capacity in a room or place where no manufacturing process is being carried on" ?

(g) Is it a fact that the Calcutta High Court in the case *Crown vs. H. Watson* (1934) declared Proof-Readers to be clerical workers and not industrialists ?

(h) If the answers to parts (c) to (g) are in the affirmative, are Government prepared to classify members of the Reading Branch of the Government of India Presses as ministerial servants and not industrialist workers or labourers ? If not, why not ?

**Mr. A. G. Clow :** (a), (b), (d) and (e). Yes.

(c) I understand that prior to 1920 there was no distinction between clerks and readers or other staff as regards classification.

(f) I am inclined to the view that the correction of printed matter, which is the work of the Reading Branch may be itself a manufacturing process.

(g) No.

(h) Does not arise.

#### COMPULSORY RETIREMENT OF PERSONS WHO HAVE COMPLETED 25 YEARS OF THEIR PERMANENT SERVICE.

575. **\*Syed Ghulam Bhik Nairang :** (a) Is it a fact that the Government of India have issued orders for the compulsory retirement of persons who have completed 25 years of their permanent service ?

(b) If so, when would these orders be given effect to ?

**The Honourable Sir James Grigg :** (a) No.

(b) Does not arise.

#### COMMUNAL COMPOSITION OF THE STAFF OF THE RESERVE BANK OF INDIA.

576. **\*Syed Ghulam Bhik Nairang :** (a) What is the total strength of the Reserve Bank of India ?

(b) How many of the employees are Hindus, Muslims, Sikhs, Christians and Anglo-Indians ?

(c) Was the recruitment made in accordance with the instructions contained in the Home Department Resolution No. F-14/17-B/33-Ests., dated Simla, the 4th July, 1934 ? If not, why not ?

**The Honourable Sir James Grigg :** (a) and (b). Government have no information.

(c) The recruitment of the staff of the Reserve Bank is entirely a matter for the Central Board of the Bank.

## PROMOTIONS IN THE INDIAN MEDICAL DEPARTMENT.

577. \*Mr. Sham Lal : (a) Does a Jemadar of the Indian Medical Department normally take about 21 years to get promotion to a Subedarship ?

(b) Is it a fact that an ordinary soldier with ordinary intelligence under ordinary peace conditions can rise to the position of a Subedar, Subedar-Major, or even to the rank of Honorary Lieutenant in 21 or 22 years ?

(c) Are Government aware that Military Sub-Assistant Surgeons who entered the service after 1918 cannot hope to get promotion above the rank of Jemadar, however intelligent and hardworking they may be, as a very large number of the Sub-Assistant Surgeons were taken in service in 1918 under the system of promotions now in vogue ?

(d) Are Government prepared to make promotion of such Jemadar (Sub-Assistant Surgeons) of the Indian Medical Department to Subedar, Subedar-Major, on time-scale basis just as it is in the case of the Indian Medical Service Officers ?

(e) Are Government prepared to increase the percentage of Honorary King Commissions being granted to such officers from 1 per cent. to 2 per cent. and remove the grievance and discontent existing among the service ?

Mr. G. R. F. Tottenham : (a) The normal period of service before promotion to the rank of subadar is 26 years.

(b) It is only the exceptional men who reach these high ranks, and even they do not do so in 21 years.

(c) Of the 246 sub-assistant surgeons recruited in 1918, only 106 are now in the service. The senior among them will be promoted in due course, but as the cadre of subadars and subadar-majors is limited to ten per cent. of the total strength, promotion is bound to be slow.

(d) No, Sir.

(e) No, Sir. The Indian Medical Department have the same percentage of promotions to Honorary Commissioned rank as other branches of the Indian Army and they have no real grievance in this respect.

## ALLOWANCES GIVEN TO MILITARY SUB-ASSISTANT SURGEONS ON TRANSFER.

578. \*Mr. Sham Lal : (a) What daily allowance or travelling allowance will an Indian Officer of the Indian Medical Department (Military Sub-Assistant Surgeon) get on permanent transfer from Alipur, Calcutta to Meerut when travelling with a family of four members, all travelling II Class ?

(b) Is it a fact that he gets only five annas a day in lieu of rations from which he is supposed to meet his food expenses (which are always high on journeys), cooly charges and other incidental and miscellaneous charges ?

(c) Are Government aware that an Indian Officer of the Indian Medical Department (Military Sub-Assistant Surgeon) has to spend about half of his pay on the moves in the interests of the service of the State ?

(d) Do Government propose to make the provisions of Form 'E' applicable in the case of Military Sub-Assistant Surgeons in case of their transfer, which provisions at one time were in force ?

Mr. G. R. F. Tottenham : (a) A military sub-assistant surgeon of the Indian Medical Department on transfer travels on second class warrant, which covers not only the conveyance of himself, and his family and his servant but also of the authorised scale of baggage by rail or road, as the case may be. No travelling or daily allowance is admissible.

(b) Yes, but the five annas are not intended to cover cooly charges and other miscellaneous and incidental expenses.

(c) In view of the facilities which the warrant system affords, it is difficult to accept the statement as correct.

(d) No, Sir.

Mr. Lalchand Navalrai : Are there European military sub-assistant surgeons ?

Mr. G. R. F. Tottenham : No, Sir.

## DISCRIMINATION AGAINST INDIAN MILITARY SUB-ASSISTANT SURGEONS.

579. \*Mr. Sham Lal : (a) Is there any difference in accommodation granted to Indian Officers of the Indian Medical Department (Military Sub-Assistant Surgeons) as compared with other Indian Officers of unit or formation ?

(b) Are there any special reasons for this discrimination against Indian Officers of the Indian Medical Department (Military Sub-Assistant Surgeons) ?

(c) Is it a fact that no Darbar Hall or *Baithak* is provided for Indian Officers of the Indian Medical Department (Military Sub-Assistant Surgeons) whereas such Darbar Halls or *Baithaks* are provided for in the accommodation provided for other Indian Officers of the unit or formation ?

(d) Is it a fact that only one lamp is given to the Indian Officers of the Indian Medical Department while two lamps are given to other Indian Officers ? Are Government aware that the former being more educated and being professional men, require more lamps than the latter ?

Mr. G. R. F. Tottenham : (a) Yes. The scale of accommodation allowed to Indian Officers of the Indian Medical Department is somewhat less generous than that allowed to regimental Viceroy's Commissioned officers.

(b) No, Sir. As a matter of fact, the question of providing Indian officers of the Indian Medical Department with the same scale of accommodation and lamps as regimental Viceroy's Commissioned officers has been considered three times in the last ten years, but it has not yet been possible to proceed with the matter on account of lack of funds.

(c) Yes.

(d) Yes—but I cannot admit that officers of the Indian Medical Department need more lamps than other Indian officers.

## WATER SUPPLY OF THE CITY OF KARACHI.

580. \***Sir Ghulam Hussain Hidayatallah** : Will Government be pleased to state :

(a) whether they have received a representation from the Mayor of Karachi on behalf of the Karachi Municipal Corporation praying for certain assistance from the Government of India towards the scheme of that Corporation for bringing water from the River Indus for the purpose of augmenting the water supply of the City of Karachi ;

(b) if so, what they propose to do in the matter ?

**The Honourable Sir Girja Shankar Bajpai** : (a) No.

(b) Does not arise.

**Sir Ghulam Hussain Hidayatallah** : Is the Honourable Member sure that they have not received any representation ?

**The Honourable Sir Girja Shankar Bajpai** : As sure as is humanly possible.

## MANUFACTURE OF PETROL FROM COAL IN INDIA.

581. \***Mr. T. S. Avinashilingam Chettiar** : (a) Will Government state whether they are aware that petrol has been produced in large scale from coal in England by the Imperial Chemical Industries Company ?

(b) Do Government propose to consider the advisability of manufacturing petrol from coal in India ?

**Mr. A. G. Clow** : (a) Yes.

(b) No ; the process at present is uneconomical.

**Mr. T. S. Avinashilingam Chettiar** : May I ask if Government have really investigated into the matter, Sir ?

**Mr. A. G. Clow** : We are familiar with the facts, Sir.

**Mr. T. S. Avinashilingam Chettiar** : Are Government aware that there is plenty of coal available in India ?

**Mr. A. G. Clow** : Yes, plenty. (Laughter.)

**Mr. T. S. Avinashilingam Chettiar** : What is the difference in conditions of production of coal out here and in England ?

**Mr. A. G. Clow** : There are very big differences between conditions here and in England. Even in England, it has not proved commercially successful ; it is dependent on a substantial remission of the excise duty. England has no internal supplies of oil worth speaking of ; then, there is the very large problem of unemployment there ; there is a large mining population unemployed.

**Mr. T. S. Avinashilingam Chettiar** : Is there not a large amount of unemployment even in India ?

**Mr. A. G. Clow** : Not among the miners, as far as I am aware. Our production of coal is very nearly what it was several years ago, and the figures of production are rising again.

**Mr. T. S. Avinashilingam Chettiar** : Will Government consider the advisability of investigating into the matter again ?

**Mr. A. G. Clow** : No, Sir, because it requires an extremely heavy subsidy, and, having supplies of petrol within our borders, I do not see any reason why we should produce it by a more expensive method and subsidize the owners of coal and those who use petrol.

**Mr. S. Satyamurti** : Are Government aware that petrol is being sold almost at monopoly prices in this country, and is much dearer than in many other countries, including the country of my Honourable friend ? Will Government, therefore, examine this question and see if petrol cannot be supplied at a cheap rate, as it is being supplied in other countries ?

**Mr. A. G. Clow** : I think the Honourable Member can take it from me that petrol cannot be produced cheaper by using coal instead of using the methods that are now in force.

**Dr. Ziauddin Ahmad** : May I know what is the difference between the quality of the coal that is produced in England and the quality of coal that is produced in India ? How is it that one kind of coal can produce petrol and the other cannot ?

**Mr. A. G. Clow** : The qualities of coal differ from seam to seam and from field to field.

**Mr. T. S. Avinashilingam Chettiar** : Is the Honourable Member aware that with the separation of Burma, the supplies of petrol within our borders will become very little ?

**Mr. A. G. Clow** : The separation of Burma will lessen the supply of petrol in India which will be then practically confined to Assam and the Punjab.

**Mr. T. S. Avinashilingam Chettiar** : Will that supply be sufficient for the country ?

**Mr. A. G. Clow** : Not the supply from Assam and the Punjab alone.

## MOLASSES PRODUCED IN INDIA.

582. \***Mr. T. S. Avinashilingam Chettiar** : Will Government state :

(a) whether they are aware that an enormous amount of molasses is being produced in India because of the rapid rise of the white sugar industry ;

(b) whether they have explored any way of utilising this immense amount of molasses ;

(c) whether they are aware that in Java, Queensland, Hawa and other countries, molasses has been utilised as manure very successfully ; and

(d) whether they propose to consider the advisability of finding some such way for utilising molasses ?

**The Honourable Sir Girja Shankar Bajpai** : (a) Yes.

(b) and (d). Yes. Experiments on the use of molasses as manure and for road surfacing and making acetic acid are already in progress at several centres in India.

(c) Government are informed that an examination of the reports of experiments in these countries shows that the results obtained with crude molasses are erratic and contradictory.

**Pandit Lakshmi Kanta Maitra** : Will the Honourable Member give the report of these experiments in due course ?

**The Honourable Sir Girja Shankar Bajpai** : This experiment is being conducted largely under the aegis of the Imperial Council of Agricultural Research, and I think my Honourable friend, if he is curious as regards the results, will find them in the report of the Imperial Council of Agricultural Research.

**Dr. Ziauddin Ahmad** : Are Government making any experiments with these molasses being used as fuel ?

**The Honourable Sir Girja Shankar Bajpai** : Experiments on that point have been made already, and I gather that the results have not been very satisfactory.

**Maulana Shaukat Ali** : Are Government aware that, in the old sugar factories, called Khandsars, they used molasses for making vinegar, both black and white, what they called *mugattar*. As an investigation is being conducted into the use of molasses, cannot Government induce people to make experiments of converting molasses into vinegar on a large scale as there is a great demand for vinegar ?

**The Honourable Sir Girja Shankar Bajpai** : My own idea is that the establishment of what might be called a large scale factory production of sugar in this country makes the utilisation of molasses for the purpose of producing vinegar very undesirable.

**Pandit Lakshmi Kanta Maitra** : Are Government carrying out any research for producing alcohol from these molasses ?

**The Honourable Sir Girja Shankar Bajpai** : I answered that question day before yesterday.

**Maulana Shaukat Ali** : May I know why it is undesirable to produce vinegar ?

**The Honourable Sir Girja Shankar Bajpai** : I will answer that question like this : unless the population of this country actually start drinking vinegar with their morning tea, there will not be enough use for the vinegar.

**Maulana Shaukat Ali** : Not much pickles and *chutnies* are eaten in this country, and they are a very good remedy for many diseases. There is a great demand from the poor people to eat pickles and *chutnies* if they can only be produced at cheap rates.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is not a question.

#### CONDITION OF INDIANS IN FIJI.

583. \***Mr. T. S. Avinashilingam Chettiar** : (a) Will Government state whether they are aware of the fact :

(i) that large numbers of Indians have settled down in Fiji ;

(ii) that they are in a miserable plight ; and

(iii) that the system of land tenure obtaining there works great hardship on the Indian population ?

(b) Will Government state whether they have made any representations to alleviate their conditions ?

(c) Are Government prepared to consider the advisability of impressing upon the Government of Fiji to evolve a better system of land tenure and give better treatment to the Indian community ?

**The Honourable Sir Girja Shankar Bajpai** : (a) (i). Yes.

(ii) The Indian community have made representations regarding elections to the Legislative Councils and there is the question of land tenure. Apart from that the Government of India have not recently heard of any grievances.

(a) (iii), (b) and (c). I would invite the Honourable Member's attention to the reply given by me to Mr. C. N. Muthuranga Mudaliar's starred question No. 183 asked on the 6th September, 1935.

**Mr. T. S. Avinashilingam Chettiar** : With reference to the answer to clause (a), (ii), is it not a fact that with time people get accustomed to these hardships and they do not complain any more and that the absence of complaints is no proof that there are no complaints ?

**The Honourable Sir Girja Shankar Bajpai** : Well, Sir, that seems to me to be a hypothetical question.

#### GRIEVANCES OF THE EMPLOYEES OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESS.

584. \***Dr. P. N. Banerjee** : (a) Is it a fact that the Honourable Mr. D. G. Mitchell stated in the Council of State on the 25th February, 1935, that the Report on the grievances of the employees of the combined Press for the Eastern Bengal and the East Indian Railway had been presented and assured that the same was receiving the very sympathetic consideration of the Railway Board ?

(b) Is it a fact that in a mass meeting of the employees of Railway Presses, Calcutta, held under the presidency of S. J. Amarendra Nath Chatterji, M.L.A., at Calcutta on the 27th April, 1935, a resolution was passed requesting Sir Guthrie Russel to give a sympathetic consideration to the Notes on the Administration of the Railway Press, submitted by Press Employees' Association, Calcutta ?

(c) Is it a fact that the Committee reported in paragraph 21 that the complaint made as to the inequitable methods adopted in calculating the revised pay in 1930 is serious and they had to examine in greater details the correctness of the calculation made in 1930 ?

(d) Is it a fact that the Committee is of opinion that the principles laid down by the Railway Board have not been followed in fixing the initial pay at the time of revision of pay in 1930 ?

(e) Is it a fact that the Committee's conclusions regarding the inequitable adjustment of pay are that there have been variations in carrying out the orders of higher authorities in regard to the fixation of initial pay in 1930 ?

(f) Is it a fact that in letter No. 2263-E.G., dated the 20th March, 1934, the Director, Railway Board, directed the Agent, East Indian Railway, Calcutta, to make arrangements to report on each of the points raised by the Press Employees' Association in their Note?

(g) Is it a fact that in paragraph (4) of the Note submitted by the Press Employees' Association it was pointed out that the details regarding the grievances of the inequitable fixation of initial pay of the industrial employees could be found in their Memorial, dated the 12th January, 1931?

(h) If the answers to parts (f) and (g) be in the affirmative, will Government be pleased to state:

(i) whether the memorial, dated the 12th January, 1931, was placed before the Committee for their consideration; and

(ii) whether materials were placed before the Committee by the Agent to show how the initial pay was fixed in 1930? If so, what are the materials that were placed before the Committee?

**Mr. P. R. Rau :** (a) to (g) and part (i) of (h). The reply to all these questions is in the affirmative.

(h) (ii). Government have no detailed information as to the materials placed before the Committee, but have no doubt that all relevant facts were taken into consideration by them. I may add that the recommendations of the Committee have been accepted.

#### INDENT FOR TWO MONO MACHINES FOR THE EAST INDIAN RAILWAY PRESS AT CALCUTTA.

585. \***Dr. P. N. Banerjea :** (a) Is it a fact that the Agent, East Indian Railway, has recommended in his Annual Report for 1934-35, for the indent of two Mono machines for the Press at Calcutta, to cope with the work of the Composing Branch?

(b) Is it a fact that the following staff and materials are indispensably necessary for the running of a single Mono machine:

(i) One Mono mechanic,

(ii) Mono-operator, and one Caster,

(iii) Two Compositors,

(iv) Outside assistance for occasional repairs,

(v) Spool used in machine,

(vi) Expenditure on gas,

(vii) Expenditure on electricity with separate dynamo,

(viii) Expenditure on lead?

(c) If the answer to part (b) be in the affirmative, will the Honourable Member be pleased to state the expenditure that is to be incurred under each head?

**Mr. P. R. Rau :** (a) In the report it is stated that steps are being taken to increase the capacity of the composing branches by installing more monotype machines and labour saving equipment.

(b) and (c). Government have no information.

#### FIXATION OF THE INITIAL PAY OF STAFF IN THE EAST INDIAN RAILWAY PRESS.

586. \***Dr. P. N. Banerjea :** (a) Is it a fact that Mr. P. R. Rau laid a statement on the 18th July, 1934, showing that the mean average of piece-earning rate per hour and class rate  $\times 200$  was taken as the method of fixing the initial pay of the men in the East Indian Railway Press?

(b) If the answer be in the affirmative, will the Honourable Member in charge be pleased to state:

(i) whether this mean average was taken in case of each individual industrial employee;

(ii) how this mean average was calculated; and

(iii) what is the mean average taken in case of an industrial employee whose hourly rate was annas four and earnings on piece-rate was Rs. 100 per mensem?

(c) Is it a fact that in telegram No. 229-E.G., dated the 26th November, 1930, it was stated and the principle was followed that the fact that men can earn piece-work in addition to monthly rates should not be lost sight of in fixing the initial pay of the industrial employees of the Press?

(d) Is it a fact that working on piece-rate has totally been stopped at the Calcutta Press? If so, since when?

(e) If the answers to parts (c) and (d) are in the affirmative, will Government be pleased to state whether any increase in pay has been granted to the industrial employees in view of the staffing of piece-rate working?

**Mr. P. R. Rau :** (a) Yes, in connection with starred question No. 258 asked on the 5th December, 1933.

(b) (i). The Agent, East Indian Railway, reports that the reply is in the affirmative.

(ii) I lay on the table a statement showing the details of the method adopted in fixing initial pay in the case of piece-workers in the East Indian Railway Press.

(iii) I am unable to furnish an answer in the absence of information as to the number of hours actually worked on piece rates.

(c) Yes.

(d) The Agent, East Indian Railway, reports that working on piece rates has been stopped since the 1st March, 1933.

(e) Government are informed that no increase in pay, apart from increments accruing according to the time-scale of pay, has been granted.

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Statement showing the details of the method adopted in fixing initial pay in the case of piece-workers in the East Indian Railway Press.

The following formula was adopted :

Mean average of

$$(a) \frac{\text{Piece earnings in a period}}{\text{No. of hours worked in the same period}} \times 200$$

$$(b) \text{ Hour rate } \times \frac{162}{152} \times 200$$

The figures 152 and 162 were calculated as follows :—

$$(A) \frac{\text{Total hours of work per week} \times 52 \text{ weeks}}{12 \text{ months}}$$

$$= \frac{35 \times 52}{12} = 151\frac{2}{3} \text{ or } 152.$$

$$(B) \frac{\text{Total attendance hours per week} \times 52 \text{ weeks}}{12 \text{ months}}$$

$$= \frac{37\frac{1}{2} \times 52}{12} = 162\frac{1}{2} \text{ or } 162.$$

#### NATURE OF DUTIES DISCHARGED BY THE READERS AND COPYHOLDERS IN THE GOVERNMENT OF INDIA PRESSES.

587. \*Dr. P. N. Banerjee : (a) Will Government be pleased to state the nature of duties that are discharged by the readers and copy-holders of the Government of India Presses ?

(b) Is it a fact that these duties can be discharged more efficiently by educated employees than by the uneducated ?

(c) Is it a fact that the workings in the binding department require not so much educational qualification than that which is required in the reading branch ?

(d) Is it a fact that educated applicants are being appointed in the binding department of the Calcutta Press whereas less qualified men get the job in the reading branch ? If so, will Government be pleased to state the reason therefor ?

(e) Will Government be pleased to lay a statement showing the appointments made during the last three months in the reading and binding branches respectively of the Calcutta Press together with the names of the employees with their educational qualifications and relations with any employee in the press, if any ?

Mr. A. G. Clow : (a) The attention of the Honourable Member is invited to paragraphs 184 and 185 of the Handbook of the Government of India Presses.

(b) and (c). Yes.

(d) Certain men having educational qualifications equal to or above the matriculation certificate have been appointed as binders in the Calcutta Press. As regards the reading branch of the Press, of the men appointed recently, some possess such educational qualifications, while

others, who are less qualified educationally were appointed by the Manager of the Press in the lowest grade of the branch after he had satisfied himself of their suitability.

(e) A statement is laid on the table.

Statement showing the names, educational qualifications, etc., of the men appointed in the reading and binding branches of the Government of India Press, Calcutta, during the months May, June and July 1935.

| Name.                        | Educational qualifications.   | Appointment.  | Relations, if any in the press. | Remarks.               |
|------------------------------|-------------------------------|---------------|---------------------------------|------------------------|
| <b>READING BRANCH.</b>       |                               |               |                                 |                        |
| Mohd. Mozammel Haq Taluqdar. | B. A. Apprentice (qualified). | Reader ..     | Brother, a clerk.               |                        |
| L. Wright .. ..              | Matric ..                     | Copyholder .. | None.                           |                        |
| Ghulam Hossain .. ..         | Non-matric ..                 | Do.           | Father, a retired binder.       |                        |
| Dhruba Kumar Banerjee ..     | Do. ..                        | Do.           | Uncle, a senior reader.         | A discharged employee. |
| Suryabali Agnihotri ..       | Do. ..                        | Do.           | Father, a peon.                 |                        |
| <b>BINDING BRANCH.</b>       |                               |               |                                 |                        |
| Bhupendra K. Sen ..          | Matric ..                     | Binder ..     | None.                           |                        |
| Kiran Ch. Mazumdar ..        | I. A. ..                      | Do. ..        | None.                           |                        |
| Ramananda Sen Gupta ..       | Matric ..                     | Do. ..        | None.                           |                        |
| Ghulam Rouff .. ..           | ..                            | Do. ..        | None.                           |                        |
| Ful Khan .. ..               | ..                            | Do. ..        | None.                           |                        |
| Ghulam Goffur Choudhury      | ..                            | Do. ..        | None.                           |                        |
| Sudhir Ch. Nag .. ..         | ..                            | Do. ..        | None.                           |                        |

#### COMPOSITORS, BINDERS AND DISTRIBUTORS DISCHARGED FROM THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

588. \*Dr. P. N. Banerjee : (a) Is it a fact that several compositors, binders and distributors of the Government of India Press, Calcutta, were discharged due to reduction in the year 1923-24 without any payment as compensation ?

(b) Is it a fact that there are Government circulars in the Railway and Postal Departments to the effect that whenever any suitable vacancy occurs in the department the retrenched hands should be given the first preference in the matter of filling up those vacancies ?

(c) Is it a fact that recently several posts in the Composing and Binding Departments of the Government of India Press, Calcutta, fell vacant and the several retrenched compositors and binders of 1923-24 applied for their re-appointment in the said posts?

(d) Is it a fact that outsiders have been appointed in large number in preference to retrenched hands?

(e) If the answers to parts (a) to (d) be in the affirmative, will Government be pleased to state the reasons for appointing outsiders?

(f) Is it a fact that those posts have already been filled up? If so, will the Honourable Member be pleased to state:

(i) how many posts in the Composing and Binding Sections, respectively, fell vacant recently;

(ii) how many retrenched compositors and binders and how many outsiders applied for their employment; and

(iii) how many retrenched compositors and binders and how many outsiders have actually been appointed?

**Mr. A. G. Clow :** (a), (b) and (c). Yes.

(d) Yes, a few retrenched employees have also been appointed.

(e) They were considered to be more suitable on administrative and technical grounds.

(f) The answer to the first part is that most of the vacancies have been filled. As regards the second part the particulars are as follows:

(i) 18 and 7, respectively.

(ii) 35 retrenched compositors, 35 retrenched binders and 234 outsiders.

(iii) No retrenched compositors, 3 retrenched binders and 18 outsiders.

**Mr. Lalchand Navalrai :** With regard to part (a), may I know if these retrenched hands have applied for posts, and do Government insist on their possessing the same qualifications as the new men?

**Mr. A. G. Clow :** Not necessarily, Sir. There is also a difficulty about age, as the retrenchment was a matter of good many years ago.

#### APPOINTMENT OF THE RELATIVES OF RETIRED EMPLOYEES IN THE GOVERNMENT OF INDIA PRESSES.

589. **\*Dr. P. N. Banerjea :** (a) Is it a fact that there is a circular that relatives of the employees who are retired, or are going to retire in the Government of India Presses, will get preference regarding appointments in suitable vacancies?

(b) Is it a fact that during the last two years several appointments as clerks, copy-holders and readers were made from amongst the relatives of the employees of the Government of India Press, Calcutta?

**Mr. A. G. Clow :** (a) I assume that this part of the question relates to the Stationery and Printing Department of the Government of India.

If so, the answer is that the Controller of Printing and Stationery recently issued a circular on the subject.

(b) Yes.

#### APPOINTMENT OF THE RELATIVES OF RETIRED EMPLOYEES IN THE GOVERNMENT OF INDIA PRESSES.

590. **\*Dr. P. N. Banerjea :** (a) Is it a fact that there is a Government circular to the effect that sons and relations of Government employees, who have retired or are going to retire, should get preference in matters of appointment?

(b) Is it a fact that several appointments as copy-holders have been made in the Government of India Press, Calcutta on the 1st August, 1935? If so, have they been filled by the relations of the employees? If not, why not?

**Mr. A. G. Clow :** (a) There is no general Government circular of the sort referred to by the Honourable Member, but I would invite his attention to the reply given by me to part (a) of the question I have just answered.

(b) Four men were appointed as Copyholders on 1st August, 1935, out of whom three are related to Press employees.

#### MOVEMENT FOR SEPARATION OF CERTAIN INDIAN BORDER TERRITORIES FROM OTHER PARTS OF HINDUSTAN.

591. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if they are aware that there is really a movement going on, called "Pakistan" demanding from Government—British and Indian—, separation of certain Indian border territories from other parts of Hindustan?

(b) Is it a fact that a document purporting to demand separation of "Pakistan" from Hindustan has been issued by one Mr. Ali and is being circulated amongst Members of Parliament, peers, politicians and press in England and other organizations?

(c) If not, what action has the British Government and the Indian Government taken in that behalf?

(d) Has that document been confiscated and proscribed or not? If not, why not?

**The Honourable Sir Henry Craik :** (a) and (b). I have seen the cutting referred to by the Honourable Member and a document signed by a gentleman who calls himself President of the Pakistan National Movement; but I do not know to whom the document has been disseminated. So far as the Government are aware, the so-called movement is run by some students in England, and is not operating in India.

(c) and (d). I am not aware that any action has been taken by His Majesty's Government. The Government of India have taken no action, and consider no action necessary.

**Mr. Lalchand Navalrai :** May I know if Government approve of the publication of such documents and pamphlets?

**The Honourable Sir Henry Craik :** I do not know that Government have ever even seen those pamphlets.

**Mr. Lalchand Navalrai :** The pamphlets have been circulated in India. I have got a copy, and, if the Honourable Member wants, I will send it on to him. Will he then take action ?

**The Honourable Sir Henry Craik :** I do not see it is necessary to take any action.

**Pandit Lakshmi Kanta Maitra :** What is meant by the word " Pakistan " ?

**The Honourable Sir Henry Craik :** The Honourable Member had better see the extract.

**Pandit Lakshmi Kanta Maitra :** Is there any literature on the subject ?

**The Honourable Sir Henry Craik :** According to the Honourable Member who put the question, a lot of literature has been disseminated in England, but, so far as I know, it has not been disseminated in India.

**Dr. Khan Sahib :** Will the Honourable Member be pleased to state if the first article which was written from England was inspired from the North-West Frontier Province, and the students, who signed it there, are now given posts in the Frontier Province, one of them as a publicity officer ?

**The Honourable Sir Henry Craik :** I have no information on that at all.

**Dr. Khan Sahib :** Will the Honourable Member make enquiries about this young man who has been made a publicity officer and whose father has just been made to retire ?

**The Honourable Sir Henry Craik :** I do not think the matter is important enough to make enquiries.

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question.

**Pandit Lakshmi Kanta Maitra :** Is there any political motive behind this ?

**Mr. President (The Honourable Sir Abdur Rahim) :** Next question has been called.

#### RESIDENTIAL ACCOMMODATION FOR GOVERNMENT SERVANTS IN NEW DELHI AND SIMLA.

592. **\*Mr. Muhammad Azhar Ali :** (a) What arrangements have the Government of India made in New Delhi and Simla for the accommodation of their Secretariat and its attached offices staff and how many family quarters in all there are at each of these places ?

(b) What percentage of the establishment were allotted Government family quarters in Delhi during the last season and what is the percentage in Simla during this season ?

(c) What percentage will be allotted for the next Delhi and Simla Seasons respectively at each of the Headquarters of the Government of India ?

(d) Is it a fact that the Government quarters for the ministerial establishment at Simla are hardly sufficient for about 5 per cent. only ? If not, what are the exact figures ?

(e) Are Government aware that due to shortage of quarters a large majority of the staff have got to engage private houses for their accommodation in Simla on heavy rentals ?

(f) Are Government also aware that many of them have to engage houses which are situated outside Simla Municipal boundaries and far off from offices and are deprived of the amenities provided by the Municipality as well as by the Government of India itself ?

(g) Are Government further aware that all these Government servants who reside in such suburbs of Simla have to do so for want of sufficient accommodation in the city or to avoid high rental of the houses in the city proper or to get better accommodation for the rents they can afford to pay ?

(h) Will Government please find out and place on the table a statement showing the number of Government servants who reside in each of the suburbs situated outside municipal bounds together with the names of such suburbs wherein bigger number of the staff of the Government of India offices reside ?

(i) Are Government aware that due to the revision of scales which now hardly makes particularly a third division clerk to meet his both ends meet while living single only, it is very hard for the Government of India staff to rent a house in even some of the suburbs which are located within municipal area, and as such they have got to go to a locality where the rents can suit their pockets ?

(j) Are Government also aware that the rents of the houses within municipal limits are so exorbitant that the low paid staff cannot afford to reside in Simla proper or nearabout ?

(k) Do Government propose providing Government quarters (family) in Simla also to all of its employees as in Delhi ? If not, what are the difficulties ?

(l) If the reply to preceding part be in the negative, are Government prepared to locate some of the offices permanently at Delhi in order to permit of the remaining Government servants, who have all these years lived in localities outside municipal area and have suffered on account of the distance of the offices from those suburbs and whose children have suffered for want of educational and other facilities, shifting to houses situated in municipal area ?

(m) If it is not possible, what are the difficulties ?

**Mr. A. G. Clow :** The information has been called for and a reply will be placed on the table of the House in due course.

#### FACILITIES AND COMFORTS FOR GOVERNMENT SERVANTS LIVING OUTSIDE THE MUNICIPAL LIMITS IN SIMLA.

593. **\*Mr. Muhammad Azhar Ali :** (a) Will Government please state the facilities and comforts provided by it to the employees of the Government of India offices who are not allotted Government quarters in

Simla and compelled to reside outside municipal limits ? If none, what are the reasons ?

(b) What facilities by way of medical, educational, water supply and electricity, are provided by the Government of India for their employees residing in such suburbs ?

(c) What measures have the Government of India adopted therein for the safety of their employees ? If none so far, why ?

(d) Which court of law they have to resort to in case of dispute and why cannot the Government of India provide some special facilities for its employees to attend Government courts only ? If not, why not ?

(e) What are the taxes charged by the Government of India or any other authority from the tenants of the houses in such localities and how much of it comes to in all in each locality ?

(f) Was the house or sanitary tax of 2 per cent. introduced with the approval of the Government in one of the suburban localities ? If so, when and on what understanding was it allowed to be introduced and whether since the introduction any sum has ever been set apart for the betterment of the locality, in respect of educational, medical, electricity and sanitary facilities ?

(g) Are Government aware that the population of one of the suburbs so situated has increased by more than double during the past few years but none of the amenities enumerated above have so far been provided by the Government of India ? If so, are Government aware that instead of increasing the number of water taps, the supply of water through the existing taps was decreased to the minimum thus causing a great inconvenience to the residents ?

(h) Do the Government of India now propose to provide all the amenities mentioned above, and also those which are enjoyed by those who reside in Government quarters to those staff of the Government of India who are compelled to live outside Simla municipal bounds ? If not, why not ?

(i) If the reply to the preceding part be in the negative, do Government in the alternate propose to adopt some other measures whereby the interests of Government of India staff residing in such localities are safeguarded in all ways and have the realised amount of taxes entrusted to a small committee of the residents of localities for the provision of all the facilities and amenities enumerated above every year ? If not, what are the difficulties ?

**The Honourable Sir Girja Shankar Bajpai :** (a) to (e). Government are not responsible for the provision of special civic or legal amenities to their employees, nor do they subject them to any special form of taxation. They have no information as to taxes levied by other authorities empowered to do so. Both in and outside Simla these employees share, with other classes of the population, such facilities as the authorities concerned provide for all. As an exceptional case, the Government of India make special arrangements for medical attendance and also subsidise certain educational institutions which cater primarily for the requirements of the migratory section of their staff.

(f) and (g). In the absence of the name of the locality Government regret that they are unable to give the Honourable Member the information asked for.

(h) and (i). I would refer the Honourable Member to the general statement of Government's position which I have given in answer to parts (a) to (e) of his question.

#### SHORTAGE OF GOVERNMENT QUARTERS IN SIMLA.

594. **\*Mr. Muhammad Azhar Ali :** (a) Are Government aware that due to the shortage of Government quarters for the ministerial staff of the Government of India, many of its clerks in order to avoid congestion within municipal area, are compelled to reside in localities called Bharari, Sanjauli, etc., which are said to be situated outside the Simla municipal area ?

(b) How much amount is contributed every year by the Government of India or any other Government for the maintenance of Simla Municipality in any form or shape ?

(c) Are Government aware that the employees of the Simla municipality living in municipal bungalows or quarters situated outside municipal limits, e.g., Sanjauli, are provided with almost all sorts of municipal amenities whereas the employees of the Government of India who are living in such a locality, denied all such amenities ?

(d) Are Government aware that the Government of India employees who reside in Simla outside municipal limits not only pay income-tax to the Government but also purchase almost all kinds of their requirements from the Simla Bazars and indirectly greatly contribute towards the income of its municipality ?

(e) Are Government also aware that water taps and electricity are provided in municipal bungalows and quarters situated outside the limits of municipality for the benefit of municipal employees but if a Government of India servant asks for such amenities, the municipality for whose maintenance the Government also greatly contributes, at once refuses to supply any of these things ?

(f) Are Government also aware that sanitary conditions in the areas outside municipal bounds are bad and what control the Government of India has got to safeguard the health of their employees living in the area due to bad sanitation ?

(g) Do Government propose to come to the rescue of its employees to get facilities, e.g., water supply, electricity supply, improvements in sanitary conditions, education of their children and dispensaries, provided for their benefit ? If not, what are the difficulties ?

(h) In case the Government of India is unable to accede to the suggestion made in part (h) above, do Government propose to build more Government quarters in Simla in order to provide all of the Government of India staff so that all kinds of amenities provided either through the Simla municipality or directly by the Government may be enjoyed by all of its employees ? If not, what are the difficulties ?

**The Honourable Sir Girja Shankar Bajpai :** (a) Government are aware that there is a shortage of Government quarters in Simla for the

ministerial staff and that some members of that staff reside of their own choice in localities outside the Simla Municipal limits.

(b) The contributions made by the Government of India and the Government of the Punjab to the Simla Municipality have averaged Rs. 38,652 per year during the last three years.

(c) and (e). Certain menial servants of the Committee such as water-works keymen and linesmen whose presence is required all the 24 hours in the premises where they reside are provided with water and electricity. Ordinary municipal employees, however, who choose to live outside municipal limits, are treated like other members of the public and do not receive these privileges.

(d) This may be so.

(f) and (g). As areas outside municipal limits fall within the jurisdiction of Indian States it is not possible for Government to exercise in those areas the control or provide facilities that are possible in British India.

(h) No. The requirements of the Government of India in Simla under the new constitution are by no means certain, and it would be unwise to embark on a large building programme now. In any case funds cannot at present be made available for new works in Simla.

#### WATER METER RENT REALISED FROM GOVERNMENT SERVANTS IN NEW DELHI AND SIMLA.

595. \*Mr. Muhammad Azhar Ali : (a) Is it a fact that the Government of India possess in Simla many of its own buildings for the accommodation of its officers and the clerical staff ?

(b) Are Government aware that the water supply to all of these buildings are made by the Simla Municipality ?

(c) Are Government also aware that all such buildings and quarters are fitted with water meters like those in Government quarters in New Delhi ?

(d) Are Government aware that the Simla municipality do not charge any rent for the water meters so fixed ?

(e) Are Government further aware that as against no charge for the water meters in Simla quarters, the New Delhi Municipal Committee was allowed by the Government of India to charge rent at the rate of Re. 1/- per water meter or per quarter ?

(f) Are Government aware that due to the revision of the scales of pay of the Government of India staff, the pay of a third division clerk has come down to Rs. 60/- a month only and every year the recruitment is made to this grade only ?

(g) Will Government please state the total deductions made separately on account of house rent, water supply (including meter rent), electric supply (including meter rent), furniture supply, or any other service from a clerk who gets Rs. 60/-, 80/- and 250/- a month respectively ? Are Government aware that this residue of pay (after so many deductions on account of accommodation, etc.), is not quite sufficient for maintenance

of an Indian clerk who generally has many dependents besides his family and children ?

(h) Are Government aware that the minimum charge at New Delhi on account of water supply is Rs. 2|8/- ? On what grounds this charge was fixed and how long is it likely to be allowed to continue ?

(i) Are Government aware that a low paid clerk hardly spends a rupee on account of water supply if he has got to make his own arrangements in a privately rented house ?

(j) Do Government propose to consider the advisability of doing away with water meter rent in New Delhi also ? If not, why is the Government staff being treated so differently by the Simla and New Delhi Municipalities ?

(k) Are Government also prepared to bring down the minimum charge for water supply in New Delhi Government quarters from Rs. 1|8/- for 4,000 gallons to -4/- per every thousand gallon without fixing any minimum charge and realise the charges on what is actually consumed ? If not, what are the reasons ?

The Honourable Sir Girja Shankar Bajpai : (a), (b) and (c). Yes.

(d) No. The Simla Municipality charges rent for meters.

(e) The New Delhi Municipal Committee charges meter rent at Re. 1 per mensem.

(f) The initial pay of a Third Division clerk is now Rs. 60, but I should point out that the men who are not provided with Government quarters are given house-rent allowance in Simla and Delhi and, in addition get compensatory allowance during the Simla season. Moreover direct recruitment is not confined to the Third Division, but is made to the First and Second Divisions as well.

(g) A statement is laid on the table.

Whether the residue of pay after all deductions is sufficient or not is a matter of opinion.

(h) Yes.

The charge of Rs. 2-8-0 on account of water supply was fixed at—

(1) Rs. 1-8-0 upto 4,000 gallons in a month, and

(2) Re. 1-0-0 for meter rent per month.

The possibility of making a reduction will be examined.

(i) Government have no information.

(j) I would refer the Honourable Member to the reply given on the 7th December, 1933, to part (c) of Mr. Maswood Ahmad's question No. 1313. As already stated, meter rent is charged for in Simla as well as New Delhi and there is no difference in treatment.

(k) Government cannot commit themselves to any of the Honourable Member's suggestion but will consult the municipality regarding the possibility of a reduction.

Statement showing total deductions made in New Delhi on account of different services from a clerk who gets Rs. 60, 80 and 250 a month respectively.

| Nature of service.                                  | Amount payable per mensem by a clerk in receipt of a pay of |              |                 |
|-----------------------------------------------------|-------------------------------------------------------------|--------------|-----------------|
|                                                     | Rs. 60.                                                     | Rs. 80.      | Rs. 250.        |
| <i>House rent.</i>                                  |                                                             |              |                 |
| (orthodox quarter) .. .. .                          | Rs. 6                                                       | Rs. 8        | Rs. 22          |
| (unorthodox quarter) .. .. .                        | Rs. 6                                                       | Rs. 8        | Rs. 25          |
| <i>Water supply including meter rent</i> .. .. .    | According to Rs. 2-8-0.                                     | consumption, | minimum charge  |
| <i>Electric supply including meter rent</i> .. .. . | According to 0-8-0.                                         | consumption  | plus meter rent |
| <i>Furniture.</i>                                   |                                                             |              |                 |
| (if requisitioned by the tenant)                    |                                                             |              |                 |
| Orthodox quarter .. .. .                            | Rs. 2                                                       | Rs. 2        | Rs. 2-4-0       |
| Unorthodox quarter .. .. .                          | ..                                                          | Rs. 7        | Rs. 11          |
|                                                     | (reduction of these charges is under consideration).        |              |                 |
| Other services .. .. .                              |                                                             | Nil.         |                 |

#### REFUSAL BY THE NAZUL OFFICER, DELHI, TO ACCEPT MONEY FROM THE RESIDENTS OF NAIWALA, KAROL BAGH.

596. \*Mr. Muhammad Azhar Ali : (a) Is it a fact that the Government charges rent for the sites leased out to the residents of Naiwala, Karol Bagh, Delhi ? Is it also a fact that the lease money is payable on the 1st of January and 1st of July every year ?

(b) Are Government aware that some residents of the area had disputes with the Lambardar of that area and consequently the Lambardar does not go to make collections ?

(c) Is it a fact that some residents made application to the Nazul Officer to permit them to pay the lease money in the Government Treasury directly and actually sent the amount through their servants and by money orders which the Nazul Officer declined to receive ?

(d) Is it a fact that according to the terms of the lease deed the Deputy Commissioner, Delhi is bound to accept the lease money when tendered ? If so, do Government propose to issue instructions to accept the amount when tendered in person or through money orders ?

The Honourable Sir Girja Shankar Bajpai : (a) Yes.

(b) The answer to the first half is in the affirmative. As regards the second half, Government have no information.

(c) and (d). The attention of the Honourable Member is invited to the reply given by me to starred question No. 451 asked by Sardar Sant Singh on the 17th September, 1935.

#### DIFFERENTIAL TREATMENT IN THE ALLOTMENT OF GOVERNMENT QUARTERS IN NEW DELHI AND SIMLA.

597. \*Mr. Muhammad Azhar Ali : (a) Is it a fact that some of the orthodox clerks quarters are allotted to Indian gazetted officers who are allowed to occupy unorthodox quarters in Delhi ? If so, will Government be pleased to state why this concession has been allowed to Indian officers of the class of gazetted Superintendents only ?

(b) Is it a fact that Indian clerks who declare themselves unorthodox and who occupy unorthodox quarters in Delhi are refused the same concession of living in orthodox quarters in Phagli ? If so, what are the reasons for this differential treatment ?

(c) Is it a fact that New Delhi quarters were classed as orthodox and unorthodox both for the officers as well as for the clerks ?

(d) Will Government be pleased to state since when the classification into orthodox and unorthodox has been abolished so far as the officers quarters are concerned ?

(e) Are Government aware of the impression that the concession of allowing Indian Superintendents to occupy orthodox clerks quarters has been incorporated in the rules of allotment of Government quarters only to benefit a few Superintendents of the Public Works Branch of the Department of Industries and Labour ? If not, do Government propose to state the number of Indian Superintendents and Assistants of the Public Works Branch of the Government of India who are occupying Phagli quarters and will Government be pleased to state how many of such Superintendents and Assistants of the Public Works Branch are occupying unorthodox quarters in Delhi ?

Mr. A. G. Clow : (a) Yes. Under the rules in force before 1933 "A" class orthodox quarters in Simla were allotted to Superintendents, Assistants and Clerks receiving emoluments of more than Rs. 300 per mensem. There was no upper pay limit. When the new rules were introduced in 1933 these "A" class quarters were reserved for Government servants drawing over Rs. 300 but less than Rs. 600 per mensem. The Government of India decided at the time that officers whose emoluments on the 15th June, 1932, were Rs. 600 or more per mensem and who were allotted "A" class quarters for the financial year 1933-34 or the summer season 1933 should not be required to vacate those quarters. It is under those orders that three officers who occupy "D" class officers' houses in New Delhi are still in occupation of orthodox "A" class quarters in Simla.

(b) Yes. But in the circumstances just explained, I do not think that there is any differential treatment.

(c) and (d). Orthodox houses are provided for officers in class "D" only. The distinction between orthodox and unorthodox has, therefore, not been abandoned entirely for officers.

(e) The allegation is unfounded. One Superintendent and four Assistants of the Public Works Branch are occupying quarters at Phagli. The Superintendent alone occupies a "D" class officers' house in New Delhi.

#### HOUSE RENT ALLOWANCE DRAWN BY PERSONS SHARING GOVERNMENT QUARTERS IN SIMLA.

598. \*Mr. Muhammad Azhar Ali : (a) Will Government be pleased to state whether house rent allowance is allowed to be made a source of income to the Government of India employees ? If not, will Government be pleased to state how many men of the Government of India who are entitled to house rent are allowed to draw house rent at the old rates of house rent when actually sharing a Government quarter either in Phagli, Summer Hill or Kaithu ?

(b) Are Government aware that the men of the Public Works Branch of the Government of India are allowed to draw house rent at the old rate while sharing a Government quarter allotted to relations of such employees ?

Mr. A. G. Clow : (a) I presume that by "income" the Honourable Member means "profit". There is no rule to the effect that Government servants may not share quarters, but all Government servants who entered service after 1924, when the rates of house-rent allowance were raised, have to furnish a certificate to the effect that the allowance drawn does not exceed the house-rent paid. Government servants in service before 1924 who drew the lower house-rent allowance under the old rules, which did not provide for the production of a certificate, were given the option of remaining on the old rates of allowance drawn under the old rules or of coming on to the enhanced rates under the new rules. For Government servants who draw the allowance under the new rules, the allowance cannot be a source of profit. For Government servants who still draw the lower allowance under the old rules, the allowance may, in certain circumstances, be a source of profit. Since, however, the allowance itself is lower, there is reason to suppose that such instances are rare, and Government are of opinion that the collection of the information required would involve a disproportionate expenditure of time and labour.

(b) No. The position is explained in the answer to part (a) of the question.

#### GOVERNMENT QUARTERS IN SIMLA OCCUPIED BY THE STAFF OF THE PUBLIC WORKS BRANCH.

599. \*Mr. Muhammad Azhar Ali : Will Government be pleased to state the number of quarters in Kaithu, Phagli and Summer Hill, which are being occupied by men of the Public Works Branch of the Government of India and their near relations like brothers, sisters and brothers-in-law ?

Mr. A. G. Clow : The number of quarters occupied by the personnel of the Public Works Branch at Kaithu, Phagli and Summer Hill is nil, nine, and one respectively. I regret that I am unable to give information as to the relations of the men concerned.

#### BASIS OF ALLOTMENT OF GOVERNMENT QUARTERS IN SIMLA.

600. \*Mr. Muhammad Azhar Ali : (a) Is it a fact that the Government of India hold the view that Public Works Department is not a commercial Department in so far as the renting of Government quarters is concerned ? If so, will Government be pleased to state why the Department which has borrowed so much capital for investing on building of quarters should not be run on commercial lines ?

(b) Is it a fact that on the ground of the Department not being run on commercial lines the four-roomed buildings which are also the members' quarters in Summer Hill are rented to men on smaller salaries getting Rs. 50 to Rs. 150 and belonging to attached and subordinate offices whereby Government derives only Rs. 10 to Rs. 15 a month as house rent according to 10 per cent. on pay basis ?

(c) Is it also a fact that men of the Secretariat Departments who forego Rs. 400 to Rs. 450 by way of rent for seven months actual occupation are not allotted those quarters ?

(d) Will Government be pleased to state the rent Government would derive if the quarters in Simla are allotted according to seniority basis and not on juniority basis ?

Mr. A. G. Clow : (a) Yes. I would remind the Honourable Member that the object of providing Government servants with residential accommodation is administrative rather than commercial.

(b) and (c). No. I understand that the Honourable Member is referring to the "A" class quarters at Summer Hill. These quarters are intended primarily for Government servants whose emoluments are over Rs. 450 but less than Rs. 600 per mensem. Under the housing rules quarters in Simla are distributed into three classes, and allotments are in the first instance made to the entitled officers of each class. Surplus quarters in "A" class go first to surplus "B" class applicants and secondly to surplus "C" class applicants.

(d) The information is not readily available.

#### DIFFERENT PRINCIPLES FOR ALLOTMENT OF GOVERNMENT QUARTERS IN NEW DELHI AND SIMLA.

601. \*Mr. Muhammad Azhar Ali : Is it a fact that the New Delhi quarters are allotted to the Government of India employees on the seniority basis for deriving income on the capital invested ? If so, will Government be pleased to state the reasons for following two different principles for allotment of Government quarters in the two places like Simla and Delhi ?

Mr. A. G. Clow : The attention of the Honourable Member is invited to the reply given on the 18th March, 1933, to parts (a) and (b) of starred question No. 710 by Mr. Lalechand Navalrai.

#### RENT CHARGED FROM MEMBERS OF THE INDIAN LEGISLATURE FOR QUARTERS IN SUMMER HILL, SIMLA.

602. \*Mr. Muhammad Azhar Ali : (a) Do Government propose to state why Members of the Indian Legislature are charged on the basis of



capital outlay? If so, why should the members be charged the assessed rent for Government quarters allotted to them?

(b) Is it a fact that a member's quarter, or quarter of the same type is allotted to Government employee drawing smaller salary and thereby Government derive in most cases a rent of Rs. 10 to Rs. 15 a month for such quarters? If so, will Government be pleased to state the reasons why such a heavy rent of about Rs. 80 to Rs. 100 is charged per mensem from the members for the same accommodation and for the same quarters in Summer Hill?

**Mr. A. G. Clow :** (a) I am not sure what my Honourable friend means. All rents assessed under the Fundamental Rules are based on capital outlay, and Members of the Indian Legislature are charged rent assessed under Fundamental Rule 45A. This is a concessional rent payable by Government servants.

(b) When "A" class quarters at Summer Hill are surplus to the requirements of "A" class officers, they are allotted to applicants of "B" and "C" class. But this is no reason why Government should reduce the rent recoverable from "A" class officers and Members of the Indian Legislature.

#### RULES FOR ALLOTMENT OF GOVERNMENT QUARTERS IN SIMLA.

603. **\*Mr. Muhammad Azhar Ali :** (a) Is it a fact that the present rules of allotment are based on the principle of giving advantage to the junior employees? If so, will Government be pleased to state why the 'A' type quarters in Kaithu and Tutikandi have not been converted into 'B' type quarters to give advantage to junior men?

(b) Is it a fact that there is a building called "Wheatfield Cottage" in Kaithu which used to be classed as a 'B' class quarter before? If so, will Government be pleased to state the reasons why this "Wheatfield Cottage" was later on classed as a lower type of quarter, namely, 'C' type?

(c) Do Government propose to re-classify the "Wheatfield Cottage" into a 'B' class? If not, why not?

**Mr. A. G. Clow :** (a) Allotments are made by juniority in each class. To convert all 'A' class quarters at Kaithu and Tutikandi into 'B' class would deprive 'A' class applicants of accommodation at these places.

(b) and (c). The four quarters comprising Wheatfield Cottage have always been in 'C' class, and no question of re-classifying them arises.

#### "B" AND "C" CLASS QUARTERS IN KAITHU, SIMLA.

604. **\*Mr. Muhammad Azhar Ali :** (a) How many 'B' class quarters are there in Kaithu and what is the ratio of 'B' class quarters to 'C' class in Kaithu?

(b) Do Government propose to convert some of the one-storied 'C' class quarters into 'B' class by the combination of two 'C' class quarters together? If not, why not?

**Mr. A. G. Clow :** (a) There are four 'B' class and 38 'C' class unorthodox quarters in Kaithu. The ratio of 'B' class to 'C' class is, therefore, 1 to 9.5.

(b) No. There are already 30 'B' class quarters elsewhere, and the number of 'C' class quarters is insufficient for the demand.

#### DIFFERENT LIMIT OF PAY FOR ALLOTMENT OF ORTHODOX AND UNORTHODOX QUARTERS IN SIMLA.

605. **\*Mr. Muhammad Azhar Ali :** (a) Is it a fact that the maximum pay limit for the two-roomed and three-roomed orthodox quarters is Rs. 150 and Rs. 300, respectively, whereas such pay limit for the unorthodox quarters is Rs. 300 and Rs. 450, respectively? If so, will Government be pleased to state the reasons for this different pay limits for the orthodox and the unorthodox quarters?

(b) Do Government propose to bring down the pay limit of the unorthodox quarters to the same limit as is prevailing for the orthodox quarters in Simla? If not, why not?

(c) Will Government be pleased to state why the European employees and the unorthodox Indian employees should be compelled to accept lesser accommodation? Is it a fact that the condition of service of the orthodox and unorthodox employees are the same?

(d) Is it a fact that the pay limit for two-roomed and three roomed and four-roomed European quarters were fixed long before the quarters were re-classed as unorthodox quarters? If so, do Government propose to bring down the pay limit for such quarters? If not, why not?

(e) Will Government be pleased to state what rent will be realised by Government from all the unorthodox quarters if the pay limit for the different types of unorthodox quarters is brought down to the same level of the pay limit for the corresponding types of orthodox quarters?

(f) Is it a fact that the maximum pay limit fixed at present for the three-roomed orthodox quarter is Rs. 300 and that for the same type of unorthodox quarter is Rs. 450, with the result that a man of the second division of the Secretariat as soon as he acquires a lien on a three-roomed orthodox or unorthodox quarters, retains such quarters till retirement and does not give any chance to any other men below him to get advantage of such quarters?

(g) Do Government propose to fix the maximum pay limit for both orthodox or unorthodox three-roomed quarters at Rs. 299 so that whenever a second division man gets to Rs. 300, he will be allotted a four-roomed quarter thereby making room for others in the three-roomed quarter and also getting advantage for himself of the best available quarters towards the end of his service?

**Mr. A. G. Clow :** (a) Married clerks' quarters in Simla, both orthodox and unorthodox, are divided into A, B and C classes according to the accommodation provided. The three classes of unorthodox clerks' quarters at Summer Hill are sometimes referred to as four-roomed, three-roomed and two-roomed quarters but this is not an official designation. Assuming that the Honourable Member is referring to "C" and "B" class quarters, the reply to the first part of the question is in the affirmative. The pay limits for unorthodox quarters are considerably lower than

those which were in force before 1925, and were designed to ensure a fair distribution of the accommodation available. Moreover, the unorthodox accommodation is on the whole better than the orthodox accommodation, and this in itself is a justification for the distinction to which the Honourable Member refers.

(b), (d), (f) and (g). The pay limits were settled in consultation with the Imperial Secretariat Association when the rules were revised, and Government do not propose to make any change.

(c) No one is compelled to occupy Government accommodation. I have already said that unorthodox accommodation is on the whole better than the orthodox accommodation. The reply to the last part is in the affirmative.

(e) Government do not consider that the labour involved in the collection of the information will be commensurate with the result.

#### ASSESSED RENT OF "B" AND "C" TYPE UNORTHODOX QUARTERS IN NEW DELHI.

606. \*Mr. Muhammad Azhar Ali : (a) Is it a fact that the assessed rent for 'C' type unorthodox quarters in New Delhi is Rs. 52 whereas the assessed rent of a 'B' type quarters is only Rs. 40 ?

(b) Do Government propose to remove this anomaly by the system of pooling the rents of 'B' and 'C' unorthodox quarters ? If not, why not ?

Mr. A. G. Clow : (a) The assessed rents are Rs. 52 for 'C' class and Rs. 40-8-0 for 'B' class unorthodox quarters.

(b) The revaluation of quarters in New Delhi is under consideration.

#### PERMISSION TO GOVERNMENT EMPLOYEES WITH COLLEGE GOING CHILDREN TO RETAIN THEIR QUARTERS IN NEW DELHI ON PAYMENT OF RENT ON A 10 PER CENT. RENT BASIS.

607. \*Mr. Muhammad Azhar Ali : (a) Is it a fact that if any of the Government of India moving staff who has been allotted a Government quarter in New Delhi has to leave behind him his family for the sake of higher education of his children, he is charged the assessed rent of the building from the last working date in Delhi of his Department ?

(b) Are Government aware that in the absence of colleges in Simla the moving staff of Government who have grown up college-going children, both boys and girls, are to leave behind their families in Delhi till the Delhi colleges close for the autumn, but they are denied the privilege of retaining their houses unless they are prepared to pay assessed rent of their quarters ?

(c) If so, do Government propose to allow such families with college going children to retain their house in Delhi on payment of the usual rent on a 10 per cent. pay basis till the college closes ?

(d) If not, are Government aware that the denial of such concession forces many parents to leave their children in hostels at a heavy cost ?

Mr. A. G. Clow : (a) Yes.

(b) The ten per cent. concession is allowed only to the Government servants concerned while they are actually residing on duty in New Delhi. The assessed rent charged to them when they leave their families in New Delhi is itself a concessional rent.

(c) No.

(d) Government have no information.

#### LIEN ON A LOWER TYPE OF QUARTER OF THE GOVERNMENT OF INDIA STAFF.

608. \*Mr. Muhammad Azhar Ali : Is it a fact that the non-moving staff of the Government of India are allowed the privilege of retaining a lien on a lower type of house to which he is inelligible owing to his increase in pay ? If so, will Government be pleased to state whether the same concession is allowed to the moving staff of the Government of India ? If not, why not ?

Mr. A. G. Clow : The attention of the Honourable Member is invited to the reply given on the 20th March, 1933, to parts (c) and (d) of starred question No. 799 by Mr. Maswood Ahmad.

#### NEGOTIATIONS WITH THE GAEKWAR OF BARODA IN RESPECT OF KATHIAWAR PORTS.

609. \*Mr. T. S. Avinashilingam Chettiar : (a) Will Government state whether they are carrying on negotiations with His Highness the Gaekwar of Baroda in respect of certain ports in Kathiawar in view of the coming Federation ?

(b) What are the objects and the result of these negotiations ?

The Honourable Sir James Grigg : Negotiations are in progress with a view to securing an equitable arrangement in regard to Customs. The negotiations are not yet complete. They have no direct connection with the question of the States' entry into the Federation.

Mr. S. Satyamurti : If they have no direct connection, have they any indirect connection with the question of the States' entry into the Federation ?

The Honourable Sir James Grigg : The Honourable Member must remain content or must remain discontent with the information I have already given.

Mr. S. Satyamurti : Is it a fact that the negotiations with Baroda have been completed on the basis of the Government of India paying them some crores every year ?

The Honourable Sir James Grigg : No, Sir.

Mr. S. Satyamurti : Is the report in the Press to that effect false ?

The Honourable Sir James Grigg : I cannot add anything to what I have already said.

#### RESERVATION OF A CERTAIN PERCENTAGE IN GOVERNMENT SERVICE FOR THE ASSAMESE.

610. \*Srijut N. C. Bardaloi : (a) Are Government aware that the Assamese race was a powerful one, having their own culture, civilization, literature and history ?

(b) Is it a fact that the Assam Valley was taken by the British only about a hundred years ago ?

(c) Are Government aware that people from the rest of India flocked to the newly acquired province and occupied high Government posts and monopolised the Bar and the trades ?

(d) Are Government prepared to consider the situation and reserve for the Assamese a certain percentage in all the services directly under the control of the Government of India ?

**The Honourable Sir Henry Craik :** (a) I do not propose to express an opinion on historical points which may be in dispute, but I believe it is correct that the Assamese are a separate people with a separate history of their own.

(b) Yes, in 1826.

(c) I understand that this is an overstatement. At the time of the British occupation, Assam was thinly populated and undeveloped. A large number of people from other parts of India came into Assam, and entered the services and certain professions.

(d) I would refer the Honourable Member to the Home Department Resolution, No. F-14/17-B.33-Establishment, dated the 4th July, 1934, a copy of which is in the Library of the House. It would not be consonant with the policy of the Government of India to reserve any vacancies for the Assamese as such, but those Assamese who belong to minority communities are eligible for the percentages reserved for such communities. I might add that a recommendation of the Assam Unemployment Enquiry Committee, similar to the Honourable Member's suggestion, was in May last brought to the notice of those Departments of the Central Government in which recruitment is made by local areas and not on an all-India basis.

#### HOLIDAYS IN THE GOVERNMENT OF INDIA SECRETARIAT.

611. **\*Sardar Sant Singh :** (a) What was the number of holidays given in the Government of India Secretariat in 1922, and on what account was each of those observed ?

(b) What is the number of holidays at present observed in these offices as compared with those granted by the Local Governments within whose limits the headquarters of the Government of India remain ?

(c) When was the present system of observing holidays in these offices introduced and on what account was it adopted ?

(d) How many holidays were originally sanctioned, when the system of granting holidays was changed and how many were added as a result of the representation of different Associations, etc. ?

(e) Is it a fact that the main reason for reduction in the number of holidays was the great need for economy, all round, in those days ?

(f) Are Government aware that though a similar suggestion was made to the Provincial Governments by the then Retrenchment Committee, they either did not at all reduce the number of holidays or, even if any one of the Provinces did so, there was a nominal reduction ?

(g) Are Government aware that even at present the number of holidays observed either in the Punjab or Delhi is at least three times the number of holidays enjoyed by the Government of India offices ?

(h) Are Government aware that due to the grant of very few holidays in the Secretariat, its employees consider that their health is being undermined as they have to do office work for long hours almost daily ?

(i) Are Government aware of the feelings amongst the members of the establishment of the Government of India that with the revival of normal times the authorities have not yet considered the advisability of according them the same old concession in regard to the grant of holidays enjoyed by them for centuries together or to revise orders which as a special measure have entailed hitherto great pressure upon their health ?

(j) Are Government aware that all the attached offices of the Government of India which are located permanently at Delhi enjoy all the holidays given by the Delhi Local Government ?

(k) Are Government further aware that as soon as any of the office of the Government of India is located permanently at Delhi, it begins to enjoy all the holidays of the Delhi Administration ?

(l) Are Government now prepared to re-consider the last revised orders in regard to holidays which were introduced as an experimental measure and allow all the holidays which the Secretariat used to enjoy in 1922 ? If not, what are the reasons ?

**The Honourable Sir Henry Craik :** (a) There was no uniformity in respect of the holidays observed in the various Departments of the Government of India Secretariat in 1922, but the number of such holidays and the occasions on which they were granted were approximately the same as in the Punjab and Delhi. Saturdays in the months of September and October were also observed as holidays.

(b) Thirteen closed and six sectional holidays are observed in the Government of India Secretariat as also the last Saturdays of summer months in which there is no closed holiday (other Saturdays being observed as half holidays), the number of holidays in the Punjab is 38 and in Delhi 35. In these places the last Saturday of every month may also be observed as a holiday if the state of work permits.

(c) The present system was introduced in 1923 on the grounds stated in paragraph 1 of the Home Department Office Memorandum No. D. 4562-Public, dated the 20th October, 1923, a copy of which is in the Library of the House.

(d) Ten closed and six sectional holidays were originally granted when the present system was introduced in 1923 and in 1930 they were increased by three closed holidays plus holidays on the last Saturdays of the summer months in which there is no other holiday.

(e) Economy was one of the grounds for adopting the present system of holidays.

(f) Some of the Provincial Retrenchment Committees recommended the reduction of holidays in provinces but the Government of India have no definite information how far their recommendations were accepted by the Local Governments concerned.

(g) It will be observed from the answer to part (b) of the question that the position is not as stated by the Honourable Member.

(h) No.

(i) Representations from the Imperial Secretariat Association were received in 1929 and 1930, asking for restoration of the old scale of holidays. Government are not aware that any general discontent now prevails in the matter.

(j) and (k). Attached and subordinate offices of the Government of India which remain in Delhi all the year round follow the local practice in regard to holidays.

(l) No. Government consider it better to have a smaller number of real holidays than to have a large number of holidays which for a large portion of the staff were only nominal, as was the case before the adoption of the present system.

#### CONSTRUCTION OF NEW RAILWAY STATIONS AT LUHATHAHA AND DUMRA.

612. \***Mr. B. B. Varma** : (a) Are Government aware that the courts and other offices in the town of Motihari, District Champaran, are to be shifted to another site in village Luhathaha and at Dumra from Sitamarh in the District of Muzaffarpore ?

(b) Will Government be pleased to state if new railway stations are proposed to be constructed at the new places ?

**The Honourable Sir Henry Craik** : (a) The Government of India have no information. The matter concerns the Local Government.

(b) This question will be considered when occasion arises.

#### DEMAND AND FORFEITURE OF SECURITIES OF NEWSPAPERS.

613. \***Mr. S. Satyamurti** : Will Government be pleased to state :

(a) the number and names of the newspapers from whom securities have been demanded during the last three years ;

(b) the number and names of the newspapers whose securities have been forfeited ; and

(c) whether there is any all-India policy in the matter of the demand and forfeiture of securities from newspapers ?

**The Honourable Sir Henry Craik** : (a) and (b). I would refer the Honourable Member to statements Nos. III and IV. which were laid on the table in connection with the reply given by me to Seth Govind Das's short notice questions on the 4th September, 1935.

(c) I would refer the Honourable Member to the reply given by me to part (b) of Mr. Avinashilingam Chettiar's question No. 1389 on the 3rd April, 1935.

**Mr. S. Satyamurti** : Since the answer was given on the 4th September, has there been any demand for securities or forfeiture of securities ?

**The Honourable Sir Henry Craik** : I cannot say that now.

**Mr. S. Satyamurti** : With reference to the answer to part (c), I am referred to an earlier statement made. May I know, as in the case of

the Quetta earthquake and comments thereon, have the Government of India issued, from time to time, or at any time, any circular to Local Governments laying down an all-India policy in the matter of demand for securities, or forfeiture of securities from newspapers ?

**The Honourable Sir Henry Craik** : If the Honourable Member will refer to the answer to part (b) of question No. 1389, he will find that also. That answer was as follows :

"The Government of India have issued certain general instructions to Local Governments in regard to the administration of the Press Act, the general purport of which was that while the Act should be so administered as to achieve the object for which it was enacted, care should be taken to see that no undue hardship was caused in cases in which the Local Government were satisfied that the newspaper or press was not likely to offend against the provisions of the Act. It was also suggested that admonitions or warnings should be given in suitable cases, and that editors and others should be able to obtain advice from an officer of Government if they so desired."

**Mr. S. Satyamurti** : Is it part of the instructions of Government that, wherever Governments are satisfied that there is not adequate or satisfactory evidence to go before a Court of law, but where the unfortunate newspaper has incurred the displeasure of Government, the Government should proceed under the Press Act, and not prosecute the newspaper ?

**The Honourable Sir Henry Craik** : No such instructions were issued as far as I am aware.

**Mr. S. Satyamurti** : Is it part of the general instructions which have been issued to Local Governments classifying presses as friendly and unfriendly press ?

(No answer.)

**Prof. N. G. Ranga** : Who gets the amount forfeited ? The Government of India or the Local Governments ?

**The Honourable Sir Henry Craik** : I think the Local Governments.

**Mr. S. Satyamurti** : In view of the strong feeling expressed in this House and outside on the administration of the Press Act, will Government consider, apart from the repeal of the Press Act, that the administration of the Press Act is done in a more humane and in a juster manner ?

**The Honourable Sir Henry Craik** : I think the Act is administered with great humanity and justice.

#### LIFTING OF BAN FROM THE KHUDAI KHIDMATGAR AND OTHER CONGRESS ORGANISATIONS IN THE NORTH-WEST FRONTIER PROVINCE.

614. \***Mr. Mohan Lal Saksena** : (a) Will Government state what action has been taken on the Resolution passed by the Legislative Assembly regarding the lifting of the ban from the Khudai Khidmatgar and other Congress organisation in the North-West Frontier Province ?

(b) Will Government lay on the table a statement showing the names of the institutions which are still unlawful ?

(c) Will Government state from which institutions the ban has been lifted since January last ?

(g) It will be observed from the answer to part (b) of the question that the position is not as stated by the Honourable Member.

(h) No.

(i) Representations from the Imperial Secretariat Association were received in 1929 and 1930, asking for restoration of the old scale of holidays. Government are not aware that any general discontent now prevails in the matter.

(j) and (k). Attached and subordinate offices of the Government of India which remain in Delhi all the year round follow the local practice in regard to holidays.

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**Mr. S. Satyamurti** : Is it part of the general instructions which have been issued to Local Governments classifying presses as friendly and unfriendly press ?

(No answer.)

**Prof. N. G. Ranga** : Who gets the amount forfeited ? The Government of India or the Local Governments ?

**The Honourable Sir Henry Craik** : I think the Local Governments.

**Mr. S. Satyamurti** : In view of the strong feeling expressed in this House and outside on the administration of the Press Act, will Government consider, apart from the repeal of the Press Act, that the administration of the Press Act is done in a more humane and in a juster manner ?

**The Honourable Sir Henry Craik** : I think the Act is administered with great humanity and justice.

#### LIFTING OF BAN FROM THE KHUDAI KHIDMATGAR AND OTHER CONGRESS ORGANISATIONS IN THE NORTH-WEST FRONTIER PROVINCE.

614. \***Mr. Mohan Lal Saksena** : (a) Will Government state what action has been taken on the Resolution passed by the Legislative Assembly regarding the lifting of the ban from the Khudai Khidmatgar and other Congress organisation in the North-West Frontier Province ?

(b) Will Government lay on the table a statement showing the names of the institutions which are still unlawful ?

(c) Will Government state from which institutions the ban has been lifted since January last ?

**The Honourable Sir Henry Craik :** (a) The Government of India considered the recommendation contained in the Resolution and decided to send a copy of the Resolution and the debates to the Local Government.

(b) and (c). I would refer the Honourable Member to item (10) in the statement I laid on the table on the 14th February, 1935, in reply to his own questions Nos. 272 and 273. The ban has not been removed from any of the organizations named therein.

**Dr. Khan Sahib :** Will the Honourable the Home Member state why the ban on the Khudai Khidmatgars has not been removed? Can Government attribute anything to their behaviour which is against the law which has caused Government to continue this ban?

**The Honourable Sir Henry Craik :** That question should be addressed to the Local Government; it is in their discretion to remove the ban.

**Mr. S. Satyamurti :** Did the Government of India consider the Resolution passed by this House and did they come to any conclusion on that matter?

**The Honourable Sir Henry Craik :** Yes, Sir.

**Mr. S. Satyamurti :** Did they communicate that conclusion to the Local Government?

**The Honourable Sir Henry Craik :** I cannot say without looking at the communication addressed to the Local Government, but I imagine they probably did.

**Mr. S. Satyamurti :** May I take it, therefore, that the Local Government were asked by the Government of India not to remove this ban?

**The Honourable Sir Henry Craik :** As I said, I have not got the letter addressed to the Local Government.

**Mr. S. Satyamurti :** Did the Government of India ask the Local Government to remove the ban?

**The Honourable Sir Henry Craik :** No, Sir.

**Mr. Ram Narayan Singh :** May I take it that Government still maintain their hostile attitude towards the Congress?

**Mr. Mohan Lal Saksena :** May I know to what conclusion they arrived at after considering the Resolution passed by the Assembly?

**The Honourable Sir Henry Craik :** Not to act on it.

**Mr. S. Satyamurti :** May I know the reasons why Government concluded that they should not accept the Resolution of this House and remove the ban?

**The Honourable Sir Henry Craik :** Those reasons were fully stated in my speech on the Resolution.

#### RECRUITMENT OF STAFF FOR THE RESERVE BANK OF INDIA.

615. **\*Mr. Akhil Chandra Datta :** (a) With reference to starred question No. 1150 answered on the 29th March, 1935, will Government be pleased to state if they have been informed what arrangements have been made for the recruitment of staff for the Reserve Bank of India

over and above the employees transferred from the Currency Department and the Imperial Bank of India?

(b) If so, will Government be pleased to state the time, extent and manner of such recruitment?

**The Honourable Sir James Grigg :** I would refer the Honourable Member to the reply given to Syed Ghulam Bhik Nairang's question No. 576.

#### REMOVAL OF DISQUALIFICATION FOR ELECTIONS ARISING OUT OF CONVICTION BY CRIMINAL COURTS.

616. **\*Mr. Akhil Chandra Datta :** (a) With reference to the speech of the Honourable the Home Member made on the 11th February, 1935, on the Resolution regarding removal of disqualification for elections arising from conviction by criminal courts in certain cases, will the Honourable the Home Member be pleased to state the general principles which have been laid down by the Government of India for dealing with applications in individual cases for the removal of the said disqualifications?

(b) Will the Honourable the Home Member be pleased to state the views of the different Provincial Governments, regarding the policy to be followed in dealing with such applications?

(c) Have Government considered the desirability of taking such steps as may be necessary for removal altogether of the provisions for such disqualifications under the new constitution?

(d) Have Government formulated their policy with regard to the statutory rules to be enacted on the question of such disqualification under the new constitution? If so, will Government state it?

(e) Have Government considered the desirability of making a distinction between persons convicted in connection with civil disobedience movement and other prisoners in the matter of the said disqualification?

**The Honourable Sir Henry Craik :** (a) and (b). The general principles to which I referred were laid down for the guidance of Local Governments in view of the situation at the time and were not intended to be of universal application. The situation was that Government anticipated that there would, at the general election which was then approaching, be a considerable number of candidates who were disqualified on account of convictions in connection with the Civil Disobedience Movement, and the main principle was that when there was nothing more against a candidate than such a conviction the disqualification should be removed, provided that the candidate was not at the time still in jail. I should, however, like to emphasise the fact that the procedure followed last year was designed to meet a particular situation, and that under sub-rule 2 of Rule 5 of the Legislative Assembly Electoral Rules each application must be considered individually on the merits and that the Local Government has power to reject an application without reference to the Governor General in Council.

(c) and (d). I invite the Honourable Member's attention to the provisions contained in sections 26 (1) (e) and 69 (1) (e) of the Government of India Act, 1935.



(e) Under the provisions quoted above power is given to the Governor General or the Governor, as the case may be, to reduce the period of disqualification at his discretion, and Government consider it impracticable to make a distinction on the lines suggested.

#### ISSUE PRICE OF THE LATEST RUPEE LOAN.

617. \*Mr. S. Satyamurti : Will the Honourable the Finance Member be pleased to state :

(a) whether his attention has been drawn to the editorial comment in the *Indian Finance* of the 3rd August on the issue price of the latest Rupee Loan of Rs. 15 crores ;

(b) the reason why the issue price was fixed at Rs. 96-8-0 ; and

(c) whether this has not entailed a loss of Rs. 37½ lakhs to the taxpayer ?

The Honourable Sir James Grigg : (a) Yes.

(b) The issue price was fixed with reference to the market conditions obtaining at the time of issue, and after obtaining the best advice which it was open to me to obtain.

(c) No.

Mr. S. Satyamurti : With reference to the answer to clause (b), may I know whose advice was obtained in fixing the issue price at Rs. 96-8-0 ?

The Honourable Sir James Grigg : No, Sir ; that is a domestic matter.

Mr. S. Satyamurti : Was any expert consulted at all, except the Honourable Sir James Grigg ?

The Honourable Sir James Grigg : Yes, Sir.

Mr. S. Satyamurti : How many were consulted ?

The Honourable Sir James Grigg : I cannot say, but quite a number.

Mr. S. Satyamurti : Indian or British ?

The Honourable Sir James Grigg : Both.

Mr. S. Satyamurti : And did they all agree at fixing the price at Rs. 96-8-0 ?

The Honourable Sir James Grigg : Yes, Sir.

Mr. S. Satyamurti : With reference to the answer to clause (c), was there any loss at all, and, if so, what was the loss ?

The Honourable Sir James Grigg : No, Sir.

Mr. S. Satyamurti : Whose opinion is that ? Is that the Honourable the Finance Member's own opinion, or is it based on any expert advice ?

The Honourable Sir James Grigg : Mine, and all informed opinion.

Mr. S. Satyamurti : May I know what is the informed opinion except the British one ?

The Honourable Sir James Grigg : As I said, all informed opinion.

#### CONTRACT FOR THE CONSTRUCTION OF THE NEW HOWRAH BRIDGE.

618. \*Mr. S. Satyamurti : Will Government be pleased to state :

(a) whether their attention has been drawn to the comment on the construction of the new Howrah Bridge under the heading "Clive Street Gossip" in the *Indian Finance*, Calcutta, of 3rd August ;

(b) whether the Government of India have been consulted in this matter ; and

(c) whether the contract for this great work will be given in India ; if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) No.

(c) I am unable to make a guess. The Honourable Member is reminded that under section 5 of the Howrah Bridge Act, 1926, the matter is statutorily within the competence of the Howrah Bridge Commissioners, subject to the approval of the Local Government.

Mr. S. Satyamurti : Is it a fact that Herr Hitler has approached the Port Commissioners with an offer to take this contract on condition that he will spend all the money in India ?

The Honourable Sir Muhammad Zafrullah Khan : I believe, Sir, there is a question put down with regard to that matter, and, when that is reached, a reply will be given.

Mr. S. Satyamurti : Have the Government of India been kept informed of the progress of this matter by the Port Commissioners at Calcutta ?

The Honourable Sir Muhammad Zafrullah Khan : I do not understand what the Honourable Member means by progress in the matter. Does he mean as to what tenders were received and what those tenders were, and so on ?

Mr. S. Satyamurti : The progress of all matters connected with the construction of the new Howrah Bridge.

The Honourable Sir Muhammad Zafrullah Khan : The matter stands thus. Tenders were invited and they were put in with the Consulting Engineers in London ; and, naturally, nobody else outside could have any information as to what those tenders were.

Mr. S. Satyamurti : In view of the very great national importance of this great work going to India, if possible, may I know if the Government of India will press the view on the Port Commissioners of Calcutta and see that this work does not go out of this country ?

The Honourable Sir Muhammad Zafrullah Khan : As I have already said in my reply, the matter lies between the Howrah Bridge Commissioners and the Local Government. The Government of India do not, directly at any rate, come into the picture at all.

Mr. S. Satyamurti : But will they advise the Local Government that in the interest of the national economy of this country, this contract ought not to go out of this country ?



**The Honourable Sir Muhammad Zafrullah Khan :** I do not think Government would be justified in giving instructions of that kind with regard to this matter to the Local Government.

**ENQUIRY INTO THE ALLEGATIONS OF DISCRIMINATIONS BETWEEN INDIANS AND EUROPEANS IN THE MATTER OF RESCUE AND SALVAGE OPERATIONS IN QUETTA.**

619. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the resolution of the Working Committee of the Indian National Congress passed on the 1st August, 1935, at Wardha, opining that many more persons under the debris in Quetta after the earthquake could have been rescued, if digging operations had been undertaken on an adequate scale and had not been stopped after two days, and if the help offered from the public had not been rejected ;
- (b) whether they examined the position from this point of view and what their conclusions are ; and
- (c) whether they propose to conduct an enquiry into the allegations of discriminations between Indians and Europeans in the matter of rescue and salvage operations ; if not, why not ?

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

(b) and (c). The Honourable Member's attention is invited to Chapter IV of the pamphlet " The Quetta Earthquake, 1935 " and to the record of the debate on the Resolution which was moved by Mr. P. S. Kumara-swami Raju in this House on the 19th September, 1935.

**Mr. S. Satyamurti :** With reference to clause (a), may I know if Government have examined this matter with all relevant expert opinion which they have obtained, and they are satisfied that no more persons could have been saved if the digging operations could have been continued on an adequate scale, beyond the date and hour at which they were stopped ?

**Mr. G. R. F. Tottenham :** Yes, Sir ; that should have been obvious from the replies that we gave in the course of the Resolution which was discussed last Thursday.

**Mr. S. Satyamurti :** I am asking whether any expert inquiry was made by Government with the help of people who know something about what they are talking, to be satisfied that nobody could have been saved if the operations had been continued ?

**The Honourable Sir Henry Craik :** Yes.

**Mr. S. Satyamurti :** Who was the expert ?

**The Honourable Sir Henry Craik :** Mr. Hogg.

**TRANSFER OF THE CIVIL AND MILITARY ADMINISTRATION OF GILGIT TO THE GOVERNMENT OF INDIA.**

620. **\*Mr. S. Satyamurti :** Will Government be pleased to state the financial implications of the transfer of the civil and military administra-

tive control of Wazarat of Gilgit Province of Kashmir State from the Kashmir Durbar to the British Government ?

**Mr. J. G. Acheson :** Attention of the Honourable Member is invited to the reply given on the 13th September, 1935, to his question No. 338. As I stated then in reply to a supplementary question, a saving of nearly Rs. one lakh is anticipated.

**Mr. S. Satyamurti :** Is any payment made by the Government of India to the Kashmir State for this transaction ?

**Mr. J. G. Acheson :** No, Sir.

**STATEMENTS LAID ON THE TABLE.**

*Information promised in reply to starred questions Nos. 1554, 1555, 1556, 1557 and 1558 asked by Mr. S. Satyamurti (on behalf of Pandit Sri Krishna Dutta Paliwal) on the 5th April, 1935.*

**EXPERIENCE REQUIRED FOR RUNNING EXPRESS AND MAIL TRAINS ON THE EAST INDIAN RAILWAY.**

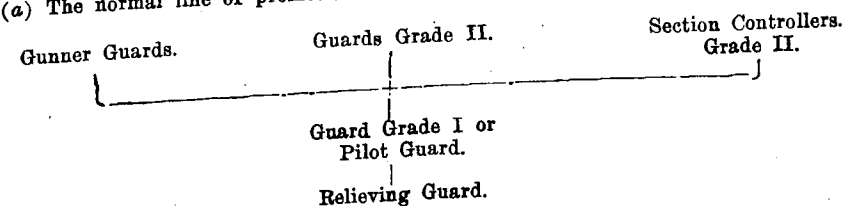
1554. The Agent, East Indian Railway, reports :

- (a) There is no rigid rule to this effect.
- (b), (c), (d) and (e). Promotion to the relieving guard's cadre is primarily a matter of selection and seniority is not the only deciding factor.

**PROMOTION TO THE RELIEVING GUARDSHIP ON THE EAST INDIAN RAILWAY.**

1555. The Agent, East Indian Railway, reports :

- (a) The normal line of promotion to the relieving guard's cadre is as under :



- (b) Not normally.
- (c) As stated in reply to parts (b) (c), (d) and (e) of question No. 1554, promotion to the relieving Guard's cadre is primarily a matter of selection and seniority is not the only deciding factor.
- (d) and (e). There has been one case recently on the Asansol division. Orders have already been issued that the normal line of advancement given in reply to part (a) is to be followed.

**"B" GRADE CONTROLLERS PROMOTED TO RELIEVING GUARDSHIP ON THE EAST INDIAN RAILWAY.**

1556. (a), (b) and (c). The Agent, East Indian Railway, reports that the departure from the normal avenue of promotion referred to in the answer to this question has, as stated, been met by the issue of orders that the normal avenue of advancement is to be followed. The Honourable Member's attention is invited to the reply to part (d) of question No. 1555.

(d) The Agent, East Indian Railway, reports that the orders in question are that promotion to the relieving guard's cadre is primarily a matter of selection subject to the line of advancement indicated in answer to question No. 1555 (a) normally being followed.

#### INTERVIEW FOR PROMOTION OF "B" GRADE GUARDS ON THE EAST INDIAN RAILWAY.

1557. (a) As no specific cases have been quoted by the Honourable Member, Government are unable to obtain the necessary information.

(b) The attention of the Honourable Member is invited to the reply to part (a) of question No. 1555, which gives the normal line of promotion to the relieving guard's cadre. The Agent, East Indian Railway, reports that promotion from grade II to grade I also depends on the candidate's qualifications and suitability with due regard to the fact that grade I of guards is the main source of supply from which higher grade assistant station masters and yard masters are obtained.

#### PROMOTION OF CERTAIN CONTROLLERS ON THE EAST INDIAN RAILWAY TO RELIEVING GUARDSHIPS.

1558. (a) and (b). Presumably the Honourable Member is referring to grade II Section Controllers. If so, his attention is invited to the reply to part (d) of question No. 1555 and the replies to parts (a) to (d) of question No. 1556.

(c) The Agent, East Indian Railway, reports that if by 'practice' is implied a systematic departure from the orders mentioned in answer to question No. 1556, part (d), no division is implicated.

(d) No.

(e) The Agent, East Indian Railway, reports that the Divisional Superintendent enquires into all genuine grievances requiring his intervention and attends to such appeals as may lie to him under the rules.

*Information promised in reply to unstarred questions Nos. 313 and 314 asked by Dr. N. B. Khare on the 9th April, 1935.*

#### GRANT OF CERTIFICATES TO GUARDS BY THE DISTRICT MEDICAL OFFICER OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

313. The Agent, East Indian Railway, reports :

There is no such case on the Moradabad Division. It would appear however that the question refers to the case of ex-guard E. I. Pearce the circumstances of which are as follows :

Mr. Pearce was injured on duty on 23rd February, 1933. On the 17th June, 1933, the District Medical Officer, Moradabad, issued a certificate that Mr. Pearce was unfit for further service in the following terms :

"Physically unfit and permanently incapacitated for further Railway service on account of possible ununited fracture of Medical Malleolus and defective movement of right ankle joint. He is fit for a job of sedentary nature",

and stated in his covering letter as follows :

"I am herewith sending M 28 in favour of Guard E. I. Pearce, as I do not think he will ever be fit for a job involving running duties."

On receipt of this District Medical Officer, Moradabad, was asked what he meant by "Running duties" to which he replied on the 20th June, 1933, as follows :

"I mean by running duties, any duties involving walking about."

It will be seen that the District Medical Officer did not amend his original certificate but only explained what he meant by the term "running duties".

(c) Ex-guard E. I. Pearce was examined by a Medical Board at the East Indian Railway Headquarters on the 28th July, 1933.

(i) This was after orders of discharge had been issued.

(ii) No recommendation for leave to be granted to Mr. Pearce was made by the Medical Board.

(iii) No.

(b) As stated above the District Medical Officer recommended Mr. Pearce for a sedentary job. The possibility of utilizing Mr. Pearce's service as an Assistant Station Master or in the control in the event of a vacancy arising, were fully considered but as it was not considered that he could fill such posts efficiently and as there was no other posts of a sedentary nature available he was discharged.

(c) The Medical Board which examined Mr. Pearce on the 28th July, 1933, did not recommend leave to Mr. Pearce but suggested he might appear before a board after nine months to show that he was fit for duty.

Mr. Pearce was due no leave.

(d) The finding of the Medical Board was that there was evidence of the possibility of a fracture and that he was unfit for the duty of a guard or any other duty that might necessitate rapid movement in order to avoid moving trains or wagons or any duty which would keep him on his feet for prolonged periods. They found that the disability was due to the accident which occurred in the course of guard Pearce's duty but held that his refusal to undergo the treatment advised by the Surgeon-in-charge, King George's Hospital, Lucknow, was unreasonable.

(e) When an employee is declared permanently incapacitated for further Railway service it clearly means that he cannot serve the Railway in any capacity whatsoever ; whereas if he is not fit for duties involving walking about he can still be retained in the service provided that he can be given a post the duties of which do not require him to move about, i.e., he could be employed as a typist, signaller, clerk, etc., provided that the employee possesses the necessary qualifications and ability for the post.

#### INCREMENTS TO STAFF IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

314. (a) Reply to the first part of the question is in the negative. It may, however, be added that the Agent, East Indian Railway, reports that he now finds that an error crept in the information furnished in reply to parts (d) (i) and (ii) of question No. 921 asked by Mr. S. C. Jog on the 30th August, 1934. The increments of the four ticket collectors referred to in the previous reply were stopped on account of their failure to pass the triennial examination in ticket collectors duties and not on account of their failure to pass the goods accounts examination.

(b) Yes, in accordance with the executive orders issued by the Railway Board qualifications in 'First Aid' are obligatory in the case of running staff other than those who are not required to be literate and for supervising staff in all workshops and running sheds. Such qualifications are not obligatory for staff already in service but the possession of such qualifications by staff already in service prior to the issue of the orders are taken into consideration in selection for promotion. The discretion was, however, left to the Railway Administrations to decide which other staff should be retained in First Aid.

(c) Any employee possessing the necessary qualifications and who is otherwise considered suitable for the post of a Station Master of a flag station may be posted there irrespective of whether he was recruited as an Assistant Station Master or not.

(d) The Agent, East Indian Railway, reports that the Rules for recruitment and training of out-door clerks under transportation staff and coaching and goods clerks under Commercial staff which are contained in the Rules referred to in the question are applicable to relieving clerks.

(e) As already stated in reply to part (a) of question No. 921 asked by Mr. S. C. Jog on the 30th August, 1934. Fundamental Rule 24, prescribes that an increment shall ordinarily be drawn as a matter of course unless it is withheld. An

increment is withheld if the service is not approved, i.e., if the conduct of an employee has not been good or his work has not been satisfactory. An increment may also be withheld by a competent authority for good and sufficient reasons.

(f) Government are informed that on the East Indian Railway where an examination is prescribed for a particular category of staff, promotion to such a category must necessarily depend on the passing of the examination. The fact of an employee qualifying for increments for his own scale or grade does not necessarily determine his fitness for promotion to another grade for which he may not be qualified.

(g) If the Honourable Member will specify the Rules to which he is referring I shall attempt to frame a reply.

(h) Firemen as Shunters.

Shunters as Drivers.

Drivers as Assistant Running Shed Foremen.

(i) (j) As already stated in reply to parts (d) (iii) and (iv) of question No. 921 asked by Mr. S. C. Jog on the 30th August, 1934, the practice (which was found to be incompatible with the Rules) had been that the locomotive running staff officiating in higher grade were not granted increments. The date from and the manner in which this practice came to be adopted cannot be traced at this distant date.

(k) The Agent, East Indian Railway, reports that the practice referred to in part (i) was reported by the Divisional Superintendent, Lucknow, who was of the opinion that it should be changed. The matter was dealt with by correspondence and was ultimately decided by the Agent. There is no report on the subject.

(l) 1st September, 1934.

(m) It is not clear what sanction is referred to by the Honourable Member.

(n) The old Oudh and Rohilkund Railway scales of pay of drivers are as follows :

|                  | Scale IV. | Scale III. | Scale II. | Scale I. |
|------------------|-----------|------------|-----------|----------|
|                  | Rs.       | Rs.        | Rs.       | Rs.      |
| 1st Year .. .. . | 140 p.m.  | 115 p.m.   | 35 p.m.   | 30 p.m.  |
| 2nd „ .. .. .    | 150 „     | 125 „      | 37 „      | 32 „     |
| 3rd „ .. .. .    | 160 „     | 135 „      | 39 „      | 34 „     |
| 4th „ .. .. .    | 170 „     | 145 „      | 43 „      | 38 „     |
| 5th „ .. .. .    | 180 „     | 155 „      | 47 „      | 42 „     |
| 6th „ .. .. .    | 190 „     | 165 „      | 52 „      | 47 „     |
| 7th „ .. .. .    | 200 „     | 175 „      | 60 „      | 55 „     |
| 8th „ .. .. .    | 210 „     | 175 „      | 60 „      | 55 „     |
| 9th „ .. .. .    | 220 „     | ..         | 70 „      | 65 „     |
| 10th „ .. .. .   | 220 „     | ..         | 70 „      | 65 „     |
| Special .. .. .  | *230 „    | 180 „      | ..        | ..       |

(o) and (q). In accordance with the practice referred to in reply to parts (i) and (j) above the staff were not eligible for increments and the question of earning

\*After two years satisfactory service on the next lower grade.

such increments did not therefore, arise. As already stated the practice was not compatible with the rules and the Agent on re-consideration of the matter decided to re-fix the pay of the staff from the 1st September, 1934.

(p) The Honourable Member is referred to Fundamental Rules 27 and 35.

(r) No.

(s) It is not the policy of the Government to give retrospective effect.

(t) Rule 31 is as stated in the question. As regards the reasons for not granting the increments the Honourable Member is referred to reply given to parts (i), (j), (o) and (q) above.

(u) The reply to the first part is in the negative. As regards the latter part the Government adhere to their policy of not making payments with retrospective effect.

*Information promised in reply to unstarred question No. 34 asked by Mr. V. V. Giri on the 9th September, 1935.*

#### MANUFACTURE OF LOCOMOTIVE BOILERS IN RAILWAY WORKSHOPS.

Boilers of the type recently built at Ajmer have never as yet been imported and therefore an accurate price comparison cannot be given.

*Information promised in reply to unstarred question No. 52 asked by Khan Sahib Nawab Siddique Ali Khan, on the 9th September, 1935.*

#### VACANCIES IN THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

The Agent, Great Indian Peninsula Railway, reports :

(a) Sixty posts have been abolished on the permanent subordinate cadres of the Engineering Department. These posts were unfilled for periods ranging from one to six years.

(b) The amalgamation of the construction and maintenance branches, and the curtailment of works and other measures have caused an excess of permanent posts, which have not been filled since they fell vacant and have now been abolished. Temporary staff against the lump sum provision may be given permanent appointments when posts still required on the permanent cadre become vacant, but they may be discharged previously owing to further reduction of work.

(c) No.

(d) As regards the Mechanical, Transportation and Traffic Departments, the answer is in the affirmative, but as regards the Engineering Department—Technical staff, except Permanent Way Inspectors and Bridge, Signal and Interlocking Inspectors, the answer is in the negative as they can rise to Rs. 375.

(e) Yes—except in special circumstances leave vacancies of Superior Service officers are filled by Superior Service officers provided as a leave reserve. Subordinates are however promoted to officiate in Lower Gazetted Service leave vacancies.

*Information promised in reply to parts (c), (d) and (e) of unstarred question No. 57 asked by Mr. V. V. Giri, on the 9th September, 1935.*

#### APPOINTMENT OF EMPLOYMENT OFFICERS ON STATE RAILWAYS.

(c) No employment officer has been appointed in the electrical department.

(d) Grievances of the staff are put up by the foremen and chargemen concerned or by the head of the office to their district officers who decide those grievances which

are within their powers. Grievances which are outside the powers of the district officers are forwarded to the Chief Electrical Engineer after proper enquiry into the case by the officers, together with their recommendations for necessary action.

The establishment matters of the district staff of the electrical department are dealt with by the District Electrical Engineers with the assistance of the assistant electrical engineers. Where no district electrical engineer has been posted, this is done by the Assistant Electrical Engineer in charge.

(e) Does not arise.

*Information promised in reply to starred question No. 374 asked by Pandit Sri Krishna Dutta Paliwal on the 16th September, 1935.*

**WANT OF A BRIDGE AT THE RAILWAY CROSSING NEAR THE AGRA CANTONMENT STATION ON THE AGRA-JOGNAR ROAD.**

(a) Yes.

(b) Government are informed that no undue hardship is caused thereby, as the shunting operations which interfere with the road are so regulated that the gates are opened for road traffic every 10 minutes.

(c) and (d). Requests for an overbridge were received by the Railway Administration both from the District Board of Agra and from the United Provinces Government in 1927, but the matter was dropped by those authorities, when it was explained to them that they would have to share the cost.

(e) Government are informed that no such action has been taken.

(f) Government consider that no action is called for in view of the circumstances explained in (b) above.

### 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 21st September, 1935, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meeting held on the 16th September, 1935, namely :

1. A Bill further to amend the Indian Army Act, 1911, for certain purposes ;
2. A Bill to supplement the Central Provinces Courts Act, 1917 ;
3. A Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose ; and
4. A Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose."

### THE INDIAN COFFEE CESS BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways) : Sir, I rise to move :

"That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be taken into consideration."

Sir, as I said on the occasion when I asked for leave to introduce the Bill, this Bill is being put forward at the request of an overwhelming number of those who are interested in the coffee planting industry in India.

The principle of this Bill has already been accepted and given effect to in measures like the Cotton Cess, Tea Cess and Lac Cess Acts, and the principle is that Government, where they are satisfied that there is an overwhelming demand on the part of a certain interest to help them, to help themselves by means of legislation, would undertake legislation to that effect provided such legislation is not likely to affect injuriously any of the interests concerned. In this particular case, Government are satisfied on a census taken of the views of coffee planters in India that the demand is supported by over 80 per cent. of the coffee planters, and also, that if their wishes are given effect to in this connection, they are not likely injuriously to affect either the coffee interests or any other interests. The amount of duty that is proposed in this Bill is one rupee per cwt., but the intention is that to begin with the rate of duty should not exceed eight annas per cwt. The object is that the sum collected from the imposition of this duty should be devoted, mainly, to begin with, to propaganda outside India for the purpose of encouraging sales of Indian coffee....

**An Honourable Member : Outside India ?**

**The Honourable Sir Muhammad Zafrullah Khan :** I said mainly outside India ; as a matter of fact the object is that sales of Indian coffee, in competition with Kenya coffee, should be encouraged, as figures show that there is a good deal of propaganda being carried on by the Kenya coffee planters on behalf of their coffee, and that propaganda is beginning to have effect and Kenya coffee is beginning, at the expense of the Indian coffee, to increase its sales in foreign countries. As I have submitted there is not much controversy with regard to the object of this Bill so far as least as the coffee planting interests are concerned. Those interests are confined to the Madras Presidency, Coorg, and the states of Mysore, Cochin and Travancore. All five administrations, that is to say, the Governments of Madras and Coorg and the Governments of the States of Mysore, Cochin and Travancore, are unanimous in requesting the Government of India that this legislation should be undertaken ; and, as I have already said, apart from the Governments and administrations concerned the coffee planters themselves have come up to the Government of India on repeated occasions that this piece of legislation should be put forward. As a perusal of the Bill will show, it is proposed to set up under clause 4 of the Bill a Coffee Cess Committee to administer the fund which would be available to the committee as a result of the imposition of this cess for the purposes set out in the Bill.

I may be permitted to dwell a little longer over clause 4. Perhaps Honourable Members might be interested to hear how the membership of this committee is likely to be composed so far as the various interests affected are concerned. Clause 4 proposes that this committee shall have 20 members : five of these members shall be nominated by the Governments and administrations concerned, that is to say, one each by the Governments of Madras and Coorg and one each by the Governments of Mysore, Cochin and Travancore. Eleven persons representing the coffee growing industry will be nominated as follows : three to be nominated by the Mysore State : a little over half of the area under coffee lies in the Mysore State and it will thus be realised that Mysore is not being given more representation than it actually deserves on that basis. Two persons to be nominated by the Local Governments of Madras and Coorg, respectively ; and it is expected that these nominations by the Government

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of Madras and Coorg will be made in order to secure representation for unassociated planters, that is to say, those who are not members of the two associations to whom representation is given under the two following sub-clauses : three persons to be nominated by the United Planters Association of Southern India ; three persons to be nominated by the Coffee Growers' Association : that makes up 11 *plus* 5 ; 16. The remaining four are to be distributed as follows. Three persons representing trade interests, nominated by the Governor General in Council, and one person representing the Imperial Council of Agricultural Research, nominated by the Governor General in Council. That is how it is proposed that this committee should be made up.

I have tried to form some idea as to how the members of this committee would be distributed as between Indian and European interests. So far as the number of coffee planters is concerned, and I believe also, so far as the area under cultivation is concerned, both the number and the area on the Indian side is larger than on the European side ; that is to say, there are a larger number of Indian planters of coffee as against Europeans and there is a larger area owned by Indian planters than by European planters ; and I anticipate that the nominations to this committee from that point of view would work out somewhat as follows : I have here both the minimum figures which we anticipate would go to particular interests, and also the maximum figures which we anticipate might go to particular interests. Beginning with the first category, five persons representing the agricultural departments of the Local Governments of Madras and Coorg and the States of Mysore, Cochin and Travancore, we think that almost always all these five members are likely to be Indians ; but on the other hand it is possible that occasionally one of them might be a European. So that the distribution is likely to be five Indians against no Europeans or four Indians as against one European. Under the second head, sub-division A, three persons nominated by the Mysore Government,—we are anticipating that all three will be Indians, but we are willing to base our calculations on the basis that it might be that occasionally two would be Indians and one would be European. Two persons nominated by the Local Governments of Mysore and Coorg,—as I have already said, this representation would go to the unassociated planters, almost all of whom are Indians, and, therefore, both these seats would go to Indian planters. Three persons nominated by the United Planters' Association of Southern India,—I think I am right in anticipating that two of these will be Europeans and one will be an Indian, and the same with regard to the three to be nominated by the Coffee Growers' Association. Out of three persons representing trade interests to be nominated by the Governor General in Council, to begin with at any rate, it might be that two might be Europeans and one Indian, although we hope that later on this might work out more to the advantage of Indian interests, and the person to be nominated by the Imperial Agricultural Research might be a European or an Indian,—one could not say how it is likely to go, it might be either one or the other. On this calculation, Sir, when the representative of the Imperial Agricultural Research is an Indian, the representation would work out as 14 Indians and six Europeans, and it is a most advantageous proportion for Indian interests. If he happened to be a European, then the figures would be 13 and seven. On the other hand, the least representation that is likely to go to Indians

on the basis that I have put forward, and even supposing that the representative of the Imperial Agricultural Research was also a European, would work out at 11 and nine, but I anticipate that it will really never be lower than 12 and eight, that is to say 60 per cent. to 40 per cent. I thought perhaps it might be helpful to Members if they knew how, so far at any rate as an estimate could be made at the present moment, this representation was likely to work out.

There is one matter with reference to clause 3 that I might explain at this stage. A reading of clause 3 would show that if this clause were applied in the form in which it stands and in which it is likely to form part of the Act, coffee exported from British India into any of the States who are coming into the scheme, that is to say, Mysore, Cochin and Travancore, or coffee exported from one of these States to another, would be liable to the cess, but that is proposed to be rectified by notifications under section 23 of the Sea Customs Act, so that there is no cess levied upon coffee which is exported from British India into any of the States, or exported from any of the States into British India, or exported from any of the States to another State. That is proposed to be done for the reason that if subsequently any of the States for any reason wanted to go out of the scheme, that could be set right by cancelling the notification so far as it affected that State without having to come up for amendment of the Act on that point.

**Pandit Lakshmi Kanta Maitra** (Presidency Division : Non-Muhammadan Rural) : Have these three States agreed to join the scheme ?

**The Honourable Sir Muhammad Zafrullah Khan** : Yes, as I have said, this Bill is supported by the unanimous request of the five Governments concerned, namely, Madras, Coorg, Cochin, Mysore and Travancore.

Then, the only other matter to which I need allude at this stage is that the Bill is proposed to be confined in its operations to British India, except Burma. That, Sir, is being done at the express request of the Government of Burma. They were approached in the matter, and their wishes were ascertained as to whether they would wish to come within the scope of this Bill, and they said that inasmuch as there were only small areas under coffee cultivation in Burma and the exports of coffee from Burma were negligible,—the quantity produced in Burma is consumed in Burma itself, they would wish to be left out of the scheme, and it was in deference to their wishes in the matter that they have been excluded from the operation of the Bill. If they were in the scheme, the situation would be this. The cess would be levied upon any coffee exported from Burma, and then it would not be a matter whether it was their own coffee or it was Indian coffee exported from India. Now that they desire to be left out of the scheme, the scheme would work out in this manner, that any coffee that goes out from India to Burma would be subject to the cess, and if Burma wishes to export any coffee from Burma, it would go cess free. These are the only observations that I think I need make at this stage, and I hope that the Bill would commend itself to all sections of this House, and that its passage will not be delayed, for this reason, that the export season of coffee begins somewhere about the end of November, and this demand for the levy of a cess is now nearly two years old. If this Bill were not passed now and the cess could not be levied at the latest about the middle of November, one more season would be lost, and the Bill will be entirely useless for one year, and as all the interests con-

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cerned are anxious that these funds should be available as early as possible for the purposes set out in the Bill, I hope the passage of the Bill in this House will not be delayed. Sir, I move.

**Pandit Lakshmi Kanta Maitra :** On a point of information, Sir. I shall be thankful to the Honourable Member if he will let us know whether the propaganda on behalf of the Kenya Government, to which he has made reference, has had any direct appreciable adverse effect on Indian trade, and, if so, to what extent. Is the Honourable Member in a position to give us some figures as to how the Indian coffee trade has been affected by the Kenya propaganda?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not know whether the Indian coffee trade has been entirely affected by that, but certainly that has some share in it. Four years ago,—I am giving rough figures,—the export of coffee from India was 292,000 cwts. and odd. It has now fallen in the last three years to 140,000 cwts. and odd. I think these are more or less approximately correct.

**Pandit Lakshmi Kanta Maitra :** Is it 142,000 cwts.?

**The Honourable Sir Muhammad Zafrullah Khan :** From 292,000 cwts. and odd to 140,000 and odd.

**Mr. President (The Honourable Sir Abdur Rahim) :** Motion moved :

“That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be taken into consideration.”

There are notices of amendments standing in the names of Messrs. Nilakantha Das, Avinashilingam Chettiar and U Thein Maung, and Pandit Nilakantha Das has another amendment in sub-clause (2) of clause 8. The Chair proposes to ask the Honourable Members, who have given notice of amendments, to move their amendments formally, and then there will be a discussion on the motion before the House and on these two amendments.....

**Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) :** Sir, I want to suggest that these two amendments may be moved separately, because, one amendment is for circulation and another is for reference to a Select Committee.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair finds that the Honourable Member has not given the date by which opinions have to be received. By what date does he want the opinions to be received? He merely says that the Bill be circulated for the purpose of eliciting opinion thereon,—by what date?

**Pandit Nilakantha Das :** With your permission, Sir, I may add it now, by the 15th of January 1936. My amendment will then read as follows :

“That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be circulated for the purpose of eliciting opinion thereon by the 15th of January, 1936.”

Sir, I move it.

**Mr. President (The Honourable Sir Abdur Rahim) :** Then the Honourable Member's amendment is :

“That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be circulated for the purpose of eliciting opinion thereon by the 15th of January, 1936.”

What is his next amendment?

**Pandit Nilakantha Das :** My next amendment is for reference to a Select Committee.

**Mr. President (The Honourable Sir Abdur Rahim) :** Mr. Chettiar has also given notice of it.

**Pandit Nilakantha Das :** I shall only think of moving it, if my first amendment fails.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member has not given the names of Members of the Select Committee.

**Pandit Nilakantha Das :** Yes, I have given the names, they are practically the same as those given by Mr Chettiar.....

**Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore cum North Arcot : Non-Muhammadan Rural) :** I might explain, Sir, that I gave the amendment in the names of both of us, and the list of names of members of the Select Committee was also given in the names of both of us.

**Mr. President (The Honourable Sir Abdur Rahim) :** Very well. The Honourable Member's second amendment is an alternative amendment. In the opinion of the Chair, it will be better in the circumstances and much more convenient if Mr. Avinashilingam Chettiar moves the second amendment.

**Mr. T. S. Avinashilingam Chettiar :** Sir, I move :

“That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be referred to a Select Committee, consisting of the Honourable Sir Muhammad Zafrullah Khan, Dr. F. X. DeSouza, Dr. R. D. Dalal, Mr. Pradyumna Prashad Singh, Mr. F. E. James, Mr. H. A. Sathar, H. Essak Sait, Mr. Umar Aly Shah, Dr. P. N. Banerjee, Mr. Mohan Lal Saksena, Mr. Samuel Aaron, Mr. B. B. Varma, Prof. N. G. Ranga and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Pandit Lakshmi Kanta Maitra :** I would like to add the name of my Honourable friend, Pandit Nilakantha Das.

**Mr. T. S. Avinashilingam Chettiar :** I have no objection, Sir.

**Mr. President (The Honourable Sir Abdur Rahim) :** Amendment moved :

“That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be referred to a Select Committee, consisting of the Honourable Sir Muhammad Zafrullah Khan, Dr. F. X. DeSouza, Dr. R. D. Dalal, Mr. Pradyumna Prashad Singh, Mr. F. E. James, Mr. H. A. Sathar, H. Essak Sait, Mr. Umar Aly Shah, Dr. P. N. Banerjee, Mr. Mohan Lal Saksena, Mr. Samuel Aaron, Mr. B. B. Varma, Prof. N. G. Ranga, Pandit Nilakantha Das and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”



**Pandit Nilakantha Das:** The Committee proposed in this Bill is perhaps contemplated like the one on tea already established. But I can say that there is a good deal of difference between the two industries, tea and coffee. As an industry, tea is very big. However, that question is not before us now. So far as we are concerned today, tea is a separate issue. I say, there is no necessity at all for an independent Committee like this for coffee. The object of the Committee is to undertake research investigation into both the industry and agriculture of coffee, and to organise its sale both inside and outside India. If you examine the coffee industry, first of all I may say that it is a very small industry. It is confined to a particular locality in south India.

**An Honourable Member:** There are other parts also.

**Pandit Nilakantha Das:** I am coming to that. The latest figures that are available are for 1933-34, and, according to that, the acreage under cultivation of coffee is about 184,000 acres. We have been given official figures for fifteen years, and, during these years, there has been a gradual increase of acreage. There has been an increase of 68,000 acres during this period, out of which Mysore is responsible for 45,000 acres, and next comes Coorg and Madras. Cochin and Travancore are practically negligible. In Madras too, the increase is not so rapid. Whatever the increase, I am afraid, there is not much scope for coffee in this land of India. At best the increase cannot be more than 50,000 acres more. Coffee grows only in a particular climate and on a soil which is congenial to it. Mr. N. G. Mukherjee, in his Handbook on Indian Agriculture, says:

"This crop requires a hilly, well drained, rich, ferruginous clay soil, e.g., forest land, particularly rich in Nitrogen. Coffee prefers altitudes varying from 1,000 to 5,000 feet height. The temperature best suited for this crop is 60° to 80°F. It grows best in a humid climate, i.e., where there is some rain every month, but the total rainfall should not exceed 150 inches per annum. Frost is fatal to coffee plants. Heavy clouds and strong winds are also objectionable."

In another place, he says that dense forests also are very objectionable. Such soil and such land can be found only in a few places in India. Suitable soil for this plantation was first spotted in the forties of the last century, and, since then, though there has been a regular progress in acreage, except during one or two years, coffee has not spread into other parts of India, and, considering the soil on which it grows, there is no likelihood of its growing elsewhere. This has also been corroborated in the evidence before the Agricultural Commission by Mr. Munro, the scientific expert of the South Indian Planters' Association, who also says that it will grow from 1,000 feet up to 6,000 feet height. Sir Ganga Ram asked:

"What is the minimum height from sea level for growing coffee, tea, cinchona?"

The answer was:

"Coffee will grow up to a height of 6,000 feet."

That is, it is a crop which grows only on highlands shaded by forests, with soil nitrogenous, and constant rain and without any hailstorm or high wind. So, it is confined to a particular area, and there is not much chance of its growth elsewhere in India.

This Bill is intended for this small and scopeless industry in India and coffee is not food, but, to say the least, it is a beverage, if not a drug. The Bill is meant to promote agricultural and technological research and sale, both in and outside India, of coffee. I say, the Government have

full provision for all this. The Government have the Imperial Agricultural Institute, Provincial Agricultural Departments, arrangements for industrial research, Marketing Boards and Overseas Trade Commissioners, and so on and so forth. What is the necessity for this independent committee for this small industry? This is the solicitude of Government for coffee. But when questions of rice, cocoanut, and copra, which are not only food, but the mainstay of our people and regarding which measures are emergent, arise and are pressed, what do the Government do? They never think of independent committees like this. These crops are much more in need of agricultural and technological research and as well as organised sale.

Now, these are the objects which are sought to be achieved by this Bill for coffee. Let us see how far these things are needed at all in this particular case. There are already in existence private organisations for all this so far as coffee is concerned, and they are efficient. The South Indian Planters' Association and the Coffee Planters' Association have efficient arrangement for research in agriculture and industry and for organising sale, and agriculture. This South Indian Association was at least well organised in the days when the Agricultural Commission visited India. The Commission was satisfied that they were working in co-operation with Government Agricultural Departments, and Mysore had by that time established a special agricultural organisation for the investigation of coffee. Mr. Munro, who is the representative of this Association, says before the commission that this association differentiated about different crops for their agricultural research work and they were getting all help and co-operation possible, which cannot be increased, he says, from the Agricultural Department of the Government.

Then, again, my Honourable friend, the Mover of the motion, has said that it is more external propaganda for sale than internal. This is the apparent object, let us examine it.

The Chairman of the Agricultural Commission asked Mr. Munro:

"Has your association a representative organisation or representative individuals with whom it is in touch in the London and other markets?"

"A.—Yes. The South Indian Association."

"Q.—Is it within your knowledge whether that means complaints from the consuming centres as to the way in which the produce is packed or graded or as to its condition reach the ears of the planters?"

"A.—It may come by that way or it may come through the Agents who are handling the goods at the other end."

"Q.—Is it your impression that planters get early and reliable information about any complaints?"

"A.—Yes."

"Q.—You don't suggest any improvement in that direction?"

"A.—No."

"Q.—You think that marketing information is always at the disposal of the planters?"

"A.—Yes, it is quite efficient."

So, this Coffee Planters' Association is an organised institution maintained by themselves, and they are looking after their own business efficiently. There is no need for a committee as proposed here, and if any cess is to be imposed now by Government, it may be imposed for



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the Imperial Agricultural Research Association or provincial agricultural departments. We have got also, as I have said, our Industries Departments and marketing organisations. We have also got our Trade Commissioners abroad. If they want that a cess should be levied and some arrangement must be made for their benefit, then they may avail themselves of all these institutions of the Government. If the Government want to help them, they may even earmark the money and use it for that purpose. What is the use of having an independent organisation of the planters in order perhaps to make our people cry after a time for Indianisation even in that committee, as it usually happens. The planters ought to have full confidence in the Government and in our Trade Commissioners, in our marketing organisations, our research investigations for industry and agriculture. Government ought not to allow themselves thus indirectly to declare to the world that their own arrangements cannot satisfy our agricultural interests or industrial needs.

This coffee is a small industry only confined to a small area. It cannot be expanded, and, in the case of the planters, it has got a very good organisation. We are now out to give them an independent body, to make money for them by a cess and to give them freehand to make propaganda for sale, not at all outside, but, as I shall presently show, inside this country.

I am afraid the Government have been duped into this Bill. Only the organised planters or the organised industrialists are expected to have the ears of the Government. I shall presently show that this measure is not good for the small coffee cultivators. It is rather to oust them from the field that this organisation is contemplated, and it is only for the purpose of keeping the refuse in this country and sending the best quality coffee abroad that this measure is intended.

We see from the 1933-34 report, that 55 per cent. of the acreage under coffee is in Mysore, 22 in Coorg and 22 in the Madras Presidency. Cochin and Travancore are together one per cent. They are being mentioned, but I don't find that they are much interested in this Bill. Cochin has only got 1,900 acres and Travancore has got less than a thousand acres. If you see the account of the last 15 years, you see that the acreage has increased only in Mysore and Coorg. In Mysore, it has increased from 55 thousand acres in 1919-20 to 101 thousand acres in 1933-34, Coorg from 32 to 39.

Now, let us see what the same Mr. Munro, the representative of the South Indian Planters' Association, their scientific expert, says in his evidence before the Agricultural Commission.

The question was put :

"Have you experience of the area in which small cultivators are growing the same crop as planters do on holdings contiguous with the planters' holdings?"

The answer was :

"In Coorg, about half the coffee is held by Indian planters, and, in Mysore, the bulk of the coffee, I should say, about two-thirds."

The Chairman asked :

"Run by small people?"

"A.—Yes."

"Q.—By ordinary cultivators?"

"A.—Yes, by ordinary cultivators."

When the question was asked :

"Have the practices of the planters been copied at all by the small cultivators?"

"A.—To a certain extent, but they certainly do not cultivate to the same extent as the European does."

"Q.—They do not copy so freely?"

"A.—They do not."

"Q.—Is that due to the limitations of their economic position, or is it due to a slightly greater conservatism?"

"A.—On this particular point of the borer, the average Indian cultivator will keep a great deal more shade on his coffee, in order to keep out the borer; the consequence is that with heavier shade he gets less crop; he is not willing to risk the loss of his trees by borer in order to get a bigger crop."

"Q.—He cannot afford to take the risk?"

"A.—He could, really, if he got a bigger crop, and had more money at his command to replant up any bored trees there may be."

So they are just like our ordinary cultivators; they have no money to invest, they cannot reap any advantage from all these scientific investigations of the planters for the good of their small coffee crops and plantations: and their number, as my friend, the Mover of the Resolution, has just now said, is more than fifty per cent,—and that is my calculation, that is, two-thirds Mysore and half of Coorg, so it comes to fifty per cent or more. And there might be others even in the Madras Presidency. So these small planters will in no way benefit from all the scientific research and investigation or in any other such blessed things as they have no means; they have got each a small acreage for his own cultivation; and the thing is, they can sell their coffee much cheaper than the big planters. For, it is generally our experience that the village artisan, as well as the village cultivator, can sell his goods much cheaper than the goods produced by an organized industry, for the village cultivator does not mind his own labour expenses—that is the main factor.

Here let us consider the question in connection with the export of coffee. We are not at all told if Government have got any figures, any memorandum, any representation from the small planters. If the Government have got any, we are certainly not given these? I am afraid, all this export propaganda is being not only organised, but monopolised by big planters at the expense of the small cultivators. Now, Kenya was not the only problem which we are asked to solve so far as our coffee export is concerned. I am afraid, it is not a great problem at all. Indian coffee may stand competition with Kenya coffee. So perhaps Kenya is being trotted out in this connection here. The real problem is elsewhere. My Honourable friend in charge of the Bill did not give that information. I am afraid he did not give it purposely. I believe he knows it, the main problem in Brazil. When our coffee trade grew in the sixties, seventies or eighties of the last century, and it practically was the only best coffee in the world's markets, then Brazil was not in the field. Now, as I know from books and records, eighty per cent of the world's coffee is produced by Brazil, and world's markets have been captured by Brazilian coffee, because the forests and the slopes and the altitude and the rains, all these are very congenial for coffee in Brazil, so that vast areas of coffee plantation can be undertaken in Brazil. Hence Brazil has got now practically a monopoly of the world's markets. Now, if our planters will expect any

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export of coffee, they must fall back upon quality alone. If they can produce a better quality, then alone can they sell their coffee outside India : and, with a view to improving this quality, they will now organize so that they may sell this good quality coffee abroad. Consequently, they will sell only the refuse in this country, and this refuse coffee of big plantations will compete with the coffee of the small growers, who now practically monopolise the home market.

Is propaganda necessary in the home market ? No propaganda is necessary at all for home consumption of coffee. I find that, in 1925, the home consumption of the Indian coffee was 20,000 cwts., and, in 1933, it was 120.7 thousand cwts., and, in 1933-34, as I have calculated it, it is 123,000 cwts. Which coffee has been consumed in this country ? In seven years, the home consumption of Indian coffee has been more than six times, and import of foreign coffee into India has been completely stopped. So where is the necessity for any propaganda for home consumption ?

**Dr. F. X. DeSouza** (Nominated Non-Official) : What was the home consumption in 1929 ?

**Pandit Nilakantha Das** : It was 105.2 thousand cwts.; in only one year. If my friend wants the information, 1932, it went up by 138,000 cwts.; it has fallen a little, but it is gradually rising since. It came to 120,000 cwts. in 1933, and, in three months' time, the yearly calculation for 1933-34, rose to 123,000 cwts. But in 1923 it was only 20,000 cwts.; and now the restriction of coffee imported into India has abolished all import. That is found in the report of 1933-34. I hope it continues even now, and I hope the Government will see to it that no foreign coffee is imported into this land any more.

Now, as to the exports, I find that the decennial average before the war—taking into account the years 1870-71, 1880-81, 1890-91, 1900-01, 1910-11, the decennial average is 285,000 cwts. a year for exports.

**Dr. F. X. DeSouza** : What years ?

**Pandit Nilakantha Das** : All this is the decennial average—that is, for 1870-71, 1880-81, 1890-91, 1900-01, 1910-11 ; and the average income on this calculation obtained by the planters annually was Rs. 129 lakhs. In those years, internal consumption of Indian coffee was negligible. Now, in 1933-34, the export was 186,000 cwts, and the internal consumption was 123,000 cwts.

**The Honourable Sir Muhammad Zafrullah Khan** : In 1933, the figure was 185,995 cwts. ?

**Pandit Nilakantha Das** : I am correct, I believe ? The export was 185,995, or, in round numbers, 186,000 cwts., and the internal consumption was 123,000 cwts. They now together sell Rs. 309 lakhs. The production practically comes along with the increase in acreage. For this year, 1933-34, though the acreage under coffee cultivation is 182 thousand acres, the actual acreage from which coffee was harvested was 156,000 acres only ; the others were new plantations, or whatever it may be ; so the increase comes along with the acreage.

The wholesale price which was declared in India in 1933 was Rs. 72 per cwt. and the total amount in 1933-34 at this rate comes to Rs. 223 lakhs.

**An Honourable Member** : From which book is the Honourable Member quoting these figures ?

**Pandit Nilkantha Das** : These figures I am quoting from the "Times of India Year Book". They have made this money. There is no loss. In fact, if we analyse the whole thing, we shall find that a fabulous profit is being made even now. Mr. N. G. Mukherjee, in his book called the "Handbook of Indian Agriculture", says (page 334) that, in a well-cultivated estate, an expenditure of Rs. 80 per acre is incurred on superintendence, field labour, freight and everything, and there is an additional expenditure of Rs. 50 per acre for manures and their application. According to him, this is the best way of cultivating it. He says that, in some coffee estates, a total expenditure of Rs. 80 per acre is incurred, but the result obtained is proportionately poorer ; and as the area is manured only in alternate years, the total expenditure comes to Rs. 80 plus half of Rs. 50, i.e., Rs. 105, say, about Rs. 110 per acre in a well kept garden. The annual average outturn of ordinary gardens is something like 3 cwt. and the outturn of a garden which is well kept may be even 4 cwt. per acre. In fact, Mr. Munro says, during his evidence before the Agricultural Commission, that in a well-kept garden, it is sometimes even as much as 6 cwt. The same author (the late Mr. N. G. Mukherjee) goes on to say that if a crop is sold at 60 s. per cwt. then it is sold at a profit. That is to say, if it is sold at Rs. 45 per cwt., which was the then exchange value of 60 s., there is a margin of profit. But if it is sold at 40 s., or Rs. 30 per cwt., then there is no profit. Let us then say, the minimum outturn in a well-kept garden is 3 cwt. per acre, and the average of the outturn from small and big, well-kept and ill-kept gardens will be between 2 and 3 cwt. per acre. If we assume that the outturn from a well-kept garden is even so small as 3 cwt., then the price at the rate of Rs. 45 per cwt. comes to Rs. 135. And if you spend Rs. 110 for all kinds of expenses, then you have a clear profit of Rs. 25 or about 20 per cent. on your investment. But, now, what has been the price ? Of course, at a time the average was 140 s. per cwt. and then when in 1923 on account of Brazil's competition it came down to 127 s. per cwt. there began calamitous uproar from the planters that Indian coffee was going to be ruined. Now, what has been the condition ? It is Rs. 72 per cwt., that is to say, it is more than 108 shillings per cwt.

**The Honourable Sir Muhammad Zafrullah Khan** : Rs. 72 is not the present price. The present price is between Rs. 50 and Rs. 55 per cwt.

**Dr. F. X. DeSouza** : The present price is under Rs. 45 per cwt. and it varies according to the quality.

**Pandit Nilakantha Das** : Even if the price is Rs. 45 per cwt., the margin of profit comes to about Rs. 20 per cent. on the investment. So, the condition of the planters is not so bad as it is depicted to be.

But the real apprehension of the planter is that his outside world market is failing. There he can now expect to sell quality alone ; his quantity won't do. Sir, I am told that if Indian coffee is well-prepared and well-graded, it can fetch better price than even Brazil coffee. So,

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for the outside market, our planters depend upon quality alone. As for the inside market, it is now practically monopolised by these poor small coffee cultivators, for they can easily undersell the big planters. Now, the attempt of the big planters apparently is in future to capture this internal market now open to the cultivators. The planters, by organised propaganda among our poor people, especially in the villages, will sell among them their ungraded refuse coffee cheaper than the produce of the ordinary cultivators. On account of propaganda, poor villagers will get addicted to coffee, and then they will buy cheap coffee without considering the quality at all. I apprehend that is the whole game.

We have received no memoranda from the ordinary cultivators to convince us about their demand for this measure, but we have been told that there is some propaganda which shows a universal approbation for this measure. We would, however, like to know what is that propaganda? Who made it? And, how the opinion of the cultivators was gauged? I know that the planters are an organised body and they must have appealed to the Government. They might have sent their representations and they might have pressed the Government for enacting a measure like this. But what is the propaganda referred to in the "Objects and Reasons", as also by the Mover of the Bill?

We are also told that the Mysore Government is pressing for the measure. For Coorg and Madras, our own Government is responsible. Probably every one in this House knows that Governments are generally led by those who are very vocal and are well organised. What about the poor coffee cultivators? What do they actually feel about this measure? What will they do after this Bill is passed into law?

Therefore, we want to know what this "propaganda" is and what its ascertained effect actually stands for. We cannot take it as a gospel truth from those who are always led by louder voices or by better organised pressure. My Honourable friend, the Mover, will not perhaps deny it. So, I say, let this whole thing be dropped, and, if a cess is to be collected, it should be collected by the Government of India, and it may be earmarked and spent for the purpose for which the planters say they want it; but it should be spent by our own Department. That will be the best thing to do. We do not like any Association or independent committee like this. What is the good of these people, who are very vocal, demanding these sanctions from the Government when they can very well avail of the Government institutions and the Government Department. In fact, before the Royal Commission, their scientific expert, who was the representative of the Association (Mr. Munro), said that everything in this connection was satisfactory and the Royal Commission themselves expressed their satisfaction that the Agricultural Department of the Government are fully made use of and they are working in co-operation with the planters. This being the case, what makes our Government think that there is a necessity for the establishment of such an Association?

**An Honourable Member :** It has been already done in case of tea.

**Pandit Nilakantha Das :** As for tea, it is a separate issue altogether, and we are not talking of tea now. Coffee is, after all, a small industry.

You will get less than a lakh of rupees probably 60 or 70 thousand this year. What will they do with this money? How can they make any propaganda outside India with the small amount, besides scientific investigation, internal propaganda as well as the expenditure of the committee itself? So, I say, they want our sanction to make propaganda in our villages to sell their refuse coffee in competition with our poor coffee-growers who are disorganised.

I now come to the effects of coffee on the nation as a whole. Of course, if we can get better graded coffee, that may be a luxury. Many of our better class people have taken to tea and now they are taking to coffee with the result that there is a large increase in its consumption.

**Mr. N. M. Joshi (Nominated Non-Official) :** May I ask the Honourable Member who are the better class of people?

**Pandit Nilakantha Das :** The better class of people are those who know whether the coffee is good or bad, whether it is graded or not, and whether it has been kept for a long time and the poison has been destroyed altogether, or whether there is still poison in it to cause hilarity and sleeplessness.

**The Honourable Sir Muhammad Zafrullah Khan :** It is perfectly clear, Mr. Joshi is not one of the better class of coffee drinkers.

**Pandit Nilakantha Das :** I am afraid he is not. The object of the present law is to introduce coffee drinking even in villages where only the price will tell. I have also narrated before stories in this House when we discussed tea-cess last Session. The poor villager sometimes has got only six pice a day on which to maintain himself and his family. If he takes to drinking tea, he will take one pice worth of tea dust full of mud both morning and evening. He goes to the village grocer and purchases tea full of dust worth one pice. Then, he puts it in a vessel full of boiling water, probably one seer and five *chataks* of boiling water, and then he will add some salt and then drink the whole thing just as a cow drinks its water mixed with husk powder. This is the condition in our villages so far as tea drinking is concerned. The villagers get only the refuse, for, with the poor villagers, price is the only consideration. The better class of people will be deprived of their cup of coffee, because it will be sent outside India for consumption on the Western Continent.

Now, India is not the only country which produces coffee. Brazil has got the monopoly of the world's market, not Kenya. That is my information. So, the better class or quality of coffee will be sent out and the refuse will remain in the country for the consumption of the poor villagers. I am afraid that is the whole game as I have already hinted. It appears to me that if opinions are elicited and all people know what it is going to be and if people know all about the circumstances in which we are discussing the subject here, then we shall be enlightened by their views on the subject. Heavens are not going to fall if this measure is passed into law after a small delay of four months. It does not matter if only one season is gone, we shall probably give you the sanction after eliciting public opinion. We already gave sanction for the tea cess. I have no objection to give similar sanction for the coffee cess, but you must separate the money and earmark it and manage the funds under your

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departmental control or do whatever you like with it. But we do not like to have this committee, this organisation of planters who will simply oust the poor cultivators from the field. That is my apprehension. I submit that this aspect of the question has not been considered by the Honourable Members. You want to dump the refuse on the poor villager. Thereby not only his economic position will be ruined, but also his health will be undermined and thus the whole country will be ruined.

I know that coffee is being drunk now-a-days by fashionable people. If, however, coffee is drunk after a meal, its baneful effects are negligible. But, as Honourable Members are aware, coffee is drunk by the poor people with empty stomachs. What will happen if bad stuff of coffee is introduced into these villages with our sanction behind it? I appeal to the House to look at the question from the point of view of the health of the poor villagers. The poor villager does not even get one and half annas per day to maintain himself and his family. If you introduce coffee into the villages and make the villagers also slave to this coffee drink, then they will be ruined. I will read out to the House for its information the opinions of eminent medical men about coffee. In their book on "Food and the Principles of Dietetics" by Robert Hutchison, M.D., F.R.C.P., Physician to London Hospital and Hospital for Sick Children, and Mr. V. H. Mottram, M.A., Professor of Physiology at King's College, London, they say (pages 361—367) :

*"Influence of Tea, Coffee and Cocoa on Digestion."*

"The influence of these beverages on salivary and gastric digestion is, on the whole, unfavourable. If there was even five per cent. of the infusion in the digesting mixture, practically no digestion of starch takes place. The most elaborate investigation of the action of these beverages on digestion in the stomach has been made by Fraser. He found that tea and coffee both retard peptic digestion."

Then, again :

"The retarding influence of tea and coffee on peptic digestion has also been established by Roberts, Ogata and Schultsenstein. The former is of opinion that the tannic acid only accounts for about one-half of the inhibitory effects exerted by tea. On the whole they are agreed that coffee has less influence than tea, provided it is of the same strength, but, inasmuch as the former is usually a stronger infusion than the latter, its effects in actual practice are equally powerful."

"Apart from their modifying influence on the chemical processes of digestion, it must be remembered that these beverages sometimes affect the stomach more directly. Thus, the tannic acid and other astringent substances met with in strong infusion of tea may act as irritants to the mucous membrane of the stomach, especially if empty; and the same is true to an even greater extent of the coffee and other products produced in the roasting of coffee. It is in this way that these beverages may sometimes excite or keep up a condition of chronic gastric catarrh."

Then further on :

"In cases where the digestion is enfeebled and where the ferments are doing their work with difficulty the presence of these beverages in the digesting mass may make all the difference between failure and success in the process. \* \* \* So tea and coffee should both be avoided. \* \* \* As has been previously pointed out, the irritating effects of these beverages on the stomach are more likely to be manifested when the latter is empty."

"There are no available observations on the absorption of tea and coffee. The action of tea and coffee on the body depends entirely upon the tannic acid, caffeine and volatile oil which these beverages contain."

After discussing the ill effects of coffee and tea in their chemical analysis and action, etc., they go on to say :

"The question has been much debated whether or not caffeine lessens the waste of the body. \* \* \* Indeed all experiments go to prove the contrary, namely that caffeine tends to increase rather than diminish tissue waste. It does not prolong life in starvation, although it may perhaps lessen the feeling of hunger. Experiments with the ergograph too have shown that tea and coffee are in no sense muscle foods, although they can temporarily increase muscular power by abolishing nervous fatigue, so long, at least as the muscles are not completely exhausted."

We may conclude then that tea and coffee are in no sense foods, in that they can neither build up the tissues nor provide them with potential energy.

The nervous system in childhood or after middle life is peculiarly susceptible to these baneful effects."

Dr. B. N. Ghosh, F.R.F.P. & S. (Glasgow), in "A Treatise on Hygiene and Public Health" says (page 222) :

"Coffee causes stimulation of the nervous system and there is a feeling of exhilaration and diminution of the sense of fatigue. Strong coffee taken after dinner tends to retard the digestive process; it should therefore be avoided by dyspeptics. Caffeine lessens the feeling of hunger but does not prolong life in cases of starvation, and it increases tissue waste. In comparative experiments with whole companies of soldiers on the march under like conditions, Leistenstrofer, on behalf of the German Government, found that when the soldiers were well supplied with food, those that were given tea or coffee could endure more prolonged and more severe marches than those that did not get tea or coffee. If no food was supplied fatigue appeared first in the tea and coffee drinkers. Tea and coffee therefore increase the power for continuous physical work so long as the supply of nutritive material is ample, but cause early exhaustion when food is withheld (Bastedo). Excess of coffee drinking causes nervous disturbances, palpitation, insomnia, and liability to attacks of neuralgia."

Mr. President (The Honourable Sir Abdur Rahim) : Does not the Honourable Member consider that he has recited these opinions at sufficient length? Is it necessary to prolong the debate in this way?

Pandit Nilakantha Das : I was simply quoting them here and there. Last time when, perhaps inadvertently, I said that tea was poison I was laughed at in this House. People generally think that this beverage is a food and is a nutritive substance; but it is not. It is a luxury. For certain classes of people it may be good,—I do not dispute that. But now you are going to introduce it into our villages and that is what I object to. But I do not object to its being directly controlled by Government. Let it be propaganda or anything; I do not object to that. I agree to your cess but I do not like an independent body, interested organisedly in the plantation, taking into their hands the whole money and making whatever they like with it, and that with our sanction behind them.

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. Akhil Chandra Datta) in the Chair.

Pandit Nilakantha Das : Sir, I was going to show how it is injurious to our village people who do not know anything and who are not able to take care of themselves. As I have said very often, I have no objection to

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educated people taking to coffee or tea or tobacco or anything else. They are able to take care of themselves. Dr. W. G. Savage in his "Food and Public Health" says (page 76) :

"In view of the heavy consumption of tea, it is important to consider how far this habit is detrimental to health.....Taken in habitual excess, tea may lead to a prejudicial stimulation of the nervous system. More serious is its possible effect upon the digestive organs, to be ascribed in the main to the amount of tannic acid which it contains. This substance is an astringent ; as such it exerts a prejudicial action upon the stomach and other organs with which it comes in direct contact, and is one factor in the production of certain types of indigestion.

Coffee : This is another comparatively recent importation, with much the same general characters as a beverage as tea ; it is, however, far less drunk in this country. (*He means England.*) It contains the same alkaloid, caffeine. A cup of strong black coffee will contain about  $1\frac{1}{2}$  grains of caffeine and a certain amount of tannic acid. Its actions as a stimulant and as a cause of indigestion are much the same as those of tea."

This is an expert from the Punjab, Dr. N. R. Dharmavir writing on the heading of "Tea and Coffee Habit" in his book "Public Health in India". He says (pages 51-53) :

"A quarter of a century ago, the drinking of tea or coffee in the Punjab was confined to a few educated people, and the student occasionally took it for the purpose of removing drowsiness at night. Now the practice is very common. In fashionable society, tea parties are the rule and tea is quite a regular meal.

In other parts of India tea drinking has, I think, been common for a very long time even among the poorer classes. This may be true or not, but the fact remains that this habit of tea and coffee drinking is on the increase. It is useful to enquire whether the habit is good or detrimental to health.

It is thus apparent that tea and coffee have no food value. They are merely a luxury and give to life a few moments of pleasure. They may be useful occasionally to remove fatigue and sleepiness but at the other end of the scale, their ill-effects are many and varied when taken in excess, and in the tea or coffee habit it is sometimes just as impossible for the consumer to gauge when the limit has been reached as in the alcoholic habit. Constipation, Dyspepsia, Anaemia, Neuritis, itching of the skin, nervousness, insomnia and many others are the injurious effects which make the life miserable.

Any but an occasional or medicinal use of tea and coffee should be deprecated, and young persons should absolutely avoid these beverages."

It is a drug, just like tobacco or alcohol. In his book "Ideal Health or the Laws of Life and Health", Alexander Bryce, M.D.C.M., D.P.H., says (pages 79-80) :

"The Caffeine Craving : Civilisation has for so long depended upon the stimulus provided by tea and coffee, that it has been stated in some quarters that these drugs are essential articles of our diet. The mere fact that the greatest vigour of body and mind is compatible with complete abstinence from them should serve to controvert such an opinion. That it should prevail, however, rather lends support to my view that a large section of the community is under the influence of a caffeine craving. The truth of this contention can easily be demonstrated by almost any one who is bold enough to cease drinking tea and coffee for even a week. The unbearable headache which will torture his day and nights and the constant hankering after a cup of tea will soon convince him that he is under the spell of the drug. It will also be a wholesome reminder to some who have been in the habit of deriding the 'craving' for alcohol.

An enormous amount of will-power is necessary to break off the habitual use of any drug, and tea and coffee are no exceptions to the rule. For, after all, every cupful of tea or coffee is equivalent to a dose of a drug, and not by any means an infinitesimal dose, but the full pharmacopoeial allowance. Each cup of tea or coffee

contains the equivalent of  $2\frac{1}{2}$  grains of citrate of caffeine, a white drug kept on the shelves of every chemist in the world. I would commend this fact to the attention of the by no means inconsiderable section of people who are so loud in their denunciations of the medical man who occasionally allows himself to prescribe a 'drug' of the more conventional category. A drug is a drug whether it be self-administered in sips from a china cup or gulped down from a nauseous bottle with or without a medical prescription.

There are many who are distinctly injured by the use of coffee as of tea. It should be eschewed by the highly nervous by those who suffer from palpitation or almost any heart condition, by dyspeptics and bilious people, and it should never be given to children.

It may be stated generally that those who rely on tea and coffee as stimulants are laying up for themselves a store of trouble, as the reaction must be faced some day.

Taken to excess—and this is always a relative term—nervous and gastric disturbances are certain to arise. These include giddiness, headache, tremors, insomnia, flatulence, loss of appetite, and biliousness."

This is a drug as good or as bad as any other drug. Nowadays, for some years we are having people investigating vitamins, R. H. A. Plimmer and Violet G. Plimmer, Associate of the Royal Sanitary Institute and Professor of Chemistry in the University of London have written a book on "Vitamins and the choice of food". And, incidentally, they have referred to coffee. At page 153 of the Book it is stated :

"Chocolate, cocoa and coffee as seed products are possible sources of B-Vitamin, but the quantity in which these beverages are usually consumed and their method of preparation rule them out of consideration as a source of B-factor."

Sir, last but not least, I have ransacked as many books as I could lay my hands on in all the libraries that were available to me in Simla, but I have never found any expert opinion in favour of drinking coffee or tea.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : We are experts.

Pandit Nilakantha Das : So I have never said a single word about educated gentlemen whose will power is properly developed because they can take care of themselves. But unfortunately this vicious habit of tea and coffee drinking is going to the very doors of the villagers and I have shown how in my part of the country, where coffee is now practically absent, people are taking to tea. People who are suffering from starvation and poverty, people who cannot afford to pay a pice for giving milk to their children, are taking to tea and coffee and are spending two pice a day on the drug. After all, Sir, after this measure is passed, you will be able to get only about Rs. 60,000 or Rs. 70,000. As I have already pointed out, quoting Mr. Munro, the expert representative, the planters are not in need of any information as regards foreign trade. Their organization and arrangements are perfect and complete, and therefore what is the necessity for having an independent organization with this sum of sixty or seventy thousand rupees ? As I have clearly shown, it is merely to oust the small cultivator from their place and to introduce rubbish articles in the name of tea and coffee in our villages that you are thinking of setting up this independent organization. I know it will be done. 20 or 30 years ago nobody knew what tea was

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in our parts, but those interested in the sale of tea sent round propagandists and demonstrators into almost every village, who made small fires for boiling water, made the tea and supplied it free of charge at the very door of the villagers, and now the craving of the average villager for tea is so strong that, as I have said, he would even not give milk to his children but would spend even 2 or 3 pice a day for tea sacrificing all other necessities. Therefore, I have strong reasons to suspect that this sum of sixty or seventy thousand rupees will be spent for propaganda purposes, with the result that the small cultivator who does not care for his cheap labour and who can sell good things cheap in this country will be deprived of his small plantation. If I am labouring the point so much it is because I am very keen on this subject. This subject, Sir, is connected with our nation building. It is not in plantations and factories alone that nation building can be attempted; we should also look to the health of the consumers as well as to the interests of the small growers and small industrialists.

Sir, here is a book called "Good Food, how to prepare it" by Cornforth. In this book he has described the preparation of various kinds of foods, but only incidentally he has devoted a small chapter to beverages, at page 212, but he has given no hints on their preparation. He goes straight to the subject and says:

"Tea and coffee contain two harmful substances, tannin and caffeine. Tannin has a tanning, or astringent effect upon the lining of the stomach and upon albuminous foods. It interferes with salivary and stomach digestion. Caffeine is one hundred times as deadly a poison as alcohol. This will account for the statement made by Dr. D. H. Kress—'Tea is worse than Beer'. One pound of average tea contains 252 grains of caffeine. Twenty grains of caffeine is sufficient to kill a man. In one pound of tea there is sufficient poison to kill twelve men, two rabbits and fourteen frogs. One cup of tea contains from one and one-half to one and three-fourths grains of caffeine, and three or four grains of tannin. Therefore, it takes a little more than twelve cups of tea to contain a deadly dose of caffeine....."

Mr J. A. Milligan (Bengal : European) : Sir, I rise to a point of order. May I ask, Sir, whether the subject before the House is tea or coffee?

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member is probably explaining his point by analogy with tea.

Pandit Nilakantha Das : I never referred to tea unless it was very necessary. These remarks about tea refer to coffee as well. The sentence that follows will satisfy the Honourable Member :

"A cup of coffee contains the same amount of caffeine and tannin as a cup of tea. Sleeplessness, stomach trouble, palpitation of the heart, headache, constipation, nervous disorders, arterial and kidney diseases, and liver trouble are some of the diseases caused by the use of tea and coffee."

Now, I believe my friend will understand me.....

Mr. J. A. Milligan : Sir, I again rise to a point of order. I must protest against the opportunity being taken of a discussion on coffee to make a slashing attack on tea.

Pandit Nilakantha Das : My friend should then request the President to cut out the word 'tea' in the Report and substitute 'coffee'. I cannot avoid quoting from this Book in support of my contention.

The Honourable Sir Muhammad Zafrullah Khan : Substitute coffee.

Pandit Nilakantha Das : This author further goes on to say :

"Tea and coffee blunt the sensibilities and make those who use them oblivious of consequences. This is the reason that a cup of tea will make a tired woman feel equal to doing a big washing on Monday morning."

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

"Water is the natural and perfect beverage."

So the author of this Book does not discuss tea or coffee.....

An Honourable Member : Next comes milk.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : What about chocolates?

Pandit Nilakantha Das : It is nothing but cocoa.

The Honourable Sir Muhammad Zafrullah Khan : That is also harmful?

Pandit Nilakantha Das : I am afraid, I have taken much time of the House to show the harmful effects of both tea and coffee by quoting in support of my contention the opinions of some eminent people and medical men. I do not know there may be other opinions which may throw better light for the Members of this House. So I ask for opinion. The question of milk was raised in connection with coffee as the best drink.

Mr. President (The Honourable Sir Abdur Rahim) : It is not necessary to go at length into the respective merits of these things.

Pandit Nilakantha Das : No, Sir. I am talking in connection with coffee. In our villages tea can be drunk without milk, but coffee is so strong and bitter that without milk it cannot be drunk.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can perhaps leave that to the coffee drinkers. (Laughter.)

Pandit Nilakantha Das : I am simply going to show that our children cannot get milk when coffee is brought to the doors of our villagers. If coffee becomes the habit of our people, our children cannot get sufficient milk; already they are not able to get milk in proper quantities. In our villages, milk supply is very poor. When elderly people will want milk for their coffee, children will have to be starved. That is what I was going to explain. That is the general complaint of my friends from Southern India. They say that on account of coffee drinking their children are deprived of milk; their children are given coffee instead of milk, and in their opinion, coffee should be forbidden so far as children are concerned. That is also the expert medical opinion, as I have quoted. In our books there are lessons for children where it is said that coffee and tea are poison. Now, in spite of those lessons we are to make counter propaganda in favour of coffee and tea at the very doors of the parents and guardians of those children. They will have to unlearn at home what they learn at school, or it will be something like the old idea of the earth being round at school, but flat at home. Probably, in course of time when luxury comes to be taxed by provincial Governments themselves, this coffee habit will supply a fresh source of income. Our villagers will be taxed for drinking coffee as they will be taxed for smoking tobacco.



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Now, it is evident that there is no necessity for this Committee. If anything is to be done for these planters the Government may themselves do it through their departments. We have no evidence even to show that there is a surplus stock of good coffee year by year without being sold. We have seen that internal consumption is going up by leaps and bounds without any propaganda, and I am sure this increase is due to our educated people who take to coffee. So far it is all right, it may be a concomitant of civilisation in which we have got to live. I have no objection to that and I said nothing against a bracing cup of tea which my Honourable friends like to enjoy. But my contention is that there is really no necessity for any more foreign propaganda, it was efficient even in 1927. This money is going to be simply spent and that with our sanction on giving free coffee to our villagers by way of propaganda and thus our villagers will be harmed in several ways. Not only that. When quality is the only question, in foreign market the best quality of coffee will be sent abroad and the rubbish will be sold in this country among our villagers.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has already spoken for an hour and a half.

**Pandit Nilakantha Das** : I am summing up, Sir. The main points I want to press are that the proportion of the acreage of plantation of coffee will remain always almost insignificant ; it is perhaps one in two thousand in our acreage under cultivation in India, and similar will be the proportion, of both temporary and permanent workers, in coffee production including all the growers interested in the industry and the agriculture—the proportion will remain the same. There is no likelihood of its ever increasing, and there is, as I have shown, enough margin of profit today in coffee. The consumption never leaves any surplus stock. The internal consumption is going up as rapidly as possible.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is repeating himself.

**Pandit Nilakantha Das** : I am summing up the whole thing. The House has a right to know why this Committee is so urgently necessary, and we have not been enlightened on that.

**Mr. J. A. Milligan** : I may be doing an injustice to my Honourable friend the Pandit, I may have misunderstood him, but I certainly gather that he is not a devotee of either coffee or tea. On the last occasion, at a meeting of this House in April, when tea was the subject of discussion, the Honourable the Pandit then advocated that the tea cess, if sanctioned, should be devoted to the purchase of milk to be given to children rather than to the corruption of their parents by leading them into such a bad habit. I had hoped that his association with such gentlemen as Mr. Sri Prakasa and Mr. Saksena would have converted him to a more reasonable view, but I very much regret to find today that he is in exactly the same frame of mind with regard to tea as he was on that occasion and that he has now added coffee to the same category.

The various points of this Bill have been so ably and comprehensively dealt with by the Honourable the Commerce Member that it is difficult to say anything without repeating his words. The history of coffee for many years has been a history of steadily going down the hill owing to

foreign competition. Up till a few years ago the coffee grower had a means of escape in that he could pull up his coffee and plant tea, and quite a number of coffee growers resorted to that practice. But for the last three years this has not been legally available to the coffee grower, and in any case, had it been so, the condition of the tea industry would have made such a change as this comparable only to jumping out of the frying pan into the fire. At last the coffee grower has taken a leaf out of the tea grower's book and proposes to do the one thing which promises a real solution of his troubles. That is, to put his hand into his pocket, collect a fund and try to improve his markets. He deserves the encouragement and support of this House in this effort to solve his own problems, and the fact that this House showed such a sympathetic attitude towards the tea industry in similar circumstances may well encourage the coffee growers to hope that this Bill will be received without any serious opposition.

The Bill contains no new principle. It is practically identical in character and purpose with the Indian Tea Cess Act, an Act of which this House has expressed its approval on more than one occasion. In addition, the other criterion which would have to be fulfilled before the Bill could be taken immediately into consideration, namely that those who are affected by it should be overwhelmingly in support of it—that criterion has been more than amply fulfilled in this case. Out of 162,764 acres to whom reference was made in the matter, only 2,936, that is, less than two per cent, objected to these proposals. The proposal is not to put any tax on coffee which will raise the price to the Indian consumer. It is only exported coffee which will come within the operation of this Bill. Personally I can see no other point in the Bill which requires such prolonged delay as will be involved by circulation for opinion or even reference to a Select Committee, particularly when, it is borne in mind what this will mean to the producer, that is, a whole year's delay in the inauguration of the scheme.

The question of the composition of the Committee, about which I am certain a number of Members are interested, has been so ably explained by the Honourable the Commerce Member that there is no advantage to be gained by referring this Bill to a Select Committee or circulating it for opinion. The Commerce Member has made it perfectly clear what the composition of this committee will be and I do not think that any one in the House will say that the composition of the committee as outlined by the Commerce Member is unsatisfactory. It was my intention to appeal to the Mover of this amendment and to his colleague who jointly moved the next amendment to withdraw their amendments and allow this Bill to be taken into consideration forthwith but I am afraid that the objections of the Honourable the Mover are so personal and deep-seated that he is unlikely to adopt this course.

**Pandit Nilakantha Das** : How was it personal ?

**Mr. J. A. Milligan** : May I say that it appeared to me that many of the views which were voiced by the learned Pandit

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were not shared even by his own colleagues and they were certainly not shared in other parts of the House. (Voices : " Question.")

**An Honourable Member** : You take a great responsibility in saying that.



**Mr. J. A. Milligan :** Am I to understand that there is a body of opinion in this House which shares the views of the learned Pandit against tea and coffee as a beverage. If that is so, I can only say that it fills me with deep regret.

One or two small points I should like to touch upon before I sit down. Other speakers would deal more comprehensively with the wider issues raised by the Honourable the Pandit's speech. He asserted that fabulous profits are being earned by coffee growers in South India. I can only say that he has chosen the correct adjective. It is a fable. There are many growers who are applying to Government for loans to carry on which can be described by the word 'fabulous' in the sense in which the learned Pandit used the expression.

**Pandit Nilakantha Das :** I quoted expert opinion upon it ?

**Mr. J. A. Milligan :** I do not think I misunderstood the learned Pandit. Another point on which the learned Pandit has either not completely informed himself, or has been misinformed, is this. He suggested that coffee drinking is confined to the better classes and that the object of this cess is to spread this vice and spread it in such a way that it will seriously harm the poorer classes. From the knowledge that I have gained from the operations of the tea propaganda staff, I know that coffee drinking among the poorer classes in South India is very prevalent indeed ; and just to give you an example that it is so I would mention that if in South India you go out shooting or fishing you give your men what they call "coffee money". There is no such expression in Northern India as "tea money". It is called coffee money in South India.

**An Honourable Member :** Toddy money ?

**Mr. J. A. Milligan :** No, coffee money. There is one matter in which I must tender my grateful thanks to the learned Pandit. I understood him to say that when the tea cess proposals come up again he will agree to their being sanctioned on the ground that the tea industry is such a large industry that its proposals ought to be put through. I would deprecate very strongly the point made by the learned Pandit that the object of this cess is in some way or other to oust the smaller cultivators. I am absolutely sure that that idea never crossed the minds of the framers of these proposals, and in evidence of that, we have only to look at the support accorded to the proposals in Mysore State which has 85 thousand acres out of 162 thousand acres under coffee. The support was unanimous. The whole of the 85 thousand acres support these proposals ; and the same is true of Coorg which has 37 thousand odd acres. The whole of the 37 thousand odd acres have supported these proposals.

**Pandit Nilakantha Das :** Let them make representations and then we shall consider.

**Mr. J. A. Milligan :** Am I to understand that the Honourable Member is suggesting that the figures I hold in my hand are not authentic ? If so, it is quite easy to satisfy the Honourable Member on that point. I shall not detain the House any longer. I shall only express the hope once more that the Honourable the Movers of these two amendments will see fit to withdraw their amendments and allow this Bill to be taken into consideration forthwith. Sir, I oppose the amendment.

**Dr. F. X. DeSouza :** Representing as I do a large number of coffee growers, mostly of the smaller variety, I think it my duty to intervene in this debate for a very few moments. I venture to think that the learned Pandit in his very elaborate speech has entirely misconceived the issues before this House and, I think it necessary, that those issues should be clarified and put before the House in a clear cut and lucid form. The facts are these. Here is an industry in which a large amount of capital, more than ten crores of rupees, has been sunk. More than half of this capital belongs to Indians, not of the financier class but of the farmer class. It employs more than one hundred thousand wage earners from the congested parts of Mysore and the west coast of India, and it exports in normal times as much as two crores of rupees worth of produce, to that extent adjusting the balance of trade in favour of India. Unfortunately, during the last three or four years, the industry has passed through a period of unexampled depression. The prices have fallen below the actual cost of production. The result has been that the planters have been obliged to neglect cultivation and in consequence pests like borer, leaf disease and green bug have devastated the plantations and many planters are now wondering what will happen to them next and whether they will have to abandon their plantations and they feel that they will have to do so unless some steps are taken immediately to remedy the situation.

At last, Sir, the planters have pulled themselves together. Being as they are under five different Governments, separated as they are by long distances and by different languages, it was impossible for them hitherto to come together, but common misfortune has combined to make them pull themselves together for the purpose of concerting common action. Sir, they have decided to tax themselves in order to raise funds for the purpose of approaching Government to organize a Committee for the purpose of improving cultivation and marketing and propaganda for coffee. The argument of the Movers of the two amendments, on the opposite side, was that there was really no need for urgency ; if you have waited for so many years, why can't you wait a year longer ? Sir, the reason is, that the export season is in the month of November, and if this Bill cannot be passed before November, 1935, it can only come into force in November, 1936, by which time the condition of some of the plantations will have become hopeless. I say then to this House that the point at issue before Honourable Members is—are you prepared to allow an industry in which Rs. ten crores—and more than half of it belongs to your countrymen—of money have been sunk, which employs more than 100,000 labourers, which exports nearly Rs. two crores worth of produce (Hear, hear),—are you prepared to let it go, in order that you may "deliberate", meanwhile, and see whether your villagers will or will not be injuriously affected by propaganda and whether the alleged deleterious effects of coffee will not justify this House in discouraging its general use. It is absolutely necessary, Sir, to put the issues in this blunt manner so that, if this matter goes to the vote, Honourable Members will know what they are voting for. Are they voting for the destruction of this industry, because, Sir, if this legislation is not passed now, this industry is as good as ruined. Or are you prepared to vote for this measure so that the planters may apply the remedy at the earliest possible moment ?

I venture to think, Sir, that, after all, this motion for reference to a Select Committee or the motion for circulation for eliciting public

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opinion is merely a dilatory motion, because, the only persons most affected are the planters, who are prepared to tax themselves. There is no other class of person who will be injuriously affected by this measure. My Honourable friend, Pandit Nilakantha Das, says "what is the object, by means of propaganda, of multiplying the needs of the poor villager whose earnings are not more than an anna or two a day?" Sir, is this the attitude to be adopted by my friends opposite? Sir, the cry of my Honourable friends on the other side has always been that the standard of living of the poor villager should be raised and that the industries of this country should be encouraged. Now, Sir, the main reason of encouraging an industry is to create and multiply wants and thereby creating demands for some industrial product or other. Then, Sir, my Honourable friend, Pandit Nilakantha Das, dwelt upon what he considered the deleterious effects of coffee. Well, I shall not follow him into a discussion of the medical aspect of the question, but this much I know that coffee is a staple drink in the Southern Presidency. In every town in the Presidency of Madras there are large numbers of coffee houses which cater for the needs of a very large clientele; every villager consumes coffee and, as Mr. Milligan has said "coffee money" is the way *baksheesh* is given in Southern India. Now has Madras suffered in consequence? Sir, so far as I know, Madras differs from the rest of India in several respects. But its main distinction is that the Presidency excels the rest of India in subtlety of intellect. Everybody knows and appreciates the Madrassi's subtlety of intellect. Everybody realizes the Madrassi's financial shrewdness....

Mr. S. Satyamurti : All due to coffee !

Dr. F. X. DeSouza : If anybody disbelieves me, I would ask him to read the current law reports and to pay visits to the Financial Department of the Government of India and analyse its personnel. Does not the major portion of the personnel consist of Madrassis? Has the coffee-drinking habit in any way affected either the moral or the intellectual position of superiority of the Madrassi?

So far, Sir, as intellectual stimulation is concerned, we know the views of the poet Pope who was an habitual frequenter of the coffee house along with the other literary celebrities of his time. Now what does he say? Speaking of coffee, he said that it is a beverage :

"That makes the politician wise (*Hear, hear*)

And see through all things with his half-shut eyes (*Hear, hear*)."

I am quite sure, Sir, if my Honourable friend from Orissa, Pandit Nilakantha Das, had been a devotee of the coffee habit, he would have seen, with half an eye, through all his own arguments which had, Sir, no substance at all. (*Laughter.*)

Sir, the value of coffee is also in its stimulating properties for both mind and body, and these properties are too well-known to be mentioned. Coffee acts as a most efficient substitute for alcohol. While coffee has all the stimulating effects of alcohol, it has none of the poisonous or other deleterious effects associated with alcohol, for, otherwise, Sir, in what way can you explain this phenomenon that in all Muhammadan countries where under the injunctions of the Prophet alcohol is forbidden, coffee

is the favourite drink of the people. Take Egypt, Turkey, Arabia, Persia. Sir, the best coffee I have ever drunk was in Egypt, and probably other Honourable Members have had the same experience.

The Honourable Sir Muhammad Zafrullah Khan : Sir, is it a wise argument to say that the Mussalmans have adopted coffee as a substitute for alcohol?

Dr. F. X. DeSouza : And here I draw the attention of my Honourable friend, Mr. Joshi, the labour leader. Sir, there cannot be a better substitute for alcohol among the working classes of this country than coffee (*Hear, hear*), and the reason why I tell you that is that the great labour leader, John Burns, strongly held that view. John Burns was known to be a teetotaler and was rather looked down upon in the ship where he worked and used to be dubbed as "coffee pot Burns". (*Laughter.*) (*A Voice* : "What about Robert Burns?")

Dr. F. X. DeSouza : Sir, John Burns advocated the drinking of coffee as being the best substitute for the drinking of alcohol amongst the working classes of the population; and, if prohibition, Sir, is ever going to be a practical proposition in this country, I would certainly ask my Honourable friend, Mr. Joshi, to take to the coffee drinking habit.

Mr. N. M. Joshi : I already drink coffee.

Dr. F. X. DeSouza : I am very glad to hear that, and to popularize it by propaganda amongst the working classes.

There is no doubt about the wonderful stimulating effect of coffee for intellectual purposes. Sir, I have already said what the ideas of the poet Pope are. The same views are held by great men in different spheres such as Balzac and Dryden, the great English poet and Beethoven the musical composer. Every one of them have attributed their inspiration to coffee drinking. Sir, I do not wish in any way to make use of my place in the Assembly for purposes of propaganda for coffee. All that I intended to say was to counteract, as far as possible, the poisonous propaganda of my Honourable friend, Pandit Nilakantha Das.

What are the objections raised by my Honourable friend? He said that the total acreage under coffee is 182,000 acres and the conditions are such that it is impossible to increase that acreage. Therefore, he asked what is the use of forming this Committee? The point is that we do not want to increase our acreage; we want to keep up the acreage already under cultivation because our acreage, in consequence of depression and adverse circumstances, is now dwindling. Then he said why do you require a Committee, why not allow a Government Department to run it? He urged that the action of the Committee would not be favourable to the small grower but it will only be favourable to the big planters. I quite agree that it will be much better if there was a Government Department to run this propaganda. In fact, other Governments have done it. Look at the Government of Kenya. They run coffee industry as a Government Department. They appoint Trade Commissioners for the purpose of popularising coffee in every place where there is a demand for it, such as, Aden. In London they have an advertising agency by means of which the Kenya coffee has made enormous strides during the last few years. I

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remember visiting a grocer's shop in Bond Street four or five years ago and asked for a pound of Mysore coffee. The grocer told me that he could supply me with Mysore coffee which was being sold at 3s. 9d. a lb. but he could give me a much better substitute, namely, the Kenya coffee which was being sold at 3s. 6d. a lb. Now, everybody knows that Kenya coffee can come nowhere near the Mysore coffee in point of flavour and "liquor", and yet if it is possible for a grocer in Bond Street to tell me, a Mysore coffee grower, that Kenya coffee is better and cheaper, it shows to what extent the propaganda of the Kenya Government can go. Sir, the effect of this propaganda by the Kenya Government has been that while in 1913-14 the export of Kenya coffee was 2,000 tons, in 1930 it rose to 30,000 tons whereas the export of Indian coffee has fallen from 14,000 tons in 1913-14 to 7,000 tons in 1933-34. Can anybody contemplate a position like this with equanimity? This position, I maintain, is entirely due to the propaganda of the Kenya Government and should certainly be counteracted by propaganda on behalf of the Indian grower. I venture to think that it would be the duty of the Indian Government to do this propaganda but we know the policy of our Government. Our Government, when it is a question of protecting an Indian industry, say: "We cannot do it very well because it raises the price and works a hardship on the poor cultivator." But when it is a question of protecting agriculture, they say: "We believe in *laissez faire* because it will be best for agriculture". That being the policy of our Government, it is hopeless to ask them to start this propaganda on their own. Therefore, the only means by which we can do it is by means of a Committee which will work on the lines of the Indian Cess Committee, the Indian Cotton Cess Committee and Indian Lac Cess Committee.

Sir, I do not wish to detain the House very much longer, but there is one little point which my Honourable friend, Pandit Nilakantha Das, made and to which I would like to refer. He said that this is a dodge by the big planters to squeeze out the small planters. My Honourable friend, with all due respect to him, is talking through his hat. This measure is a measure by which the big planters have volunteered to pay a cess on exported coffee; for their own benefit and for the benefit of the small planters. It is only the big planters who export coffee. Small planters sell their coffee in this country. Whatever benefit may accrue to the coffee industry by this cess, which is paid by the big planters, will be to the advantage not only of the big planters but also of the small planter. Therefore, the smaller planter, instead of being injured, will actually be benefited by the self-sacrifice on the part of the big planter. No doubt, later on it is proposed that the cess will be not on export but on production. But till such time comes, it will be really a contribution made by the big planter for the benefit not only of the big planter but of the smaller planter also.

Then he said that the refuse coffee that will be left in this country, if export is stimulated, will be poisonous and will ruin the health of the Indian villager. Sir, there is nothing more untrue than that statement. The coffee that is exported to Europe is known as "parchment" coffee and the coffee that is kept for use in this country is known as the "native" coffee. There is little or no difference between these two varieties of coffee except in mode of preparation. Of course the look of the

parchment coffee is better and the English people go by looks. But the native coffee has a better flavour and is much more pleasant to the taste. I, for one, always prefer what is known as "native" coffee for my personal consumption. Sir, I do not wish to detain the House any longer.

I think the amendment before the House is purely a dilatory motion and in order to rescue the coffee industry from ruin, I feel certain that this Honourable House will vote that this Bill be taken into consideration immediately.

**Mr. T. S. Avinashilingam Chettiar :** Sir, I do not wish to take more than a couple of minutes. The only point to which I would like to draw the attention of the House is clause 4 of the Bill. The Honourable Member said that there will be 12 Indians and possibly eight Europeans on this Committee. Sub-clause (1) (ii) (a) of clause 4 says :

"Three persons nominated by the Government of the Mysore State. (b) two persons nominated by the Local Governments of Madras and Coorg, respectively."

The Honourable Member presumed that they will always be Indians, for which presumption there is no authority in the Bill itself :

"(c) Three persons nominated by the United Planters' Association of Southern India."

I presume, Sir, it is an association comprising mostly of Europeans, and the representatives that come from that association will, therefore, be all Europeans. The next category is three persons nominated by the coffee growers association which also, I hear, though there are some Indian planters on it, is really dominated by Europeans. Last comes three persons to be nominated by the Governor General and one representing the Imperial Council of Agricultural Research. My own plea here today is that the representation of Indians must be quite adequate. I will only suggest to the Honourable Member to introduce an amendment in the Bill by which these appointments of Indians will be guaranteed and nothing more. If that guarantee is forthcoming, I do not mean to press the motion for referring the Bill to a Select Committee.

**Mr. Abdul Matin Chaudhury (Assam : Muhammadan) :** I want to say just a few words in support of the motion made by the Honourable the Commerce Member. After hearing the long and eloquent speech of my Honourable friend, Pandit Nilakantha Das, I am not satisfied that there is any need for circulating the Bill or even referring it to a Select Committee. This Bill is a very simple and non-controversial measure. All that it seeks to do is to create a coffee cess fund by imposing a cess on the coffee that is exported from India and also to create a committee to administer this fund. The only question with which we are concerned is about the constitution of that committee. I am satisfied from the speech of the Honourable the Commerce Member that the Indian interests have been very well represented on that committee. From the calculations that he has made, it is apparent that, in any circumstances, a majority of the members of that committee will be Indians. This Bill has been introduced in response to the demands from the coffee interests as the referendum that was made among the coffee growers shows that an overwhelming majority was in favour of this Bill. I think, Sir, more coffee is grown in Mysore than in British India—in the Madras Presidency and Coorg—and both the Mysore Government and the Madras Government including the Coorg Administration have all pressed for the passage of this

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Bill. I think the House will be well advised to facilitate the passage of this Bill and to help the coffee industry without referring the Bill to a Select Committee this Session.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, it is surprising to me that only one aspect of the question has been considered and that unlike in local bodies gentlemen who have got interest in the subject under discussion seem to have a predominant voice in this Assembly. Tea growers and coffee growers, tea growers' association and coffee planters' association think that it is the primary work of the Assembly and the people at large to safeguard the interests of the small industry. The other side of the question as to how far it is desirable to advocate or propagate the drinking of coffee has been practically left to the background. It is really unfortunate that we have come to such a stage when next there will be a Bill brought in by the Commerce Member or some other Member on behalf of the Government, on behalf of vine growers and poppy producers in this country to safeguard the interests of the poppy producers or the vine growers in this country.

It is rather unfortunate that an Honourable Member belonging to the European Group spoke as if he had an absolute knowledge of the conditions in the Madras Presidency. I come from a village in the Madras Presidency and I can speak with much more authority on behalf of those people there than my Honourable friends from the European Group can purport to speak on behalf of that community there. Sir, Honourable Members of this House will feel sorry to learn that for a pinch of salt for the gruel or rice *kanji* the poor villager has to go to the market to purchase or to borrow, and, sometimes, he takes the rice *kanji* even without salt.

Now, Honourable Members of this House are asked to vote for a measure which will make the life of the people in the villages more costly by running after sugar and milk and coffee powder. The villager if he gets into the habit of coffee drinking will have to arrange to get his coffee powder first, then get sugar and then milk. Honourable Members of this House do not seem to understand the gulf of difference between the one and the other. As is well known, Madras Presidency is the hottest part of India. When we started picketing toddy shops during the last Civil Disobedience Movement with a view to trying to prevent them from drinking toddy, the Government themselves advocated toddy drinking and arranged toddy shops to be brought close to the doors of these poor people. One argument that was advanced against removing toddy shop to the centres of towns was that people who drink may be ashamed of drinking if the shop was in the centre of the town. On the other hand Government thought it best to bring toddy shops to their very doors and thus opened up attraction for the poor people to drink. What is the result? Supposing I happen to live in the locality where a toddy shop is located, first I gradually become accustomed to its smell and sometime later on, I take to it as a medicine and finally become a confirmed drunkard. During those days when we wanted to introduce prohibition, Government advocated by propaganda the drinking of toddy on the ground that Madras Presidency being a hot country, a cool drink

like toddy was required by the poor people, especially the labouring classes. Now, we are asked by this Bill to introduce among the masses coffee drinking in a hot Presidency like the Madras Presidency. Perhaps Honourable Members who come from the northern parts of India might have already got accustomed to this tea drinking, and my own view is that tea drinking and coffee drinking are injurious to the health of the people of the country. I, therefore, submit, that no steps must be taken by this House which will ruin the health of the people and which will not be in the interest of the population of the Southern Presidency.

My Honourable friend, Pandit Nilakantha Das, read out the medical opinion of great authorities about the injurious properties of coffee. He read various extracts from medical journals in condemnation of coffee and tea drink and as proving that they are very deleterious to health. I would ask my Honourable friends here whether there is a single medical opinion which is in favour of tea and coffee drink. No doubt after we have got ourselves accustomed to it, we may say that it is not poison. But it is a poison when you first take it. Later on, when you become habituated to coffee drinking, the poisonous effects disappear, with the result that you require a much stronger stimulant than mere coffee or drink. I was told that a person who got himself habituated to toddy drink later on began to drink methylated spirits not being satisfied with the stimulus afforded by toddy or wine drinking. In the Madras Presidency, when certain associations wanted to preach temperance, a grant was made by the Madras Government to provide coffee hotels and tea clubs close to toddy shops. Those persons who wanted to drink toddy first went to the coffee hotels where they took coffee or tea, not for the coffee or tea contents, but I am certain for the sugar and milk that is provided either in tea or coffee and, immediately after taking tea or coffee, within less than two minutes, those very persons went to the toddy shop and took toddy to their heart's content. This is not the way in which Honourable Members can deceive themselves that this is one of the means of driving out drink evil from this country. No doubt my Honourable friend, Dr. DeSouza, who is a planter himself, suggested to us that we might rest content with a committee to popularise coffee drinking habit because that will remove toddy drinking evil from this country; he was assuming that drink evil will disappear very soon from this country and he exhorted the Honourable Members of this House to take a pledge to increase coffee consumption instead.

Sir, I personally know a schoolmaster who draws Rs. 19 or 20 a month and has three or four children and spends away all the Rs. 19 on drinking coffee. He sends away his wife and children to his father-in-law's place. Every morning he takes coffee and one or two *iddlis* and *thosais* and the same in the afternoon and then in the evening he goes home absolutely empty-handed. This is a luxury which is absolutely unsuited to our country. If civilisation in this country, according to my Honourable friend, Dr. DeSouza, comes only in the wake of coffee drinking, I would say good-bye to this, let not our civilisation stand upon such flimsy material as this. Tomorrow, it may be said on behalf of the tobacco growers that we must encourage the habit of smoking among not only men but also among women, in order to be civilised. That is a

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sight which I have been accustomed to seeing during the past 20 days in Simla, men and women smoking together and freely exchanging their cigarettes. I should be ashamed of such a civilisation if it takes its root here. I am not casting any aspersion on any class or community. What may be suited to a cold country may not be suited to this country. Sir, I do not take it myself; I have never drunk either tea or coffee, but I will tell you how the tea or coffee habit has crept into our villages. The moment you send a boy to school and he goes to Madras, he takes to this coffee drinking. When he comes back his parents who have never drunk tea or coffee give him coffee as a favour, and that is how the coffee evil spreads. Even to this day, I can assure Honourable Members that it has not become such an evil in our parts yet. Should we help a small industry which after all bears to the total exports from this country a proportion of less than .6 per cent.? The total exports, even during these days of depression, according to the Blue-books, came to 147 crores of rupees in the year 1933-34 and you will be amazed to find that the total export of coffee is not more than 192 lakhs; that is, it is less than .6 per cent. Is it by protecting such a small industry that we should declare to the world that we are civilised? Is it for our Government to say, "We have made these dark men civilised by introducing coffee into their households"? It is a disgrace.....

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : Is this civilisation?

**Mr. M. Ananthasayanam Ayyangar** : That is what the Honourable Member has suggested. If you do not agree with it, please vote with us. If that is the emblem of civilization, I would say good-bye to it.

Sir, I do not propose to take the time of the House much longer than saying a few more words and support the motion so ably moved by my Honourable friend, Pandit Nilakantha Das. I know it fell on deaf ears; Honourable Members on the other side were smiling and sometimes they got on to a roar of laughter because it is impossible for them to shake off the habit of drinking tea or coffee. They make their children drunkards; and I read in the history of England of a Prime Minister, whose name I will not mention, who was so habituated to drinking wine that fearing lest in his old age he might lose his job and might not be able to drink wine, he made his children drink. The idea was, that if he could not afford money to drink, his son would get habituated to it and would get bottles of wine which he also might drink in his old age. I can understand the mentality of Honourable Members because they are so much accustomed to it that the very thought of abolishing it is nauseating to them and they laugh at it. Honourable Members may take it that in the 43 millions of Madrassis, there may not be even four lakhs who have become confirmed coffee drinkers. And I say that if by this Act it is intended to make propaganda in favour of coffee drinking in my Presidency or outside or in any part of India, I am stoutly against it. With respect to the object of the Bill, if it is intended to help exports to foreign countries by the imposition of this cess, I have my own doubts as to how far an imposition of this kind will benefit the exporter. We find that of all the countries in the world which grow coffee, the Southern Presidency produces the smallest quantity. I will take only one instance, from the

report of the average cultivation and yield of world production. In the year 1932-33, in Brazil, the acreage that was under cultivation was 7,904,000 acres and the yield was 2,200 million pounds. In Columbia 740,000 acres were under cultivation of coffee and the yield was 473 million pounds. Now we will see what the acreage and the yield was during that period in India. In the year 1932-33 it was 78,700 acres in British India and in the Native States, 98,000 acres, in all 1,76,700 acres. In a small country like Venezuela it is more than 470,000 acres that was under cultivation in a particular year. So that even in a small place it is three or four times as much as is produced in the huge continent of India. The yield here was also not more than 32 million pounds in the year 1932-33, whereas in Brazil it was 2,200 million pounds. You can compare 32 million pounds with the 2,200 million of Brazil. I do not know how with the small cess that is proposed to be put upon this coffee, you are going to compete with the foreign market. The only hope is if in return for all that we have done or are offering to Great Britain under the Ottawa Pact, they choose to purchase more from us than Brazil or Kenya Coffee. I find also from the statistics collected that the export of coffee to Great Britain has been declining. The real remedy is to induce Great Britain to purchase more coffee from India instead of this roundabout course of trying to impose a cess and then trying to create a propaganda in every country in favour of drinking this coffee. Here we find that in the year 1932-33, England imported 52,000 cwt. of coffee and France 54,000 cwt. In the next year, i.e., in 1933-34, the 52,000 cwt. of England came down to 50,000 and the 54,000 cwt. of France increased to 57,000; and this was in spite of all the benefits that we are conferring on England and the disadvantages that France is suffering by this extraordinary Ottawa Pact under which we are labouring. Therefore the real remedy has been left in the background. My Honourable friend, who rose on behalf of the tea planters, supports the Bill lest he should be misunderstood, if he stood only for the tea cess and not for the coffee cess. They all row in the same boat. My Honourable friend, Dr. DeSouza, is a planter himself. I would only request Honourable Members of this House not to be carried away by such considerations which are absolutely one-sided. It is said as if by drinking coffee we will have a remedy for all the evils in this country. If it can take the place of food let us take it. Every country in the civilised world puts a ban on luxuries; they do not totally prohibit them but they impose heavy duties on them, but articles of food are not banned. The other day, in the budget Session, when the Finance Bill was under consideration, in the case of a large industry in Southern India of tanning hides and skins, an industry which engaged nearly 33 lakhs of men, the small export duty of five per cent. was removed; and I do not know if the Honourable Members who spoke on the other side did not vote in favour of that measure and on behalf of Government. Now, they say that the planters here who are engaged in an industry to the extent of a crore and two lakhs must be protected, as if, if they are not protected, the 300 million people will be starving and dying in this country and the whole world will go to the wall. Why should the export duty of five per cent. on the hides and skins industry have been removed? It is to help the foreigners so that they may flourish. It is a disgrace, and are we to stand by it? And after all what is left to us?



[Mr. M. Ananthasayanam Ayyangar.]

Take the match industry and the sugar industry. Are we using the cess for match production and sugar production? Whether the Commerce Member or the Labour Member is a dark Indian or a white Englishman, it is all alike; the mentality is the same.

I would, therefore, say, it would be much better if they will circulate this Bill for the purpose of eliciting opinion thereon—and not the opinion of these small growers in provinces or small plantation owners: that is not what I would ask: I would ask that every medical gentleman in this country should certify that this Bill is a proper one. It is not right or proper that you should take this drink to the very doors of the men who hunger and starve for a morsel of rice at mid-day and who cannot get a pinch of salt for their *kanji*. I know of a barber who snatched away the upper cloth from his own son and pledged it so that he could get his evening drink of toddy. Are you now trying to create another class of men—higher perhaps in the social scale—the middle class men, and make them suffer from a similar cause? You pay them perhaps 20 rupees out of which the man has to buy milk, sugar and coffee and what is left? He may perhaps get a belching after drinking so much of coffee, but it will not be the belching of a well-fed man and you will merely get the appearance of its being all right with him. You are merely trying to create another set of drunkards. Our religion says that drinking toddy is an absolute vice—it is one of the things that one ought not to indulge in: that is what the Hindu religion says. I know that in other countries there is the doctrine of trans-substantiation which they invoke and they say that bread and wine are transformed into something else—that is their religion and I have no quarrel with it—but my religion condemns any kind of intoxicating drink and here is the Government wanting to encourage another kind of drunkenness in the people. To whatever state of degradation some of us might have come to, because of our association with or having become civilised by contact with this Government in the land, let us not at least carry this one torch of civilisation to the village: let us keep it out. I am not accusing any Honourable Member in this House. I merely want every one to appreciate the difficulty of the villager. One of my Honourable friends stated that when he was taken in a rickshaw or driven in some other kind of conveyance, the man wanted some money for a drink of coffee. I know: I have been moving about, not in one district, but five districts. I had to spend a lot during the election time—I had to engage conveyances when the drivers demanded money for coffee or anything—I knew it was for toddy: but of course my friend's experience is novel: perhaps being in the heart of Madras, the rickshawalla wanted coffee as being easier to get. That experience may be true of Madras city, but it is not true of the places outside Madras, and, therefore, I beseech that this Bill may be circulated. If these coffee planters have not been able to sell their articles in foreign countries by the absolute worth of their material, let them wait for some time more. One November is not going to stand in the way. Let us get opinion: if there is a body of opinion which says that coffee is good for a country like India, we can take it up later. I have been advised that our children who grew lean by drinking coffee should get more fat—and not merely should we give them cow's fat, that is, ghee and such like, but that we should get something we cannot

get in India, like whale oil or cod liver oil, etc. Under these circumstances I request that you will allow this Bill to be circulated for opinion.

**The Honourable Sir Muhammad Zafrullah Khan:** Sir, I do not think it is necessary for me to take up an appreciable amount of the time of the House in replying to the debate on this motion. But I do propose briefly to offer some observations on some points that have been sought to be made during the course of the debate. Curiously enough, some of the points sought to be made by the same speakers were self-contradictory, and it is, therefore, rather difficult to meet those points because if each point is to be taken up and replied to, my replies may be correspondingly contradictory and I do not desire to adopt that course.

A good deal of time was spent on trying to demonstrate to the House that the coffee industry is in a very flourishing condition and that, therefore, it does not require any further fillip. Other speakers have endeavoured to show that the premise is not correct. But even if it was correct, I doubt whether it is a sound argument to say that if you can improve an industry in the country you should not do so unless the industry is sinking to such a condition that without your help it would be extinguished altogether....

**Mr. Krishna Kant Malaviya** (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Does that not apply to the glass industry also?

**The Honourable Sir Muhammad Zafrullah Khan:** However, I am perfectly certain that Honourable Members will agree that if by means of the imposition of this cess, within the next two or three years, we can raise exports of coffee from the level to which they have sunk to the level at least at which they were in 1931-32, that is to say, from a value of 1.2 crores to say about 2.5 crores, that is not a result which ought to be despised if this little help which the coffee planters are willing to bring to the industry from their own pockets can achieve that result. A very great deal of the time of the House was taken up in trying to demonstrate that coffee is a very injurious drink and anything that helps its export even to other countries ought to be discouraged on general moral grounds and also on the ground that all harm ought to be prevented to the poorer classes of this country. As it happens, I personally have a good deal of sympathy with that point of view. I do not take either alcohol or coffee, nor do I use any tobacco....

**An Honourable Member:** What about tea?

**The Honourable Sir Muhammad Zafrullah Khan:** As for tea, I take only three cups a day of very very light tea, and, therefore, I have a good deal of sympathy with the point of view that was put forward and has been put forward by the two Honourable Members, Pandit Nilakantha Das and Mr. Ananthasayanam Ayyangar. But then I am afraid it would be a hopeless task for only three sane men to attempt to convert to sanity a whole insane world! On the other hand one hears so much about self-determination that if other people who are addicted to this vice and the people who provide the means of indulging in this vice think that the production of this particular kind of poison ought to be encouraged, I am afraid the three sane Members of this House must give way on that point! We were told in the course of the debate

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that tea and coffee were practically on the same level with regard to this matter : and yet curiously enough the Honourable the Pandit went on to say that inasmuch as the tea industry is a very large industry you might go on encouraging it : but as coffee is a small industry you ought not to encourage it.....

**Pandit Nilakantha Das** : I did not say that exactly : I said tea is a very big industry and that question is not here now : it is a separate issue. That is what I said. I did not say anything in favour of it.

**The Honourable Sir Muhammad Zafrullah Khan** : Sir, I stand corrected, but that was my impression ; and, as I said before, I was rather surprised at that argument because if the Honourable the Pandit was really convinced that his premises were justified, he should have launched an attack against the tea industry which produces far more poison than the coffee industry which produces far less.....

**Pandit Nilakantha Das** : I did it in Delhi.

**The Honourable Sir Muhammad Zafrullah Khan** : Apart from that, after hearing the greater portion of his speech this morning before lunch, I saw this morning's *Hindustan Times* and here is an advertisement in it which stares us in the face. "As a giant refreshed with Indian Tea", and the giant is half a page long—"Indian tea gives life and energy". Here is an advertisement occupying the whole length of the page assuring us with perfect confidence that Indian tea, and Indian coffee also presumably, give life and strength. However, as I said, I am personally of the view which the Honourable the Pandit holds ; but then I am afraid that is not of much avail. We must take things as we find them ; and, if we find that even a small industry can, to a certain extent, be fostered and to some extent redress the balance of trade with regard to which Honourable Members opposite as well as the Government are so anxious at this moment, I am sure it would be good policy to encourage the fostering of that particular industry.

There is one matter, Sir, on which I desire to touch in passing with regard to the position *vis-a-vis* Great Britain. One  
4 P.M. Honourable Member said : "The true remedy is to try to induce Great Britain to take in larger quantities of Indian coffee". As a matter of fact, Indian coffee as well as Kenya coffee, I think all Empire coffee, does enjoy a certain amount of preference in Great Britain. I believe the extent is a penny a pound. But the difficulty is, as I tried to explain when moving my motion, Kenya carries on a great deal more propaganda in favour of its own coffee than India does, and the result is that the benefit of this preference goes more largely to Kenya than it does to India, and it is in order to redress this state of affairs that coffee growers in India are anxious that they should have a fund,—to be sure it will be rather small to begin with,—out of which they could also carry on propaganda in Great Britain as against Kenya in order to obtain a larger share of the coffee trade than they do at present.....

**Babu Baijnath Bajoria** (Marwari Association : Indian Commerce) : Will the Honourable Member say if the proceeds of this cess will be utilised for propaganda in foreign countries or in India ?

**The Honourable Sir Muhammad Zafrullah Khan** : As the Bill explains, the cess will be for the purpose of encouraging the marketing and improving the production of coffee and also for propaganda, and, I imagine, that mainly the propaganda will be outside the country. The Bill does not bar propaganda inside the country, but what the coffee growers are anxious about is to encourage the export of coffee, and, therefore, the propaganda will be mainly outside.....

**Babu Baijnath Bajoria** : Why not restrict the propaganda only to foreign countries ? Then much of the opposition will disappear.

**The Honourable Sir Muhammad Zafrullah Khan** : I do not know that there is much opposition on that point. As I have said, anybody would realise that if the coffee growers in this Committee that is going to be set up are to use to the best advantage the proceeds of the cess that would be available under the provisions of this Bill when it becomes an Act, those proceeds will have to be used outside India in order to encourage the export of coffee. Figures were quoted to show that the industry was in a very prosperous condition. Sir, I am afraid the figures do not support that contention. In 1930-31 the United Kingdom took in 78,488 cwts. of coffee, in 1934-35, in spite of the preference, only 27,978 cwts. were exported to the United Kingdom. France has been referred to in the course of the debate, but even there in 1930-31, it took in 107,704 cwts. as against only 52,995 cwts. in 1934-35.....

**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadian Rural) : What is the Empire Marketing Board doing ?

**The Honourable Sir Muhammad Zafrullah Khan** : Therefore, my submission is that it is high time that the coffee growers were assisted in this effort so that they should themselves provide funds for carrying on propaganda with regard to Indian coffee in order that larger quantities might be exported.

As regards the contention that somehow or other the levy of this cess is likely to injure the small coffee grower, I am afraid I cannot agree with it. Whenever an industry begins to be adversely affected, it is the small industrialist, the man with a small capital, who is affected first, and, therefore, if no help is afforded to the industry whatever, the first people to succumb will be the small growers rather than the big growers who can wait till things improve or utilise their own resources for the development of their trade without waiting for the help of the Legislature in order to improve their condition, and if this cess is to be of any help to anybody, I think in the end it is likely to be more beneficial to the small grower rather than to the big grower.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th of January, 1936."

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim) : Does Mr. Chettiar wish to press his amendment that the Bill be referred to a Select Committee ?

**Mr. T. S. Avinashilingam Chettiar** : Yes, Sir.



**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member did not say that he wanted to withdraw his amendment ?

**Mr. T. S. Avinashilingam Chettiar** : No, Sir ; I want it to be put.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

" That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be referred to a Select Committee, consisting of the Honourable Sir Muhammad Zafrullah Khan, Dr. F. X. DeSouza, Dr. R. D. Dalal, Mr. Pradyumna Prashad Singh, Mr. F. E. James, Mr. H. A. Sathar, H. Essak Sait, Mr. Umar Aly Shah, Dr. P. N. Banerjee, Mr. Mohan Lal Saksena, Mr. Samuel Aaron, Mr. B. B. Varma, Prof. N. G. Ranga, Pandit Nilakantha Das and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

" That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

" That clause 3 stand part of the Bill."

**U Thein Maung** (Burma : Non-European) : Sir, I move :

" That in clause 3 of the Bill, for the words ' or to Burma ' the words ' and Burma ' be substituted."

It has been stated both in the Statement of Objects and Reasons and in the course of the Honourable the Commerce Member's speech today that Burma has been excluded from the scope of the Bill as desired by the Government of Burma. Either the Government of Burma have made a serious mistake or they have been very badly misunderstood. In any case, they should not have given the reply without consulting public opinion and the Government of India should not have taken advantage of what is an obvious mistake, especially when the Local Government's opinion had not been formulated after consulting public opinion, and when their opinion, as we maintain, is against public interest and opinion in Burma.

We were told by the Honourable the Commerce Member that the Bill was a non-controversial one. However, we find that it is not only controversial but also involves very large questions of principle as regards trade relations between India and Burma.

Sir, Burma does not export coffee and there is no prospect of her doing so for many years yet, although the soil in several parts of the country is probably fit for coffee plantation. So, we have nothing to lose and everything to gain by Burma being not excluded from the scope of the Bill.

However, we have no objection to Burma being excluded in the sense that the coffee cess is not to be leviable in Burma and that the coffee planters of Burma are not to have any benefit of the proposed cess fund.

At the same time, we strongly object to Burma being excluded in the sense that the cess is to be leviable on Indian coffee which is exported

to Burma. It would be a serious breach of faith on the part of India to create a new cess and apply it as against Burma after the agreement which has been incorporated in the Draft of India and Burma Trade Regulation Order. The agreement clearly contemplates the maintenance of the *status quo ante* and it is absolutely against the spirit thereof to introduce and apply any new cess as against each other in the interval between the publication of the agreement and the actual separation of Burma from India. In this connection we wish to refer the House to clause 3, sub-clause (1) of the Draft Order, which reads :

" Except as otherwise provided in this Order :

(1) no customs duties or cesses shall be leviable in British India on goods imported from or exported to Burma by sea other than those, if any, leviable at the date of separation."

We also wish to refer the House to the special provisions made in the agreement as regards the cess duties on cotton, tea, and lac, which are already in existence. These provisions are contained in clause 7 of the Draft Order, and we submit that if it had been known at the time of the negotiations for the agreement that the Government of India contemplated imposing a cess on coffee, special provisions on similar lines would have been made in the agreement itself. We further submit that the proposed cess contravenes clause 4, sub-clause (2) of the Draft Order incorporating the agreement. This sub-clause reads :

" Except as otherwise provided in this Order.....

(2) all goods imported from or exported to a customs port in British India to or from a customs port in Burma shall be deemed for the purposes of the Sea Customs Act, 1878, to be goods imported from or exported to another customs port in Burma, as the case may be."

We feel, therefore, that Burma is being excluded from the scope of this Bill because the Government of India know that Burma does not export coffee, there is no cess duty to be realised there, that Burma will not grow enough coffee even for her own consumption in the foreseeable future, and that, as a result of exclusion, India would be able to have some revenue out of coffee exported to Burma. We regard this as the first and unworthy attempt at legislation to hit Burma on account of and even before separation. We only hope that this is not a foretaste of how the Government of India would honour or dishonour the trade agreement after separation. I move this amendment in the interests of justice, good faith and mutual understanding between the two countries.

**Mr. President** (The Honourable Sir Abdur Rahim) : Amendment moved :

" That in clause 3 of the Bill, for the words ' or to Burma ' the words ' and Burma ' be substituted."

**The Honourable Sir Muhammad Zafrullah Khan** : Sir, I was extremely sorry to hear the Mover of this motion charge the Government of India with a breach of faith in connection with the proposal to exclude Burma from the operation of this Bill. I repudiate that suggestion altogether. There is not the slightest hint of a breach of faith in the proposal to exclude Burma from the operation of this Bill, and that, for two principal reasons. One is that the parties to the trade agreement, or rather the proposed trade agreement, are the Government of Burma and the Government of India. The proposal was fairly put before the

[Sir Muhammad Zafrullah Khan.]

Government of Burma and whether the Government of Burma have acted in good faith towards their own people or not it is for them to say, but I do assure the Honourable Member that there has been no misunderstanding on the part of the Government of India with regard to the attitude of the Government of Burma. In reply to our telegram this is what they have said and Honourable Members can judge for themselves whether the Government of India have misunderstood their intentions :

" Your telegram, dated the 15th August, No. 7-G.C. This Government would prefer exclusion Burma from proposed Coffee Cess Act as quantity of coffee growing in Burma very small and consequently export negligible."

Secondly, the draft trade agreement says that no export duties shall be levied except those that are in operation at the date of separation. Surely it could not be expected that neither the Government of Burma nor the Government of India should do what might appear to them to be very desirable in the interests of their trade simply because from a certain date a certain agreement comes into force which will not affect conditions which might have been brought into being by that date. However, as the House will see we acted perfectly fairly towards Burma. We cabled to them the object of the Bill and the provisions that we intended to put into operation by means of this Bill and asked them whether they would wish to come within it or keep out of it and they said that they would rather keep out. The truth of the matter is not any jealousy as against the coffee growers of Burma, but that Burma appears to be in this matter self-sufficient. They do not appear to import much coffee from India nor do they appear to be exporting much coffee to other countries. Our only anxiety is that no quantity of coffee going out of India should escape cess and, therefore, there are two ways of doing it, either to levy this cess upon all quantities going into Burma or ask the Government of Burma to come into line and to agree to impose a cess upon any coffee which, after it had been sent to Burma from India, was sent out of Burma. Unless the Government of Burma are prepared to agree to this latter arrangement in order to prevent leakage and to make the levy of this cess effective, we are reduced to the position that we must exclude Burma from the scope of this Bill. I hope, Sir, the Honourable Member will realise that no sort of trick is sought to be played upon Burma and this arrangement has been arrived at in perfect good faith between the two Governments.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

" That in clause 3 of the Bill for the words ' or to Burma ' the words ' and Burma ' be substituted."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

" That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

" That clause 4 stand part of the Bill."

The Honourable Sir Muhammad Zafrulla Khan : Sir, I want to say a few words on this clause. The Honourable Member who wanted to move the motion for reference to a Select Committee, Mr. Avinashilingam Chettiar, has had some conversation with me with regard to his anxiety as to the scope of sub-clause (i) (b) of clause 4. The Honourable Member wanted some assurance that the hope that I had expressed would be carried into effect. I am happy to be able to assure him that the Government of India are prepared to instruct the Government of Madras and the Coorg Government that the two members to be nominated under this sub-clause should be drawn from the class of Indian planters who are not members either of the United Planters Association of Southern India or of the Coffee Growers' Association.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

" That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 and 6 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Ranga has just handed in an amendment to clause 7. The Chair cannot allow this to be moved as reasonable notice has not been given. He explains that he could not give notice beforehand as he was under the impression that the motion for reference to a Select Committee might be carried. He had no right to assume any such thing. The Chair cannot, therefore, allow it.

The question is :

" That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

" That clause 8 stand part of the Bill."

Pandit Nilkantha Das : Sir, I move :

" That in sub-clause (2) of clause 8 of the Bill, for the words ' and increasing the consumption in India and elsewhere ' the words ' in places other than in India ' be substituted."

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has spoken quite enough on that point.

Pandit Nilkantha Das : If this Bill were simply confined to places other than villages in India, that would cover my point.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has dealt with that point fully.

Pandit Nilkantha Das : I have not made myself clear. ....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has made his point perfectly clear.

[Mr. President.]

The question is :

"That in sub-clause (2) of clause 8 of the Bill for the words 'and increasing the consumption in India and elsewhere' the words 'in places other than in India' be substituted."

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 9 to 13 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 Muhammad Zafrullah Khan** : Sir, I move :

"That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be passed."

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee be passed."

The motion was adopted.

#### THE JUBBULPORE AND CHHATTISGARH DIVISIONS (DIVORCE PROCEEDINGS VALIDATION) BILL.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I beg to move :

"That the Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad be taken into consideration."

Sir, the position, shortly speaking, is this. The Court in the Central Provinces had no original or appellate jurisdiction over European British subjects until 1923 when the Criminal Procedure Code was amended. By sections 4 and 266 of the Criminal Procedure Code as amended in 1923, this jurisdiction was conferred on the Judicial Commissioner's Court in the Central Provinces. Before the amendment had been passed in 1923, at a time when the Judicial Commissioner's Court had no jurisdiction over European British subjects, there was a notification by the Home Department of the Government of India, dated the 21st April, 1913, and this notification was issued under section 8 of the High Courts Act. The result of this notification was that the original and appellate jurisdiction over European British subjects in the Central Provinces was shared between the High Courts of Allahabad and Bombay, a portion going to Bombay and a portion going to Allahabad. That was the position, Sir, as a result of the notification of 1913. Now subsequent to the amendment of the Criminal Procedure Code in 1923, this notification was withdrawn by the Government of India by another notification which is dated the 1st September, 1923. This was issued

#### THE JUBBULPORE AND CHHATTISGARH DIVISIONS (DIVORCE PROCEEDINGS 1679 VALIDATION) BILL.

under section 109 of the Government of India Act. This notification purported to end the criminal jurisdiction over European British subjects exercised in the Central Provinces by the Allahabad and Bombay High Courts. Now, Sir, recently the Government of the Central Provinces have discovered that what was happening was that, whereas the decrees nisi in divorce proceedings were going from Courts in the Central Provinces to the Judicial Commissioner (as they ought to in the opinion of the Governor General in Council), so far as the Divisions of Jubbulpore and Chhattisgarh were concerned, they were still going to the High Court of Allahabad. The situation was this, that apparently the Bombay High Court had taken the view that by the result of the subsequent notification, the Allahabad and Bombay High Courts were out of it and the whole thing ought to go to the Judicial Commissioners of the Central Provinces. But from these two Divisions these decrees were still going to the Allahabad High Court. Upon that, the Government of the Central Provinces formally communicated with the Chief Justice of the Allahabad High Court pointing out that, in their view, as the result of the withdrawal of this notification, the Allahabad High Court had nothing further to do and that all decrees should go before the Central Provinces Courts including the decrees of Jubbulpore and Chhattisgarh. Unfortunately, the learned Chief Justice of the Allahabad High Court took the view that, in spite of this notification, the Allahabad High Court retained jurisdiction to deal with these decrees coming from the Central Provinces, and the argument, shortly speaking, of the learned Chief Justice of that High Court was that, inasmuch as section 106 of the Government of India Act laid down that they would retain such jurisdiction as was vested in them, therefore their jurisdiction was not gone. The position, shortly, was that the view of the High Court, Bombay, the view of the Government of the Central Provinces and the view of the Governor General in Council are agreed that the Allahabad High Court should not be further troubled. The Governor General in Council has been advised that the view of the Courts of the Central Provinces and of Bombay is the correct one : and they believed that as the jurisdiction which was conferred on the Allahabad High Court was not a jurisdiction which they had by reason of a Statute or by Letters Patent but was the creature of a Government notification, it could also be destroyed or taken away by another Government notification, which in fact did issue, as I told this House, in 1923.

Now, Sir, that shortly is the position and I do not know that I should go at greater length in this matter, or place the arguments of Allahabad Court at greater length. The situation at the present moment is rather an incongruous one. While the Central Provinces as a whole is owing the allegiance to the Judicial Commissioner of the Central Provinces, the decrees from these two divisions are going to the Allahabad High Court. All that is wanted by this Bill is that we want to remove this doubt and to validate such proceedings as obtained in the divorce cases where European British subjects are concerned. Sir, this is the nature of this Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

"That the Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad be taken into consideration."

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Mr. President, Sir, I beg to move :

[Mr. Sri Prakasa.]

"That the Bill be referred to a Select Committee, consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Henry Craik, Sir Cowasji Jehangir, Dr. P. N. Banerjee, Mr. G. Morgan, Mr. Ghansiam Singh Gupta, Khan Sahib Nawab Siddique Ali Khan, Mr. N. M. Joshi, Mr. D. J. N. Lee, Mr. L. Owen, Dr. Ziauddin Ahmad, Mr. Sami Vencatachalam Chetty 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 the reference of this Bill to a Select Committee, I intend to take the House fully into my confidence and to state quite candidly the exact purpose that lies behind this motion. So far as I am able to judge, the High Court of Allahabad is guilty of a serious lapse. It has taken unto itself powers that do not belong to it, and that had definitely been taken away from it by law. I read in this Bill the desire of the Government that this House should condone the serious mistakes of the Allahabad High Court. As some people are very sensitive where Courts are concerned and lawyers are terribly afraid of their High Courts, I have taken very great care that in the Committee that I have proposed there should be no lawyer.

The Honourable Sir Nripendra Sircar : I thought the Honourable Member had included me.

Mr. Sri Prakasa : I had excluded the Honourable the Law Member and even myself from my original list ; but those, who are more familiar with the ways of this Legislature than myself, informed me that the law demanded that the Law Member must be in every Select Committee ; and that convention required that the Mover also should also be there ! So now the eminent lawyer in the form of the Law Member is there and a very humble lawyer who has only a very nodding acquaintance with law, namely, myself, is also there. Sir, I think it is a serious situation that the Allahabad High Court has created. Ordinarily, the maxim is that ignorance of law is no excuse. For the layman, evidently, it is no excuse ; but for Judges who are paid to administer the law, whose sole business is to know the law and to interpret and apply the law, ignorance of law seems to be a sufficient excuse for breach of law ; and Government feels justified coming and taking the help of the Legislature in order to condone the wrongs that the judges have done. So far as I am concerned, I can be no party to this. I personally think that the law-maker is higher in status than the law-interpreter and the law-applier and, therefore, I think the Legislature is a body which can certainly discuss the conduct of the Judges of High Courts.

The Honourable Sir Nripendra Sircar : No, no. The Honourable Member cannot do that.

Mr. Sri Prakasa : I know I am treading on very delicate ground ; but, Sir, I shall try to say as much as you can possibly allow me to say about the High Court of Allahabad. Judicially and extra-judicially, the conduct of the High Court has not been above suspicion.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has started on wrong lines already. The Chair hopes the Honourable Member has carefully read Article 57 of the Manual of Business and Procedure.

Mr. Sri Prakasa : Sir, the book is not before me, but I take it that this Article debars any reference to High Court Judges.

Mr. President (The Honourable Sir Abdur Rahim) : Then, this should be read out. It says :

"A Member while speaking shall not.....

(iv) reflect upon the conduct of His Majesty the King or the Governor General or any Governor or any Court of Law in the exercise of its judicial functions."

Mr. Sri Prakasa : Then, Sir, I should like to ask for your ruling on a definite subject. Is this Bill itself in order ? Does it not itself question the judgment of the Court and cast reflections on the conduct of the judges ? If that is so, then you may kindly rule the whole Bill out of order and I will have nothing more to say.

Mr. President (The Honourable Sir Abdur Rahim) : The Bill is perfectly in order as this Assembly is quite competent to declare that certain proceedings are valid, and it is for the House to say whether such a declaration should be made or not.

Mr. Sri Prakasa : If, Sir, Government are authorised, as I understand, from what you have just said, to declare that certain proceedings of Courts of law had been invalid and that they should be validated, then I hope you will allow me to claim the right that as a Member of this Legislature I have also the right to say.....

Mr. President (The Honourable Sir Abdur Rahim) : The proceedings are sought to be declared valid and not invalid.

Mr. Sri Prakasa : But, Sir, this Bill, so far as I can see, seeks to validate certain acts of the Allahabad High Court which the Government thinks were invalid. Is not that the position ?

The Honourable Sir Nripendra Sircar : To remove doubts, as two constructions are possible.

Mr. Sri Prakasa : That may not be calling a spade a spade ; that may be calling it an agricultural instrument. Removing doubts means the same thing as declaring those acts to be invalid, otherwise where is the use of the words 'validating certain proceedings of the High Court'. If these proceedings were not invalid, there is no necessity of validating them. I should like to have your ruling before I proceed.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair has already given its ruling that this Bill seeks to validate certain proceedings of the Allahabad High Court and it is competent for this Assembly to pass a law to that effect.

Mr. Sri Prakasa : Now, Sir, if this Assembly happens not to have confidence in any particular High Court, I hope it has the right to say that it is not going to validate those proceedings.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair has given its ruling and the Honourable Member must proceed on the basis of that ruling.

Mr. Sri Prakasa : I will confess straightaway, Sir, that my law is very rusty and you must stop me as soon as you feel that I am on the wrong track.

## STATEMENT OF BUSINESS.

**The Honourable Sir Nripendra Sircar** (Leader of the House) : Sir, with your permission, I desire to make a statement.

A representation signed on behalf of all the parties, Congress, Independent, Nationalist Congress and Europeans as also by several Members not belonging to any Group has been made to me that five Bills relating to social matters, *viz.*,

- (1) Removal of social disabilities among certain classes of Hindus (By Mr. M. C. Rajah),
- (2) To amend the law governing Hindu Women's rights to Property (By Dr. G. V. Deshmukh),
- (3) Validity of marriages among Arya Samajists (By Dr. N. B. Khare),
- (4) Validity of marriages between different castes of Hindus (By Dr. Bhagavan Das),
- (5) To amend the Child Marriage Restraint Act, 1929 (By Mr. B. Das),

may be set down on an official day. On the understanding that this will not be referred to as a precedent laying down a principle, I intend to put down these five Bills for introduction only on the agenda for Wednesday, the 25th September at the end of the business. As the agenda paper for that day has been issued, I propose to issue a supplementary paper including these items.

The Assembly then adjourned till Eleven of the Clock, on Tuesday, the 24th September, 1935.

( 1684 )

## LEGISLATIVE ASSEMBLY.

*Tuesday, 24th September, 1935.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, **Mr. President** (The Honourable Sir Abdur Rahim) in the Chair.

## QUESTIONS AND ANSWERS.

### ESTABLISHMENT OF AN INSTITUTE FOR ANIMAL AND HUMAN NUTRITION RESEARCH.

**621. \*Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether the Imperial Council of Agricultural Research has before it a proposal for the establishment of an Institute for Animal Nutrition Research and Human Nutrition Research ;
- (b) whether the Linlithgow Commission urged the establishment of both the branches simultaneously and why there has been delay in this matter ; and
- (c) whether they propose to take any action in this direction ; and if so, when ?

**The Honourable Sir Girja Shankar Bajpai** : (a), (b) and (c). The Royal Commission on Agriculture in India referred to the work being done on animal nutrition problems in the Physiological Chemist's Section at Bangalore and to the investigations conducted under the Indian Research Fund Association into deficiency diseases and malnutrition of human beings. They recommended the development of both branches of nutrition work and suggested the ultimate establishment of two institutes. A scheme was prepared for the establishment of a Central Research Institute for animal nutrition as early as 1929 but it could not be proceeded with for lack of funds. The matter has been considered at frequent intervals since but the financial obstacle has, unfortunately, persisted. A fresh scheme for founding an animal nutrition institute on a modest scale is engaging the active consideration of Government at the present moment. Human nutrition work is being continued at Coonoor.

**Mr. S. Satyamurti** : With regard to animal nutrition research, what is the financial commitment of the modest scheme which is now being considered by Government ?

**The Honourable Sir Girja Shankar Bajpai** : Speaking from memory, something like 2½ to 3 lakhs non-recurring and about a lakh a year recurring.

( 1685 )

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair will try to do that.

**Mr. Sri Prakasa** : I simply say this that we have a High Court in India which, it seems, has been doing things which it has no power to do. I submit that opportunity should be taken of this to review the situation and to see whether the High Court has not been exceeding its powers in other directions as well.

**Mr. President** (The Honourable Sir Abdur Rahim) : That the Chair cannot allow the Honourable Member to do. The Honourable Member knows that perfectly well.

**Mr. Sri Prakasa** : I know nothing. I simply know this that I have personally very little confidence in the Allahabad High Court.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would ask the Honourable Member not to make such reflections on any High Court.

**Mr. Sri Prakasa** : I wish to ask you, Sir, whether I can at this moment refer to any action taken by the Allahabad High Court in its administrative capacity or not ; not in its judicial capacity but in its administrative capacity.

**Mr. President** (The Honourable Sir Abdur Rahim) : No, it cannot be done. The speech must be relevant to the subject matter before the House.

**Mr. Sri Prakasa** : I take it that I can only say that I am against the Bill and that the proceedings of the Allahabad High Court should not be validated.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair cannot find argument for the Honourable Member.

**Mr. Sri Prakasa** : I do not want you, Sir, to find out arguments for me. I have myself got plenty of them.

**Mr. President** (The Honourable Sir Abdur Rahim) : Provided they are within the Rules and Standing Orders.

**Mr. Sri Prakasa** : Personally I think this Bill is against the Rules and Standing Orders. I do not think the Government can question any action that a High Court has chosen to take. According to the Standing Orders that you have read out, the Government is debarred from taking such a course. I now find myself at a loss as to how to proceed while speaking on my motion. I wish I had consulted some eminent lawyer before I tabled this motion because I really thought that I should be able to review the conduct of the Judges of the Allahabad High Court in connection with this Bill. But that I take it you will not permit me to do.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair certainly would not allow the Honourable Member to do it. The Chair has made this perfectly clear.

**Mr. Sri Prakasa** : Therefore, I can only say that this Bill should be referred to the Select Committee that I have proposed so that the Select Committee might be able to add some clauses to this Bill and may find out other acts that need validation and bring them before the House in the form of a consolidated Bill. I personally will say that

there is no use in validating the particular proceedings which seem to be exercising the mind of the Government. They only deal, I take it, with a few divorce cases. I cannot understand really why the Judges of the Allahabad High Court should have exceeded their powers particularly in divorce proceedings. These are always very unfortunate proceedings and a lot of dirty linen is washed in public and many scandalous statements are made and heard in such proceedings. I am surprised that in this particular class of cases only the Judges should have exceeded their powers. Supposing we do not validate the act, what happens ? One of three things can happen. One is that the divorcees can regard the judgments given as invalid and, therefore, of no effect and if they can possibly make up their differences, they can do so and live as husbands and wives again. I think that can happen. No harm will be done to any one, and much good to the persons concerned. Another thing that can happen is that if they still do not like each other, they continue to live separately. If they choose to live separately in that case too, no harm is done to any one else. Thirdly, it is possible that taking that the High Court has acted within its powers, they have married other parties. Well, then, it is the concern of no one to interfere in their affairs. Therefore no trouble can possibly arise to any party if this Bill is not passed and if the proceedings are not validated. I do not see any reason why these proceedings should be validated. If the High Court has done anything which it ought not to have done, let it suffer. If the parties have gone to a High Court which had no power to decide, on this question, then let the parties suffer. I do not see why the Indian Legislature should be called upon to condone acts of a High Court or a party in cases which cannot but involve scandal. I, therefore, propose that the Bill be referred to a Select Committee ; and if this Select Committee thinks it proper, it may perhaps see other things which the Allahabad High Court has done and which it may find it necessary to bring before this House. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill be referred to a Select Committee, consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Henry Craik, Sir Cowasji Jehangir, Dr. P. N. Banerjee, Mr. G. Morgan, Mr. Ghansiam Singh Gupta, Khan Sahib Nawab Siddique Ali Khan, Mr. N. M. Joshi, Mr. D. J. N. Lee, Mr. L. Owen, Dr. Ziauddin Ahmad, Mr. Sami Venkatachalam Chetty and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was negatived.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad be taken into consideration.”

The motion was adopted.

**The Honourable Sir Nripendra Sircar** : Sir, before I proceed further with the matter today, I have to submit that a certain point has been put before me by the learned Leader of the Opposition and that may require a slight amendment of this Act which we can do on Wednesday if we come to the conclusion that it ought to be done for greater safety. I would, therefore, ask you, Sir, not to proceed with the further stages of the Bill today, as only two minutes are left to five.



**Mr. S. Satyamurti :** Will Government do their best to make provision for it in the next year's budget, in view of the very great importance of this subject for the cattle of this country ?

**The Honourable Sir Girja Shankar Bajpai :** My Honourable friend will realise that at this stage it is not possible to make a commitment because it is impossible to foresee what the financial position is going to be next year ; but I can assure him that the matter will receive the most sympathetic consideration.

**Mr. S. Satyamurti :** As regards human nutrition, may I know who is in charge of the work at Coonoor now, and are Government or is he considering the desirability of evolving a nutritious diet on a scale which the poor people in this country can afford, and make it available to the people as early as possible ?

**The Honourable Sir Girja Shankar Bajpai :** The successor of Sir Robert Mackerrison at Coonoor is a gentleman named Ackroyd who has very wide experience of nutrition work abroad ; and with regard to the second point mentioned by my Honourable friend, I believe he has already taken up the matter and actually issued a pamphlet showing how a man may live on two annas a day and have a very nutritious diet.

**Mr. S. Satyamurti :** May I ask whether the results of this research will be made available to the people in all the languages of the country, as early as possible ?

**The Honourable Sir Girja Shankar Bajpai :** As my Honourable friend is aware, that is primarily a matter for the Local Governments, but I shall have the suggestion of having it translated into the different languages considered.

#### PROHIBITION OF WOMEN FROM WORKING UNDERGROUND.

622. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the statement made by the Under Secretary of State for India in the House of Commons that two women were killed in a recent mining disaster in Bihar ;
- (b) when they propose to prohibit women working underground ; and
- (c) the reasons for delay in this matter ?

**Mr. A. G. Clow :** (a) Yes.

(b) The employment of women underground in mines was prohibited with effect from the 1st July, 1929, except in the coal mines in Bengal, Bihar and Orissa and the Central Provinces and the salt mines in the Punjab. In the case of these exempted mines the regulations promulgated by the Government of India in 1929 provided for a gradual percentage reduction each year in the number of women employed underground so as to lead to their total elimination by the 1st July, 1939. The question of advancing this date is at present under the consideration of the Government of India in consultation with the Local Governments and the Mining Boards concerned.

(c) There has been no delay.

**Mr. S. Satyamurti :** May I know what is the number of women or the percentage of women now working in the exempted mines, up to the latest date for which figures are available ?

**Mr. A. G. Clow :** I am afraid, I have not got that in my head, but I imagine it is somewhere about 14 per cent.

**Mr. S. Satyamurti :** May I know if Government will take immediate steps to prohibit the employment of women without waiting for 1939 ?

**Mr. A. G. Clow :** As I said at the end of the answer I gave to part (b), we are considering this question in consultation with the Local Governments and the Mining Boards concerned. As the Honourable Member is probably aware, a Convention was adopted at Geneva on this subject this year and will have to be considered in that connection.

**Mr. S. Satyamurti :** When will Government be able to bring up legislation, if necessary, or take administrative action to prohibit the employment of women underground ?

**Mr. A. G. Clow :** Legislation is not actually necessary, as the Government of India have been invested with rule-making powers under the Mines Act. Any rules that are published would require to have three months' notice after the Mining Boards have been consulted.

**Mr. S. Satyamurti :** Will Government expedite their decision in this matter as much as possible ?

**Mr. A. G. Clow :** Yes, Sir. We are considering it at the moment, and I hope as soon as we are relieved from the arduous labours of this Session, we will be able to come to a decision.

**Prof. N. G. Ranga :** Was any compensation paid to the families of these women ? If so, how much ?

**Mr. A. G. Clow :** I cannot say ; it would depend on whether their dependants filed applications under the Workmen's Compensation Act or not.

**Prof. N. G. Ranga :** Have Government tried to ascertain the facts ?

**Mr. A. G. Clow :** I see no reason to do so. Not only is it open to them to file applications but the Commissioner is specially entrusted with the duty of calling the attention of the dependants to the possibilities under that Act.

#### MANUFACTURE OF GUNS IN INDIAN ORDNANCE FACTORIES FOR THE USE OF THE INDIAN ARMY.

623. \***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the extent to which guns are manufactured in Indian Ordnance Factories for the use of the Indian Army ;
- (b) the results thereof ; and
- (c) when all India's requirements in this respect are expected to be provided locally ?

**Mr. G. R. F. Tottenham :** (a), (b) and (c). Practically all the guns required for the use of the Army in India are already manufactured in the Indian Ordnance Factories with satisfactory results.



**Mr. S. Satyamurti :** What is the significance of the word "practically" ? What are the gun requirements which are not wholly manufactured in this country ?

**Mr. G. R. F. Tottenham :** The only exception is that when the army takes into use a new pattern of weapon, we have to begin by getting that weapon from the manufacturers in England up to a certain quantity ; and then we get the patterns out here and make them up in our own factories. It is only for a limited period that we buy in England.

#### GOVERNMENT'S POLICY WITH REGARD TO THE TRIBES ON THE NORTH-WEST FRONTIER.

624. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) their definite policy with regard to the tribes on the North-West Frontier ;

(b) the cost incurred by Government in Frontier operations during the last three years ; and

(c) whether they propose to replace their present policy by policy of friendly adjustment with the tribes, and if not, why not ?

**Mr. J. G. Acheson :** (a) The attention of the Honourable Member is invited to the reply given on the 12th September, 1933, to Mr. M. Maswood Ahmad's question No. 880 and to the reply given by me to a similar question during the present Session ?

(b) The expenditure on operations on the Frontier during the last three years amounted to Rs. 39.64 lakhs. This includes the cost of road construction.

(c) The present policy of Government is in effect one of friendly adjustment with the tribes and the question of changing it does not, therefore, arise.

**Dr. Khan Sahib :** Will the Honourable Member be pleased to state if his attention has been drawn to an article in the *United Service Magazine* by "Mouse" forecasting the policy of the Government in the tribal area ? He has stated how to subdue the tribes one after the other, and to create military governors there and to charge no revenue or taxes. May I ask the Honourable Member if Government, by creating these military areas, have got at the back of their minds to control and direct these tribesmen from time to time into the administered area, to loot there and thus constantly keep up the disturbances on the Frontier and further always to create suspicion in the minds of the Hindus and the rest of India ?

**Mr. J. G. Acheson :** My answer to the first part of the question is that the article in question, of which I have heard, represents the views of a private individual only, and Government are in no way responsible for it. The second part of the question contains a number of implications and insinuations, and, therefore, does not call for a reply.

**Dr. Ziauddin Ahmad :** May I ask if it is not a fact that the people in tribal areas pay customs duty as the customs barrier is on the other side ?

**Mr. J. G. Acheson :** Certainly, on such goods which they consume which come through Indian ports of entry and are dutiable.

**Dr. Ziauddin Ahmad :** So they do pay taxes ?

**Mr. J. G. Acheson :** Indirectly, yes.

**Mr. S. Satyamurti :** With reference to clause (c) of this question, I did use the phrase "friendly adjustment" myself ; but I am asking whether the Honourable the Foreign Secretary understands that phrase in the sense in which I used it : is it the policy of the Government to recognise the independent or quasi-independent position of these tribes, and come to a settlement with them as between friends or allies, or is it their policy to subjugate them and make them real subjects of the British Raj ?

**Mr. J. G. Acheson :** I do not think I have anything to add to the very full statements of policy already made by me during this Session. I think that I have understood what the Honourable Member means by "friendly adjustment" and have replied to it, taking it in the ordinary plain sense of the expression.

**Mr. S. Satyamurti :** Do Government, therefore, recognise that these tribes might remain independent and yet friendly with the British Government ?

**Mr. J. G. Acheson :** The object of Government is that these tribes should be on friendly terms with the Government. Government do not admit that these tribes are independent tribes.

**Mr. S. Satyamurti :** What is their political status ? Are they independent, quasi-independent, or are they subjects of the British Government ?

**Mr. J. G. Acheson :** That has already been answered on a previous occasion in this Assembly.

**Mr. S. Satyamurti :** I do not understand that answer : I want an answer which I as a layman can understand : what is the political status of these tribes, according to the British dictionary ?

**Mr. J. G. Acheson :** The status is that of British protected persons, or it was that until the new Constitution Act ; there has been some alteration of status in the new Constitution Act ; but, at the moment, I am not prepared to go into a dissertation on the legal niceties of the position : that is rather a matter for the representative of the Legislative Department.

**Mr. S. Satyamurti :** Will Government give up fighting these tribes then, and sue for peace with them ?

**Mr. J. G. Acheson :** Government do not fight the tribes : they fight the Government from time to time.

#### ENQUIRY INTO THE INCOME-TAX SYSTEM IN INDIA.

625. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) when the enquiry into the Income-tax system in India foreshadowed by the Honourable the Finance Member last April will be started ;

- (b) what its composition and terms of reference will be ; and
- (c) what opportunities will be given for non-official opinion to express itself before the body conducting the enquiry ?

**The Honourable Sir James Grigg :** I would refer the Honourable Member to previous answers on this subject—in particular those to No. 35 and No. 367.

**Mr. S. Satyamurti :** Is there any further answer to clause (c) of the question ?

**The Honourable Sir James Grigg :** No : that is dealt with pretty fully in the answers to which I have referred.

**Mr. S. Satyamurti :** Have Government come to any conclusion as to the nature or extent of non-official opinion which will be made available in this inquiry ?

**The Honourable Sir James Grigg :** A communication has been addressed to some representative commercial bodies suggesting that, in the first instance, they should send written memoranda, and that, in the centres to which the experts are going, they can make oral representations.

#### ENQUIRY INTO THE FINANCIAL RESOURCES OF THE PROVINCES ON THE EVE OF THE NEW CONSTITUTION.

626. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) when the inquiry into the financial resources of the Provinces on the eve of the new constitution coming into force would be held ;
- (b) what its composition and terms of reference will be ; and
- (c) whether the enquiry will include financial experts of the Provinces and also of the Federation or only of the Provinces ?

**The Honourable Sir James Grigg :** An announcement on the subject has already been made.

**Mr. S. Satyamurti :** Sir, I am asking only clause (c) of this question, as an announcement has already been made by the Government with reference to clauses (a) and (b).

**The Honourable Sir James Grigg :** I was giving an answer to the whole question by asking the Honourable Member to wait till the short notice question had been asked and answered : but I am not sure that that particular point is included in that question. But that is covered by the terms of the announcement that the inquiry will be conducted by one expert who represents neither the provinces nor the centre.

**Mr. S. Satyamurti :** May I ask with regard to clause (c) of the question, whether financial experts of the provinces or the Federation or of both will be associated as assessors or in any other advisory capacity with this gentleman ?

**The Honourable Sir James Grigg :** No : I think their association with the inquiry will be in the capacity of witnesses.

**Mr. S. Satyamurti :** There will be no advice offered to him either by this Government or by the Provincial Governments ?

**The Honourable Sir James Grigg :** Call it advice if you like : I call it evidence.

**Mr. S. Satyamurti :** Will they submit memoranda to him ?

**The Honourable Sir James Grigg :** Indubitably.

**Mr. S. Satyamurti :** Will they be offered as witnesses for oral examination by this gentleman ?

**The Honourable Sir James Grigg :** I have not the slightest doubt, yes.

#### REVISION AND CLASSIFICATION OF GOODS TRANSPORTED ON RAILWAYS.

627. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they are considering the revision and classification of goods transported on the Railways ;
- (b) when they propose to come to a conclusion thereon ; and
- (c) whether opportunities would be given for non-officials to express their opinion before they make up their mind in the matter ?

**Mr. P. R. Rau :** (a) and (c). I would refer the Honourable Member to the reply I gave to his question No. 127 on the 5th September, 1935.

(b) I regret I am unable to say now when a conclusion will be reached.

**Mr. S. Satyamurti :** May I know whether Government realise the need for expedition in this matter, and may I know the reason for the inability of my Honourable friend to make a statement as to when they propose to come to a conclusion on this important matter ?

**Mr. P. R. Rau :** Sir, Government fully realise the need for expedition in this matter : the only reason why I am unable to give a reply to his question is that I am not an astrologer.

**Mr. S. Satyamurti :** Apart from being an astrologer, does it require anything else for the Honourable Member to decide, when they can come to a conclusion on matters pending before them ? It does seem to me that this House should be treated with a little more courtesy, and that answers should be given to questions which have been pending for a long time with Government.

**Mr. P. R. Rau :** It is impossible for me to forecast the future in this matter.

**Mr. S. Satyamurti :** Will my Honourable friend tell me what are the obstacles in the way of coming to a conclusion in the next two or three months ?

**Mr. P. R. Rau :** The question is far too complicated to expect that we shall be able to arrive at a conclusion in the next two or three months. The first thing that Government is trying to ascertain is what statistics would be required as a preliminary measure before we can consider the proposals to reclassify the whole of the goods classification : and on that

we are awaiting a report from the Indian Railway Conference Association, which we expect will be received in October. It is only after that report has been received and examined that we shall be in a position to settle what is the procedure we shall adopt.

**Mr. S. Satyamurti :** Will Government take every possible step to expedite a conclusion on this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes.

#### INDIAN AND EUROPEAN OFFICERS WORKING IN THE FINANCE DEPARTMENT.

628. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- how many Indian and European Officers have been working in the Finance Department (Civil) of the Government of India in Simla and Delhi for the past fifteen financial years, their designations and their salaries ;
- whether there is any policy of Europeanisation being followed in respect of the staffing of this Department ; and
- if so, the reasons therefor ?

**The Honourable Sir James Grigg :** (a) A statement is laid on the table.

(b) No.

(c) Does not arise.

#### Statement.

Twenty-eight European officers and 25 Indian officers have been appointed permanently to posts in the Finance Department (Civil) of the Government of India in Simla and Delhi during the last fifteen financial years. Certain officers have, however, served in more than one post and in the statement given below officers who have served in more than one post are shown against each such post :

| Designation.                                            | No.<br>of<br>Europeans. | No.<br>of<br>Indian |
|---------------------------------------------------------|-------------------------|---------------------|
| Secretary or Additional Secretary .. .. .               | 7                       | ..                  |
| Financial Commissioner, Railways .. .. .                | 2                       | 1                   |
| Financial Adviser, Posts and Telegraphs .. .. .         | 3                       | 1                   |
| Joint Secretary .. .. .                                 | 8                       | ..                  |
| Officer on Special Duty .. .. .                         | 9                       | 9                   |
| Deputy Secretary or Additional Deputy Secretary .. .. . | 8                       | 4                   |
| Budget Officer .. .. .                                  | ..                      | 3                   |
| Under Secretary .. .. .                                 | 2                       | 5                   |
| Assistant Secretary .. .. .                             | ..                      | 12                  |

#### Salaries.

##### Assistant Secretary.

- When held by an officer of the Indian Audit and Accounts Service—pay in the time-scale of that Service, plus a special pay of Rs. 250 per mensem.
- When promoted from the Imperial Secretariat Service Class II—Rs. 1,000—50—1,250.

##### Under Secretary.

- When held by an officer of the Indian Audit and Accounts Service, grade pay plus special pay of Rs. 300 per mensem.
- When held by an officer of the Indian Civil Service, pay in the junior time-scale plus special pay of Rs. 300 per mensem.

##### Budget Officer.

Pay in the scale of Rs. 1,500—100—2,000.

##### Deputy Secretary or Additional Deputy Secretary.

- For a member of the Indian Civil Service pay in the senior time-scale of I. C. S. plus a special pay of Rs. 400 per mensem plus overseas pay subject to a maximum of Rs. 2,250 for pay plus special pay but excluding overseas pay.
- When held by an officer not belonging to I. C. S.—pay in the time-scale of the Service to which the officer belongs plus a special pay,—the amount of which is fixed with reference to the merits of each case.

##### Officer on Special Duty.

Pay is fixed on the merits of each case.

##### Joint Secretary.

Pay varies from Rs. 3,000 to Rs. 3,750 and overseas pay of £13-6-8 per mensem is drawn in addition by officers getting not more than Rs. 3,000 per mensem.

##### Financial Adviser, Posts and Telegraphs.

Pay in the scale of Rs. 2,500—125—3,000.

##### Financial Commissioner, Railways.

Pay Rs. 4,000 per mensem.

##### Secretary or Additional Secretary.

Pay Rs. 4,000 per mensem.

**Mr. S. Satyamurti :** Question No. 629.

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, before I answer this question, there is a point of order that I want to raise. I have noticed that some of the Honourable Members opposite are in the habit, after questions have been put and answers have been given, of making comments on the nature of the answers that have been given : sometimes they are even of a complimentary nature—as was the case with regard to my last reply : very often they are otherwise, but that is not my objection : it is open to them to do what they like ; but I have noticed that these comments also go down in the reports and are printed. These are not parts of the questions and answers, and I respectfully request that you will be pleased to give a ruling as to whether these should be printed or not. I am not objecting to Honourable Members making comments—they can please themselves ; but these comments should not form part of the printed record of questions and answers.

**Mr. President** (The Honourable Sir Abdur Rahim) : As a matter of fact, any comment or criticisms made, after a question has been answered, cannot be treated as part of the proceedings; and I, therefore, direct that such comments should not be embodied in the published proceedings.

#### APPOINTMENT OF INDIANS AS CHAIRMEN OF PORT TRUSTS IN INDIA.

629. **\*Mr. S. Satyamurti** : With reference to letter No. 232-P. & L.-5/35, dated the 18th July, 1935, from the Government of India, to the Indian Merchants' Chamber, Bombay, will Government be pleased to state :

- (a) the reasons why they consider it will be contrary alike to public policy and to interests of Ports to make a statutory provision that the Chairmen of Port Trusts shall be Indians ;
- (b) whether they have considered the fact that so far there have been no Indian Chairmen of Port Trusts though these Port Trusts are to serve the interests of India first ; and
- (c) whether they propose to take any action with a view to satisfy the legitimate demands of Indians that the Chairmen of Port Trusts shall, as far as possible, be Indians ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) The attention of the Honourable Member is invited to section 96 of the Government of India Act, 1919, and section 111 (1) of the new Government of India Act. Moreover, any restriction of the kind contemplated would limit the field of selection, and any limitation of the field of selection would react against the best interests of the ports.

(b) It is not true that there have been no Indian Chairmen of Port Trusts.

(c) I would invite the attention of the Honourable Member to the reply given to his question No. 731 on the 8th March, 1935, and to the supplementary questions and answers thereto, where the whole matter is discussed in great detail.

**Mr. S. Satyamurti** : May I know what are the reasons which prompted the Government to say that to make a statutory provision that Chairmen of Port Trusts shall be Indians was contrary to public policy ? What is the public policy which Government had in mind ?

**The Honourable Sir Muhammad Zafrullah Khan** : That was clause (a) of the question : I have read out a detailed reply to it.

**Mr. S. Satyamurti** : My Honourable friend has given reference only to sections of the old Act and the new Act. Government published a communiqué, if my memory serves me aright, stating that a provision like this is contrary to public policy. I am asking, Sir, what, apart from the statutory prohibition in the matter, is the public policy in the mind of the Government contrary to which they thought this provision would be, if it was made ?

**The Honourable Sir Muhammad Zafrullah Khan** : In addition to the provisions of the Statute to which I have made reference in my answer to part (a) of the question, I believe I did say that any restriction of

the kind contemplated would limit the field of selection, and any limitation of the field of selection would react against the best interests of the ports.

**Mr. S. Satyamurti** : Does not public policy in India at least, Sir, require that Chairmen of Port Trusts should be Indians ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have no doubt, Sir, that, as time passes and a larger number of Indians can be appointed to the Port Trusts on a larger number of occasions than heretofore, the Chairmen will be Indians.

**Mr. S. Satyamurti** : What are the reasons, Sir, why Government consider that a statutory provision to this effect would adversely affect the interests of the ports ? Will not Indian Chairmen guarantee the interests of ports, at least as diligently and as efficiently as European Chairmen ?

**The Honourable Sir Muhammad Zafrullah Khan** : It is a question of selection in each case out of a certain circle of people who are likely to serve the interests of ports best, and out of that circle it might be possible that on some occasions a European would be the best choice and on some occasions an Indian would be the best choice.

**Mr. S. Satyamurti** : Is it the case of the Government, Sir, that, so far no Indian has been available to serve in the various Port Trusts of India,—competent, efficient and honest enough to be a Chairman of the Port Trust ?

**The Honourable Sir Muhammad Zafrullah Khan** : That is not the Government case.

**Mr. S. Satyamurti** : Then, why was no Indian appointed so far to any of the Port Trusts ?

**The Honourable Sir Muhammad Zafrullah Khan** : There is another question put down on that, and it will be answered when it is reached.

**Mr. S. Satyamurti** : I want to ask why the Government do not propose to take any action.

**The Honourable Sir Muhammad Zafrullah Khan** : I beg your pardon,—it is part of this question. It is not true that there has been no Indian Chairmen of Port Trusts.

**Mr. S. Satyamurti** : How many Indians have been appointed Chairmen of Ports Trusts so far ?

**The Honourable Sir Muhammad Zafrullah Khan** : I believe on three or four occasions.

**Mr. S. Satyamurti** : In Bombay, has there been any so far ?

**The Honourable Sir Muhammad Zafrullah Khan** : No, Sir.

**Mr. S. Satyamurti** : In Calcutta ?

**The Honourable Sir Muhammad Zafrullah Khan** : No. In Aden and Chittagong, there were Indian Chairmen.

**Mr. S. Satyamurti** : In Calcutta, Bombay, Madras, or Karachi, the most important ports, there have been no Indian Chairmen ?

**The Honourable Sir Muhammad Zafrullah Khan :** That follows from my previous reply.

**Mr. S. Satyamurti :** I want to ask about part (c),—as to why Government don't propose to take any action to satisfy the legitimate demands of Indians that Chairmen of Port Trusts shall, as far as possible, be Indians.

**Mr. President** (The Honourable Sir Abdur Rahim) : That has been fully answered. (Laughter from the European Benches.)

STATEMENT OF THE JAPANESE AMBASSADOR IN BOMBAY ABOUT THE  
INDO-JAPANESE PACT.

630. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the statement of the Japanese Ambassador in Bombay early this month about the Indo-Japanese Pact ;

(b) whether they propose to start negotiations on that basis ; and

(c) when they propose to come to a conclusion in that matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The Honourable Member no doubt refers to a statement by His Excellency Monsieur Matsushima, an officer of the Japanese Foreign Office, inspecting Japanese Consulates abroad.

If that is so, (b) and (c). Government do not consider that a personal expression of opinion by a Japanese official provides a basis for negotiations.

**Mr. S. Satyamurti :** Apart from that, will Government consider the desirability of starting negotiations with Japan, considering the amount and the nature of trade between the two countries and their geographical position ?

**The Honourable Sir Muhammad Zafrullah Khan :** When the present Indo-Japanese Trade Agreement is drawing towards the close of its period, naturally Government will have to consider something of that description.

FEETHAM COMMISSION REPORT ON THE OCCUPATION OF COLOURED PERSONS  
OF PROCLAIMED LAND IN TRANSVAAL.

631. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have received the Feetham Commission Report appointed to inquire into the occupation of coloured persons of proclaimed land in Transvaal ;

(b) whether copies of the report will be made available to the Members of the Legislative Assembly ; and

(c) what action they propose to take thereon ?

**The Honourable Sir Girja Shankar Bajpai :** (a) and (b). Only Parts I and II of the Report of the Transvaal Asiatic Land Tenure Act Commission have been published ; copies of these have been placed in the Library of the House.

(c) The Government of India await the views of their Agent in South Africa and the local Indian community. After consideration of these they will take such action as may appear desirable.

CANCELLATION OF THE PASSPORT OF MR. MASANI OF BOMBAY.

†632. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the questions and answers in the House of Commons about the impounding of the passport of Mr. Masani, Joint Secretary of the All-India Socialist Party ;

(b) in what terms the request of the Government of India to the Secretary of State to impound his passport was couched, and whether their correspondence on the subject will be placed on the table of the House ;

(c) the reasons for this request ;

(d) whether it is a fact that the Government of India considered that Mr. Masani's activities in connection with communism made it desirable that he should not travel abroad and, if so, what the basis of this opinion of the Government of India was ;

(e) whether the Government of India have come to the conclusion that communists do not deserve a passport for travelling abroad ; and

(f) whether they have come to the conclusion that persons holding communist opinions are to be treated differentially by the Government of India and they are to be punished for the holding of opinions ?

INCREASE IN PENSIONS OF LOWER-PAID POSTAL EMPLOYEES.

633. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have taken any action in regard to the increasing of pensions of lower-paid postal employees ; and

(b) when they propose to take up and decide this matter ?

**Mr. G. V. Bewoor :** The Honourable the Finance Member is going to answer another question on the same subject a little later and I ask the Honourable Member to await that answer.

**Mr. S. Satyamurti :** May I know, Sir, whether the Postal Department has no answer in this matter ?

**The Honourable Sir James Grigg :** It is a general question.

**Mr. G. V. Bewoor :** It is a general question referring to inferior servants, and Mr. Joshi has question No. 642 on the same subject. The Honourable the Finance Member will reply to it and that reply will cover this question as well.

**Mr. S. Satyamurti :** My question is about the postal employees.

†For answer to this question, see answer to question No. 532 answered on the 20th September, 1935.

**The Honourable Sir James Grigg :** My answer will cover postal employees also.

**Mr. S. Satyamurti :** I want an answer from the Department concerned as to what is going to be done with regard to postal employees ?

**Mr. President (The Honourable Sir Abdur Rahim) :** That is part of another question.

**Mr. S. Satyamurti :** No, Sir ; I do not concede that it is part of another question. The Finance Department for financial reasons may not agree to it, but I want the Postal Department to press this question.

**The Honourable Sir James Grigg :** Perhaps the Honourable Member will wait and see what the answer is.

#### FALL IN EXPORTS AND RISE IN IMPORTS.

634. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the fact that the fall in exports in the quarter of April-June from India amounted to Rs. 11.92 crores, i.e., 47 per cent. as compared with the same period of last year ;

(b) whether even gold exports are falling ; and

(c) whether imports have been steadily increasing by Rs. 2 crores during the last two months ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The total exports of private merchandise and treasure during the quarter April-June, 1935, amounted to Rs. 43.89 crores as compared with Rs. 54.32 crores in the corresponding months of 1934, a decrease of Rs. 10.43 crores or 19 per cent. This decrease was, however, due to a fall in the exports of gold as indicated in part (b) of the reply. The exports of private merchandise during the period April-June, 1935, actually showed an increase of Rs. 98 lakhs or about three per cent. as compared with the corresponding period of 1934, the export figures for the two periods being Rs. 39.04 and Rs. 38.06 crores, respectively. The latter figure is for the earlier period.

(b) Exports of gold during April-June, 1935, were valued at Rs. 4.09 crores as compared with Rs. 15.70 crores during the corresponding period of 1934. In July, 1935, there was, however, a marked increase when the exports amounted to Rs. 6.04 crores as compared with Rs. 4.09 crores during the quarter ending June, 1935, and Rs. 5.83 crores in the corresponding month of 1934.

(c) No. During the months of June and July, 1935, the latest for which figures are available, the imports amounted to Rs. 9.92 and 10.06 crores, respectively, as compared with Rs. 9.56 and 9.90 crores in the corresponding months of 1934.

**Mr. S. Satyamurti :** With reference to the answers to clauses (a) and (b) of the question, Sir, in view of the fact that in spite of the increase in the export of private merchandise on the whole, the exports have been falling, will the Honourable the Commerce Member be pleased to state what steps Government have taken or contemplate taking, with a view to redressing the balance of trade ?

**The Honourable Sir Muhammad Zafrullah Khan :** That refers to the decrease in the export of gold, and I think that is a question for the Honourable the Finance Member to answer.

**Mr. S. Satyamurti :** No, Sir. My point is that the entire value of exports, in spite of increase in the export of private merchandise, has fallen. May I know, in view of that fall in the total value of exports, what steps have Government taken or they propose taking in order to redress the inequality ?

**The Honourable Sir Muhammad Zafrullah Khan :** As I have said, that is a matter for the Finance Department.

**Mr. S. Satyamurti :** Is not the Commerce Member concerned with the export and import trade of this country ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Sir.

**Mr. S. Satyamurti :** I am asking him, therefore, whether he contemplates taking any steps to promote the export trade of this country apart from gold ?

**The Honourable Sir Muhammad Zafrullah Khan :** Apart from the exports of gold, if the question is confined to that, I have on several occasions submitted to Honourable Members the various steps the Government of India have taken or contemplate taking and the difficulties that exist with regard to certain steps that have been suggested by Honourable Members opposite with regard to agreements with various countries. I thought the Honourable Member's question was directed to the export of gold, and that is why I stated that that part of the question would be answered by the Honourable the Finance Member.

**Mr. S. Satyamurti :** Will Government take steps, in view of these disturbing figures, to promote the export trade of this country ?

**The Honourable Sir Muhammad Zafrullah Khan :** Some of these are in the stage of correspondence and negotiations with foreign countries. It is not only the Government at this end which can expedite these steps, but they must await the pleasure of the Governments of the countries with whom they are carrying on negotiations.

**The Honourable Sir James Grigg :** May I also add that I do not know in what respect the Honourable Member finds the figures disturbing, but so far there has been no difficulty in India buying foreign exchange at a good price.

#### REGULATION OF THE BARTER OF IMPORTED GOODS AGAINST EXPORTS IN ITALY.

635. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the Ministerial Decree having been promulgated by the Government of Italy with the object of regulating the barter of imported goods against exports ;

(b) whether they have examined this matter carefully ; and

(c) what action they propose to take to safeguard Indian interests ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) and (c). The arrangements for private barter of goods came into force only very recently and there is no indication of their having seriously affected Indian export trade with Italy. The Government of India are, however, carefully watching the whole situation arising out of the restrictive measures imposed by Italy with a view to taking such action as may be desirable in the interests of Indian trade.

**Mr. S. Satyamurti :** What are the latest figures of Indian exports to Italy up to the time for which figures are available to the Honourable the Commerce Member ?

**The Honourable Sir Muhammad Zafrullah Khan :** Does the Honourable Member want a comparison of the figures or does he want the latest figures ?

**Mr. S. Satyamurti :** The latest figures.

**The Honourable Sir Muhammad Zafrullah Khan :** The latest figures for the period April to July of 1935, are, exports to Italy, 1,72,02,643, imports from Italy, 58,33,360.

**Mr. S. Satyamurti :** Has there been a fall, or a rise or is it stationary ?

**The Honourable Sir Muhammad Zafrullah Khan :** I did think that the Honourable Member would want a comparison, and I can give him a comparison of the figures. For the corresponding period of 1933, that is to say, April to July, 1933, the figures are as follows. Exports to Italy, 1,81,68,712 ; imports from Italy, 71,50,333. The balance in that year in favour of India was 1,10,18,379. In the corresponding period of 1934, that is to say, April to July 1934, exports to Italy, 1,84,20,287 ; imports from Italy, 79,94,480. The balance in favour of India was 1,04,25,807. For 1935 I have given the figures already. The balance in favour of India was 1,13,69,283,—larger than either in 1933 or 1934.

**Prof. N. G. Ranga :** Is it not a fact that our exports of ground-nut to Italy have been falling ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise out of this question.

#### STORES FOR RAILWAYS PURCHASED THROUGH THE INDIAN STORES DEPARTMENT.

636. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- the extent to which stores purchases for Indian Railways are being made through the Indian Stores Department ;
- the reasons why all such purchases are not being made through the Stores Department ; and
- whether Government are prepared to consider the desirability of using the Indian Stores Department only for this purpose ?

**Mr. P. R. Rau :** (a) During 1934-35, the percentage of stores purchased by State-managed Railways, through the Indian Stores Department, was 31½ per cent. of the total. This percentage has been calculated on the total purchases of stores made by those railways. There are, however, certain classes of stores, which are not handled by the Indian Stores Department, such as stone, bricks, lime, ballast, etc. Also

the purchase of certain stores (namely, rails, fishplates, wagons and underframes, sleepers and coal) is centralised under the Railway Board. These items should be excluded in forming an idea of the extent to which the Railway purchases have been transferred to the Indian Stores Department. The proportion of Indian Stores Department purchases on this basis may be taken to be 60 per cent. approximately.

(b) and (c). The policy of Government is to make all purchases for State-managed Railways through the Indian Stores Department when any advantage is gained thereby either to railways or to the State as a whole. To achieve this, periodical meetings are held between the Railway Board and the Chief Controller of Stores, Indian Stores Department, to consider what additional items of stores can be handed over to the Indian Stores Department for purchase.

So far as Company-managed Railways are concerned, their contracts with the Secretary of State do not permit Government to give them instructions with regard to the methods of purchase.

**Mr. S. Satyamurti :** May I know, so far as these purchases are centralised in the Railway Board, whether they are all made through the Indian Stores Department ?

**Mr. P. R. Rau :** No, Sir. They are made by the Railway Board themselves.

**Mr. S. Satyamurti :** Not through the Indian Stores Department ?

**Mr. P. R. Rau :** No.

**Mr. S. Satyamurti :** May I know the reason why the Railway Board do not utilise the machinery of the Indian Stores Department for their purchases ?

**Mr. P. R. Rau :** There is no special advantage in that, for instance, take the case of coal. There is no special advantage gained by entrusting the purchase of coal to the Indian Stores Department. Take the rails for instance. The Indian Stores Department inspect the rails but the purchase is made under the terms of a contract arranged between the Railway Board and the Tatas.

**Mr. S. Satyamurti :** In view of the fact that the Indian Stores Department is being maintained by Government, will the Railway Board consider the making of purchases through them wherever there is no disadvantage to the railways ?

**Mr. P. R. Rau :** I have already said that the policy of the Government is to entrust the purchase to the Indian Stores Department whenever any advantage is gained thereby either to the railways or to the State.

**Mr. S. Satyamurti :** May I know, with regard to Company-managed Railways, if any proportion of their purchases is made through the Indian Stores Department, or are they all made outside ?

**Mr. P. R. Rau :** A certain proportion is being purchased by the Company-managed Railways through the Indian Stores Department, and I believe that that percentage is increasing.

**Mr. S. Satyamurti :** Will the Railway Board urge upon the Company-managed Railways, apart from compelling them, to make as many



purchases as possible, through the Indian Stores Department wherever, as the Railway Board have laid down, there is advantage to the Company-managed Railways?

**Mr. P. R. Rau :** We have already done that, and we propose to continue exercising whatever pressure we can bring to bear upon them for that purpose.

#### MANUFACTURE OF LOCOMOTIVE BOILERS AND LOCOMOTIVES IN INDIA.

637. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) to what extent, if any, Locomotive Boilers and Locomotives are being manufactured in India ;
- (b) whether the Railway Board have examined the position ; what their conclusions are ; and
- (c) when Government hope to make arrangements for manufacturing all Locomotive Boilers and Locomotives in India for their Railways ?

**Mr. P. R. Rau :** (a) From 1930-31 to 1934-35 an average of thirteen locomotives together with their boilers have been built per annum in the Ajmer Workshops of the Bombay, Baroda and Central India Railway.

(b) and (c). I would refer the Honourable Member to the speech made by the Honourable the Railway Member on the 4th of September on the subject.

**Mr. S. Satyamurti :** Have the Government considered the position arising out of the passing of that Resolution by this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** No.

**Mr. S. Satyamurti :** Do the Government propose to consider that Resolution passed by this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have nothing to add to what I have stated in my speech on the Resolution.

**Mr. S. Satyamurti :** The Resolution was passed after the Honourable Member's speech. My question is whether Government propose to consider the Resolution which was passed ? His speech was made before the passing of the Resolution. I am asking whether after the passing of the Resolution the Government propose to consider this. I am entitled to an answer on that point.

**The Honourable Sir Muhammad Zafrullah Khan :** Nothing that was said during the course of the debate has served to change my view in that respect.

**Mr. S. Satyamurti :** Has the passing of the Resolution produced any effect on the Honourable the Commerce Member's mind ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, except to think that on occasions this House is apt to take a very unreasonable view of things.

**Mr. S. Satyamurti :** On a point of order, Sir. Is it right on the part of any Honourable Member to characterise any Resolution of this House as unreasonable ?

**Mr. President (The Honourable Sir Abdur Rahim) :** There can be no reflection made by any Honourable Member on this House.

**The Honourable Sir Muhammad Zafrullah Khan :** I was asked a particular question as to what effect the passing of the Resolution had on my mind. If I had to be truthful I had to say what effect it had on my mind. If the Honourable Member is prepared to withdraw the question I am prepared to withdraw the answer. If the question is repeated, I will have to give the same answer. And what answer can I give except to say what effect it had on my mind ?

**Mr. S. Satyamurti :** I submit, Sir, that the Honourable Member must withdraw his answer.

**The Honourable Sir Muhammad Zafrullah Khan :** Then the Honourable Member cannot insist on asking what effect it had on my mind.

**Mr. President (The Honourable Sir Abdur Rahim) :** Whatever the effect might be on the mind of any Honourable Member, he cannot express in this House any reflection on the House.

**The Honourable Sir Muhammad Zafrullah Khan :** My reply is that I refuse to answer that question.

**Mr. S. Satyamurti :** I want the Honourable Member to withdraw the word he has used. The word has been used and it has gone into the records. The Honourable Member must withdraw.

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot give an answer to that question except the one I have given as it relates to the effect it had on my mind.

**Mr. S. Satyamurti :** I insist that the Honourable Member must withdraw having regard to the categorical ruling given by you, Sir.

**The Honourable Sir Muhammad Zafrullah Khan :** That is the reply which I substitute.

**Mr. N. M. Joshi :** May I know whether the Government of India have considered that Resolution ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes.

**Mr. N. M. Joshi :** May I ask what the result of their consideration is ?

**The Honourable Sir Muhammad Zafrullah Khan :** That the Government have not changed their views in the matter.

**Mr. S. Satyamurti :** When I asked that question, the answer was, No, and when Mr. Joshi asks the same question he says, Yes. Which is the correct answer ?

**The Honourable Sir Muhammad Zafrullah Khan :** I thought that on the first occasion the question was whether the Government had changed their views.....

**Mr. S. Satyamurti :** I did not say reconsidered, I said considered. I want the House to be treated with some respect.

**The Honourable Sir Muhammad Zafrullah Khan :** If the question was whether the Government had considered it, my reply is, Yes.

**Mr. S. Satyamurti :** When did they consider it ?

**The Honourable Sir Muhammad Zafrullah Khan :** After the Resolution was passed.

**Mr. S. Satyamurti :** Was there a meeting of the Council for the purpose ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is a question which no Honourable Member is entitled to put to any Member of Government.

**Mr. S. Satyamurti :** What is the answer to my point of order, Sir ?

**The Honourable Sir Muhammad Zafrullah Khan :** That the answer may be substituted,—that I cannot answer that question.

#### EXCLUSION OF THE CHITTAGONG HILL TRACTS FROM THE GENERAL CONSTITUENCY FOR ELECTION TO THE BENGAL LEGISLATIVE COUNCIL.

638. **\*Dr. Thein Maung :** (a) Will Government please state if the Chittagong Hill Tracts are excluded from the general constituency for election to the Bengal Council ?

(b) If so, what is the reason for it and whether Government propose to request His Majesty's Government to include these Tracts within the electoral district ?

(c) Are Government aware that many of the people classified as 'animists' are as a matter of fact Buddhists ?

**The Honourable Sir Nripendra Sircar :** (a) Yes.

(b) The Montagu-Chelmsford Report recommended the exclusion from the jurisdiction of the reformed provincial Governments of backward areas where the people were primitive and there was no material on which to found political institutions. The Chittagong Hill Tracts were included among such areas because they consist of an area of very sparsely populated hills and ravines which are covered with dense jungle and the inhabitants of which belong to a variety of primitive tribes. The point raised in the latter part of the question is under consideration.

(c) The Honourable Member presumably refers to Bengal but if he will read the Bengal Census report and Tables, 1931, he will find that there is no return of the number of animists so I do not understand why he should ask if Buddhists have been returned as animists.

#### REPRESENTATION OF BUDDHISTS IN GOVERNMENT SERVICES.

639. **\*Dr. Thein Maung :** (a) Are Government aware that qualified Buddhist candidates find it impossible to get posts in the Government Services in India proper ? If so, what is the cause ?

(b) Will Government state how many Buddhists are employed in the All-India Services ? If they are not adequately represented, are Government prepared to take action to have them represented ?

(c) Are Government prepared to consider the desirability of reserving some of the posts for Buddhist candidates on the same principle as adopted in the case of other minorities ?

**The Honourable Sir Henry Craik :** (a) Government have heard no complaint regarding any difficulty felt by Buddhist candidates in getting posts in the Government service. If the Honourable Member has any particular case in mind, I will have it investigated.

(b) There are 26 Buddhists in the Indian Civil Service and five in the Indian Police and one known Buddhist in the Indian Medical Service (Civil Branch). As regards the other all-India Services, recruitment has either been stopped or suspended, and Government do not think it would serve any useful purpose to collect similar information in respect of such Services.

(c) There are very few Buddhists in India outside Burma and Bengal. The Resolution of 4th July, 1934, does not apply to Burma. In Bengal, Buddhists are eligible for appointment in the quota of vacancies reserved for 'other minorities', as explained in the second part of the Home Department Office Memorandum of the 15th May, 1935, a copy of which is in the Library of the House.

#### REPRESENTATION OF BUDDHISTS IN THE ARCHÆOLOGICAL DEPARTMENT.

640. **\*Dr. Thein Maung :** (a) Is it a fact that the Archæological Department is over-represented by some communities ?

(b) In view of the large number of Buddhist ruins under the control of the Archæological Department, are Government prepared to consider the desirability of giving training to Buddhist candidates ?

**The Honourable Sir Girja Shankar Bajpai :** (a) I take it that the Honourable Member wishes to know whether there is any community over represented in the Archæological Survey of India. On that assumption, the answer is in the negative.

(b) The training of apprentice scholars in the Archæological Survey of India has been suspended owing to financial stringency. The question of its revival will be considered as soon as the financial outlook improves. When the system of apprentice scholars is revived the Honourable Member's suggestion will receive careful attention.

#### ENQUIRY REGARDING THE WORKING OF THE CHILDREN (PLEDGING OF LABOUR) ACT.

641. **\*Mr. N. M. Joshi :** (a) Will Government be pleased to state whether they have made any enquiry regarding the working of the Children (Pledging of Labour) Act II of 1933 ?

(b) If so, do they propose to publish a Report on the working of the Act ?

(c) If the answer to part (a) above be in the negative, will Government be pleased to state whether they propose to make any enquiry and publish the report ?

**Mr. A. G. Clow :** (a) No.

(b) Does not arise.

(c) Government have no such enquiry in contemplation.

**Mr. N. M. Joshi :** May I ask whether Government think that no good will come out of the inquiry ? Why do they not propose an inquiry ?

**Mr. A. G. Clow :** It would be extremely difficult to conduct a satisfactory inquiry into an Act of this kind, as it is partly civil law and partly imposes criminal penalties. Particulars could no doubt be secured of the number of prosecutions but they would not give an adequate idea of the manner of the operation of the Act....

**Prof. N. G. Ranga :** Are any of the Provincial Governments securing these statistics regarding the working of this Act ?

**Mr. A. G. Clow :** Not so far as I am aware, unless they have included particulars in their criminal statistics ; but I do not think there is a separate entry relating to this rather small Act.

**Prof. N. G. Ranga :** Will Government consider the desirability of asking the Provincial Governments to collect these statistics ?

**Mr. A. G. Clow :** As I have already explained, a mere record of the number of successful or unsuccessful prosecutions would not afford any adequate indication of the operation of the Act.

#### INCREASE IN THE RATE OF PENSION PAID TO THE INFERIOR GOVERNMENT SERVANTS.

642. **\*Mr. N. M. Joshi :** Will Government be pleased to state whether they have taken steps to increase the rate of pension paid to their employees belonging to inferior service, and if they have, will they be pleased to state when the increased rate will come into operation ?

**The Honourable Sir James Grigg :** The Government of India have formulated a scheme for improving the pensionary conditions of inferior servants under the Central Government and it is hoped that final orders will be issued in the course of the current financial year.

#### PROVISION OF CRÈCHES IN FACTORIES.

643. **\*Mr. N. M. Joshi :** Will Government be pleased to state which of the Local Governments have made use of their power under section 33 (2) of the Factories Act for the provision of Crèches in factories ?

**Mr. A. G. Clow :** Final rules under the Factories Act, 1934, have so far been issued by the Governments of Burma and the Central Provinces. The rules made by the latter contain provision for rooms for children under section 33 (2) of the Act. Draft rules under the Act have been published by the Governments of Bengal, Madras, the Punjab and the United Provinces, who have made provision for rooms for children, and the Governments of Bihar and Orissa, Bombay and the North-West Frontier Province who make no such provision.

**Prof. N. G. Ranga :** What about the Madras Government ?

**Mr. A. G. Clow :** The Madras Government propose to make provision in their draft rules.

#### FACTORIES USING POWER BUT NOT COMING UNDER THE FACTORIES ACT.

644. **\*Mr. N. M. Joshi :** Will Government be pleased to state the number of factories which use power but do not come under the Factories Act ?

**Mr. A. G. Clow :** No figures are available. Approximate figures of the number of such establishments employing ten or more persons were collected by most of the Local Governments for the Royal Commission on Labour in 1930, and the Commission estimated the total at not less than two thousand.

**Prof. N. G. Ranga :** Is it not a fact that a periodical census is being taken of the factories in different provinces in which power is being used ?

**Mr. A. G. Clow :** Yes, we have particulars of them, if they have come under the Factories Act.

**Mr. N. M. Joshi :** May I ask whether the Government of India will ask the Local Governments to collect statistics of factories which use power ?

**Mr. A. G. Clow :** That would be an extremely difficult thing, especially as these establishments are not inspected.

**Dr. Ziauddin Ahmad :** May I put a question ? There are some small sugar factories worked by hand and not by machinery, which have got farms attached to them. Will the factory include the farms as well when considering the total number of workmen ?

**Mr. A. G. Clow :** I am not a lawyer, but I have no doubt there are Honourable Members opposite who for a proper fee would be very ready to advise my Honourable friend. (Laughter.)

**Prof. N. G. Ranga :** Is it not necessary to take a licence when power is used ?

**Mr. A. G. Clow :** It is not necessary.

#### FACTORIES EMPLOYING FIFTY PERSONS OR MORE BUT NOT USING POWER.

645. **\*Mr. N. M. Joshi :** Will Government be pleased to state the number of factories which employ fifty persons or more but do not use power ?

**Mr. A. G. Clow :** Accurate statistics are not available but on the basis of particulars supplied by Local Governments in 1930 the Royal Commission estimated the number as in the neighbourhood of a thousand.

**Prof. N. G. Ranga :** Is it not possible for the factory inspectors to ascertain these facts ?

**Mr. A. G. Clow :** It probably would be. I imagine that the estimate that was prepared in 1930 was framed on the basis of particulars collected from the factory inspection staff.

**Prof. N. G. Ranga :** Will Government consider the desirability of asking these inspectors to submit periodical reports on the number of factories in which 50 persons or more are employed ?

**Mr. A. G. Clow :** Unless the factories are brought under the Factories Act, the inspectors have no power to enter them and I do not see how they can get fully reliable particulars. I do not imagine that the position has changed since 1930.

**Prof. N. G. Ranga :** Is it not possible for Government to change the rules under the Factories Act, so that factories, which employ 50 persons or more but do not use power, could also be brought under the operation of the Factories Act?

**Mr. A. G. Clow :** It is legally possible to do that by notification.

**Prof. N. G. Ranga :** Have Government considered the desirability of doing it?

**Mr. A. G. Clow :** That is a matter for the Local Governments, and obviously a good deal depends upon the extent to which they are able to provide adequate inspection staff.

#### LEGISLATION FOR THE COLLECTION OF STATISTICS AS RECOMMENDED BY THE ROYAL COMMISSION ON LABOUR.

646. **\*Mr. N. M. Joshi :** Will Government be pleased to state when they propose to bring forward Legislation for the Collection of Statistics as recommended by the Royal Commission on Indian Labour?

**Mr. A. G. Clow :** The matter is under consideration.

**Mr. N. M. Joshi :** How long has this matter been under consideration?

**Mr. A. G. Clow :** For some time. It is not a question that can be taken up independently. It is considered in connection with the possibility of collecting other statistics as well.

**Mr. N. M. Joshi :** May I ask whether Government can give some estimate of the time within which they will be able to come to a decision on this question?

**Mr. A. G. Clow :** Sir, as statistics are in the portfolio of the Honourable Member for Commerce, my friend can address his question to him.

#### TRAINS ON DIFFERENT RAILWAYS NOT CARRYING THIRD CLASS CARRIAGES.

647. **\*Mr. N. M. Joshi :** Will Government be pleased to state :

(a) which of the trains on different Railways do not carry any third class carriages ;

(b) what inconvenience is caused to the Railways by attaching third class carriages to all trains ; and

(c) whether they have examined the question whether by not attaching third class carriages to certain trains where they are not attached, these trains are run at a loss or not?

**Mr. P. R. Rau :** (a) So far as Government are aware, the trains on which third class passengers, except servants of upper class passengers, are not carried are the following :

3 Up and 4 Down Frontier Mails between Bombay and Peshawar.

5 Up and 6 Down Calcutta-Punjab Mails between Howrah and Saharanpur.

(b) The number of trains not carrying third class passengers is, as the Honourable Member has no doubt noticed, so small that it is

obvious that it is only when the train cannot normally carry the additional load that a third class carriage is not attached.

(c) Government are asking the Administrations concerned to examine this suggestion.

#### PROVISION OF ELECTRIC FANS IN THIRD CLASS CARRIAGES.

648. **\*Mr. N. M. Joshi :** Will Government be pleased to state :

(a) the amount of capital and running expenditure which is estimated for the provision of electric fans in the third class carriages ;

(b) what amount they propose to provide for this purpose in the immediate future?

**Mr. P. R. Rau :** (a) The capital required to provide fans in third class compartments of Class I Railways is roughly estimated to be from 1½ to 2 crores of rupees and the recurring expenditure at about Rs. 30 lakhs per annum.

(b) Government regret they are unable to provide any money for this purpose in the immediate future.

**Mr. Lalchand Navalrai :** Will the Honourable Member please tell me if electric fans are being introduced in intermediate compartments or not?

**Mr. P. R. Rau :** I do not think that arises out of this question, Sir.

**Mr. N. M. Joshi :** May I ask why the Government of India do not propose to provide any money for this reform in the next Budget?

**Mr. P. R. Rau :** In view of the financial position of the Railways, Sir.

#### SEPARATE RESTAURANT CARS FOR THE USE OF THIRD CLASS PASSENGERS.

649. **\*Mr. N. M. Joshi :** Will Government be pleased to state on how many trains separate restaurant cars are provided for the use of the third class passengers?

**Mr. P. R. Rau :** Separate restaurant cars are not provided for the exclusive use of third class passengers, but I presume my Honourable friend is referring to the arrangements for providing refreshments, otherwise than in dining cars which are generally used by first and second class passengers.

I place on the table a statement summarising the information available in the time tables of railways as regards the trains on which such arrangements have been made.

#### Statement.

**Bengal Nagpur Railway.**—On all mail and important trains a separate compartment in a third class carriage is provided for the sale of fruit, aerated waters and ice.

**Bombay, Baroda and Central India Railway.**—Two compartments are reserved for Hindu and Mohammadan catering on Nos. 15 and 16 Kathiawar Expresses between Bombay (Central) and Viramgam and on Nos. 19 and 20 Delhi Expresses between Bombay (Central) and Delhi.

**Great Indian Peninsula Railway.**—A compartment is allotted on the Poona Mail and Express trains for vending tea, coffee, fruit and Indian sweetmeats, etc.

A restaurant car which provides Indian food is run on the Grand Trunk Express train between Delhi and Balharshah.

**Madras and Southern Mahratta Railway.**—Special cars run on the following trains for the sale of sweetmeats, bread, biscuits, tea, coffee, etc. :

**Broad Gauge.**—

Nos. 23 and 24 Expresses—between Madras (Central) and Bangalore City.

Nos. 15 and 16 Passengers—between Madras (Central) and Bangalore City.

Nos. 31 and 10 Passengers—between Madras (Central) and Bezwada.

Nos. 3 and 4 Expresses—between Madras (Central) and Bezwada.

**Metre Gauge.**—

Nos. 1 and 2 Mails—between Bangalore City and Poona.

Nos. 3 and 4 Passengers—between Bangalore City and Poona.

Nos. 67 and 68 Passengers—between Bangalore City and Guntakal.

Nos. 73 and 74 Passengers—between Guntakal and Hubli.

**North Western Railway.**—Dining cars for Indian passengers run on 57 Up and 58 Down trains between Delhi and Lahore. Vending car for Indian passengers run on 7 Up and 8 Down mail trains between Rohri and Lahore.

**South Indian Railway.**—Buffet cars for Indian passengers run on the following trains :

Nos. 9 and 10 Trivandrum Fast Passengers—between Madras-Egmore and Shencottah.

Nos. 11 and 12 Shencottah Passengers—between Madras-Egmore and Shencottah.

Nos. 7 and 8 Dhanushkodi Fast Passengers—between Madras-Egmore and Dhanushkodi.

**Mr. N. M. Joshi :** May I ask why separate restaurant cars are not provided for the third class passengers ?

**Mr. P. R. Rau :** The reason is that the Railways concerned do not consider that such cars would be sufficiently patronised to justify it.

**Mr. N. M. Joshi :** May I ask, whether Government will make some experiments in these directions ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Mr. N. M. Joshi :** Why, Sir

**The Honourable Sir Muhammad Zafrullah Khan :** For the reason already stated by the Financial Commissioner.

**Dr. Ziauddin Ahmad :** Is it not a fact that, on the N. W. Railway they did provide such cars for third class passengers sometime ago, but they were given up ?

**The Honourable Sir Muhammad Zafrullah Khan :** They were not reserved for third class passengers. There were restaurant cars for Hindus and for Muhammadans as distinguished from those which catered according to the European scale.

**An Honourable Member :** They were not reserved exclusively for higher-class passengers ?

**The Honourable Sir Muhammad Zafrullah Khan :** No.

**Prof. N. G. Ranga :** Are Government considering any proposals for the increase of these Indian refreshment cars ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

The policy in regard to increasing the number of such cars must be reconsidered in the light of the fall in earnings.

**Mr. Sri Prakasa :** Is it not a fact that, on the Bombay side, third class passengers do patronise the restaurant cars ?

**Mr. P. R. Rau :** Sir, if the Honourable Member looks at the statement I have just placed on the table, he will see that, on the G. I. P. Railway, there is a restaurant car which provides Indian food on the Grand Trunk Express train between Delhi and Balharshah, and a compartment is also allotted on the Poona Mail and Express trains for vending tea, coffee, fruit and Indian sweetmeats, etc. On the B. B. and C. I. Railway, two compartments are reserved for Hindu and Muhammadan catering.

**Prof. N. G. Ranga :** Has there been any increase in the number of trains to which these Indian restaurant cars are attached, during the last few years ?

**Mr. P. R. Rau :** I think my Honourable friend must give me notice of that question.

**Dr. Ziauddin Ahmad :** Is it a fact that the Hindu and Muhammadan restaurant cars have been given up on the North Western Railway ?

**The Honourable Sir Muhammad Zafrullah Khan :** They are still run on some of the sections.

**Mr. Sri Prakasa :** Is it not a fact that third class passengers cannot get their refreshments from the restaurant cars that are usually attached to the mails, because very often the waiters refuse to serve third class passengers ? I can say that from my own personal experience.

**The Honourable Sir Muhammad Zafrullah Khan :** So far as "purchase" is concerned, all passengers can purchase any refreshments they like from the restaurant cars ; only the restaurant cars themselves cannot be used except by the higher class passengers.

**Mr. Sri Prakasa :** Is it not a fact that they refuse to supply refreshments to third class passengers in the compartments in which they are travelling ? If this is so, cannot the Honourable Member inquire into the matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** That I am not aware of.

**Mr. Sri Prakasa :** He may make sure and give instructions accordingly ? Can he not ? No harm will be done by enquiring ?

**The Honourable Sir Muhammad Zafrullah Khan :** As a matter of fact, I cannot understand why, apart from any isolated instances, that should be so, because, after all, selling a bottle of soda or of lemonade to any passenger would bring them custom.

**Mr. Sri Prakasa :** Sir, it is not a question of merely a bottle of soda or of lemonade, but, also of tea, for instance. I may want tea, but they refuse to give it to me unless I travel in a higher class compartment.

**The Honourable Sir Muhammad Zafrullah Khan :** The same applies to tea, Sir.

**QUESTION OF PLACING THE SUPERVISOR OF LABOUR DIRECTLY UNDER THE GOVERNMENT OF INDIA.**

650. **\*Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) whether they have recently considered the question of placing the Supervisor of Railway Labour directly under the Government of India instead of his being under the Railway Board ;
- (b) if so, what their decision is ;
- (c) if not, whether they propose to consider the question at an early date ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) The Government consider that the Supervisor of Railway Labour should, as at present, remain under the Government of India in the Railway Department.

(c) Does not arise.

**Mr. N. M. Joshi :** May I ask whether the " Government of India in the Railway Department " means the " Railway Board " or independently of the " Railway Board " ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to follow the question.

**Mr. N. M. Joshi :** Sir, under the Government of India, there is an organization called the Railway Board. My question is, whether the Supervisor of Railway Labour will be under the Railway Board or will perform his duties independently, under the Government, without being under the Railway Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have replied to that in the answer I have read out to part (b) of the question.

**An Honourable Member :** May I ask the Honourable Member to repeat the reply, because I did not hear the reply ?

**The Honourable Sir Muhammad Zafrullah Khan :** I said :

" The Government consider that the Supervisor of Railway Labour should, as at present, remain under the Government of India in the Railway Department."

**QUESTION OF PLACING THE SAFETY INSPECTORS DIRECTLY UNDER THE GOVERNMENT OF INDIA.**

651. **\*Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) if they have recently considered the question of placing the Safety Inspectors under the Indian Railways Act directly under the Government of India instead of under the Railway Board ;
- (b) if so, what their decision is ?

**Mr. P. R. Rau :** Under section 4 of the Indian Railways Act, Government Inspectors of Railways are appointed by the Governor General in Council and are required to report to him.

**Dr. Ziauddin Ahmad :** Is it not a fact that the Railway Statutory Committee appointed in London recommended that these Inspectors should be under a body other than the Railway authorities ?

**Mr. P. R. Rau :** I think that is so. In section 131 (3) of the Government of India Act of 1935, a definite provision has been made that " the Federal Government or its officers shall perform in regard to the construction, equipment and operation of railways such functions for securing the safety both of members of the public and of persons operating the Railways as in the opinion of the Federal Government should be performed by persons independent of the authority of the Railway Administration ".

**Prof. N. G. Ranga :** Is it not a fact that for some of the railways the Safety Inspectors have not given the necessary certificate ?

**Mr. P. R. Rau :** What necessary certificate does my Honourable friend refer to ?

**Prof. N. G. Ranga :** About the safety of the railway lines—whether they are in proper condition or not. I have in mind, for instance, the B. B. and C. I. Railway for which the necessary certificate was not obtained by the Railway Board in 1933-34 ?

**Mr. P. R. Rau :** This does not arise out of this question, which is whether Safety Inspectors should be under the Railway Department or under another Department.

**Mr. M. Asaf Ali :** Sir, a reference has been made to the Government of India Act of 1935. Has it come into operation yet ?

**Mr. P. R. Rau :** No.

**Mr. M. Asaf Ali :** Why, then, is a reference made to it ?

**PUBLICATIONS DISTRIBUTED FREE TO THE MEMBERS OF THE CENTRAL LEGISLATURE.**

652. **\*Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) which of their publications are distributed free to the members of the Central Legislature ?
- (b) whether they propose to consider the question of supplying all their publications free to members of Central Legislature or at least of enlarging the free list in consultation with a special committee of the Legislature appointed for the purpose ?

**Mr. A. G. Clow :** (a) I am unable to give the Honourable Member a list of the Government publications distributed free to Members of the Central Legislature which must always be incomplete owing to the appearance of new publications from time to time. The position is as was stated in the reply given on the 27th February, 1935, by the Honourable Sir Frank Noyce, to part (d) of Mr. M. Ananthasayanam Ayyangar's unstarred question No. 121.

(b) Government do not propose to take the action suggested.

**Mr. Lalchand Navalrai :** Is there any list showing how the publications are being supplied? Is there any list either in the Library or elsewhere showing which publications are at present being supplied free or otherwise?

**Mr. A. G. Clow :** No, Sir. The list is constantly changing. Thus, a new publication appears, and it may be supplied, or it may not be supplied.

**Mr. M. Ananthasayanam Ayyangar :** What will be the total cost of publishing two hundred more copies of the free publications?

**Mr. A. G. Clow :** It would be very large indeed, Sir.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware that, year after year, from time to time, a number of such publications used to be made available in the Delhi Session, and it has only recently been abandoned? Is the Honourable Member aware that several Honourable Members of this House have received intimations from the Manager of Publications that extra copies are or are not available to Honourable Members of the House?

**Mr. A. G. Clow :** Such circulars are issued from time to time, when publications are found to be surplus to requirements in the Central Publication Branch.

**Mr. M. Ananthasayanam Ayyangar :** Are they then distributed after that period free?

**Mr. A. G. Clow :** I am not sure which publication the Honourable Member is referring to?

**Mr. M. Ananthasayanam Ayyangar :** The Trade Review, for instance, for 1933-34, and many other such publications.

**Mr. A. G. Clow :** Does he refer to circulars concerning publications issued free or advertised for sale? The former relate only to publications which are surplus to requirements.

#### SHORT NOTICE QUESTIONS AND ANSWERS.

**Mr. T. S. Avinashilingam Chettiar :** Sir, as the clauses which I had wanted to be answered have been deleted, I do not wish to put my short notice question.

12 NOON.

#### FOREIGN AND INDIAN INSURANCE COMPANIES DOING BUSINESS IN INDIA.

**Mr. T. S. Avinashilingam Chettiar :** Will Government state :

(a) the number of foreign and Indian insurance companies doing business in India ; and

(b) the amount of business done by foreign and Indian companies for the last year for which statistics are available?

**The Honourable Sir Nripendra Sircar :** (a) The number of foreign and Indian insurance companies working in India in 1933 which is the latest date for which figures are available was 47 and 194, respectively.

(b) The premium income earned in India by foreign and Indian insurance companies was Rs. 26,24,000 and Rs. 6,01,09,000 respectively.

#### ENQUIRY INTO CENTRAL AND PROVINCIAL FINANCES.

**Mr. S. Satyamurti :** Sir, I apologise to you and to the House for the length of my question.

Will Government be pleased to state :

(a) whether they were consulted by the Secretary of State for India over the appointment of Sir Otto Niemeyer to undertake an enquiry into Central and Provincial finances under the Government of India Act ;

(b) whether the terms of reference were settled in consultation with the Government of India ;

(c) the reasons why the questions mentioned in sections 140, 146 and 147 of the Government of India Act are not included in the terms of reference ;

(d) why the financial relations between the Indian States and the Federation are not included in the terms of reference ;

(e) whether any procedure with regard to taking of evidence or consulting public opinion has been laid down, and if so, what it is ;

(f) whether any opportunity will be given to this House to express its opinion on these vital questions before the enquiry is completed ;

(g) the materials which will be placed before him for reviewing the present and prospective budgetary positions of the Government of India and the Governments of the Provinces ;

(h) whether the enquiry includes the questions mentioned in paragraphs 272 and 273 of the Joint Parliamentary Committee's Report, and specifically whether this Report will form the basis of the assurance to be given to Parliament by His Majesty's Government on the financial position mentioned in the last sentence of paragraph 275 of the Report ;

(i) whether the enquiry will include the prospect of a net profit on the working of the Railways of five crores, as contemplated in the Percy Committee Report which has now disappeared, and the question of jute export duty, and the contribution of a portion thereof to the Provinces concerned ;

(j) whether the enquiry will consider the question of the remission or the payment back to the Provinces of the proceeds of income-tax, and if so, what proportion thereof ;

(k) whether there is any chance of the results of this enquiry postponing the inauguration of the new Constitution ;

(l) whether the expert will be entitled to come to his own conclusions on the figures of provincial and Federal budgets, apart from the figures submitted to him by the Governments concerned ; and



- (m) how long the enquiry is proposed to take and whether the Report of the enquiry will be placed before this House for an expression of its opinion?

**The Honourable Sir James Grigg :** (a) and (b). Yes.

(c) and (d). Section 140 (2) is included, but Section 140 (1) is not presumably because it is a matter for the future Federal Legislature. Sir Otto Niemeyer has been appointed to advise His Majesty's Government generally in regard to questions in which Orders in Council have to be issued in order to inaugurate Provincial Autonomy. The financial relations between Indian States and the Federation, which are presumably in the Honourable Member's mind, have not to be solved at the time of the institution of Provincial Autonomy and moreover have little if any affinity with the problems between the Provinces and the Federation.

(e) No.

(f) I can give no undertaking that an official day will be assigned for the purpose before the enquiry is completed.

(g) All materials considered to be relevant by the various Governments in India will be placed before Sir Otto Niemeyer and he will naturally be at liberty to call for any further information which he may require.

(h), (i) and (j). I would refer the Honourable Member to the terms of the press communiqué issued on the 18th instant.

(k) I cannot say what action Parliament will see fit to take in the matter.

(l) Certainly.

(m) I am unable to state how long Sir Otto Niemeyer will need to complete his investigations. I am also unable to state whether His Majesty's Government will require an expression of the opinion of this House before making its final decisions.

**Mr. S. Satyamurti :** With reference to the answer to clauses (a) and (b), may I know whether the terms of reference as finally settled follow the lines recommended by this Government?

**The Honourable Sir James Grigg :** The Honourable Member may not know as it is a matter between the Government and the Secretary of State.

**Mr. S. Satyamurti :** With reference to the answer to clause (c), may I know with regard to sections 146 and 147 of the Act, why this inquiry has nothing to do with it?

**The Honourable Sir James Grigg :** That is the same question in another form.

**Mr. S. Satyamurti :** May I know whether the Honourable the Finance Member does not consider that the possibility of contributions from the States to the Federation being remitted in whole or in part, either in cash or in any other manner, has a relevant bearing on the future financial position of the Federation and its capacity to make contributions to the deficit provinces, or to remit a portion of the jute tax or a portion of the income-tax?

**The Honourable Sir James Grigg :** I do not think it has any direct connection.

**Mr. S. Satyamurti :** May I know with regard to the answer to clauses (e) and (f) of this question, whether the Commissioner has got absolute liberty in this matter, that is to say, with regard to the taking of evidence or the consulting of public opinion, or whether he is prohibited from taking any evidence or consulting any public opinion?

**The Honourable Sir James Grigg :** There is no prohibition or limitation on his freedom of action in that respect whatever, but, of course, there are certain physical limitations as to taking evidence. If I may express my personal opinion, it seems to me that it is mainly a matter for the Local Governments concerned. If they want to collect opinions from the public, they can pass them on to him if they think they are relevant. But that is only my personal opinion.

**Mr. S. Satyamurti :** May I know why the Government of India say that this House should not be given an opportunity to express its opinion?

**The Honourable Sir James Grigg :** I did not say that. I said: "I can give no undertaking that an official day will be assigned".

**Mr. S. Satyamurti :** With regard to answer to clause (g), may I know whether the memoranda will be submitted by the respective Governments, and if the Commissioner may change his mind or form his own opinions on these, what will be the materials that will be available to him?

**The Honourable Sir James Grigg :** All relevant materials and also any materials that he may ask for.

**Mr. S. Satyamurti :** With reference to paragraph 273 of the Joint Parliamentary Committee's report, may I ask one specific question? I am inviting my Honourable friend's attention to the last sentence which runs thus:

"On this point (that is, the point of the financial solvency of the proposed Federation) Parliament must at the appropriate time receive a direct assurance from His Majesty's Government."

I will confine myself to the Honourable Member's answer. So far as the inauguration of Provincial Autonomy is concerned, will Sir Otto Niemeyer's report form the basis of the assurance which His Majesty's Government will give to Parliament about the solvency of the provinces?

**The Honourable Sir James Grigg :** In reply to this question, I think I had better read a sentence from the Press communiqué:

"The Government of India Act, 1935, provided that the allocation of certain resources between Central and Provincial Governments in India shall be settled by Order in Council, of which drafts will have been laid before Parliament; and His Majesty's Government have undertaken that a special inquiry will first be held, so that they and Parliament may be furnished with an independent review of the financial position of the provinces and the Centre....."

The rest is irrelevant for this purpose.

**Mr. S. Satyamurti :** I am asking whether, for the assurance of His Majesty's Government, so far as the Honourable the Finance Member is aware, there is any other inquiry, except the one which will be conducted by Sir Otto Niemeyer ?

**The Honourable Sir James Grigg :** I do not think so. This is the inquiry which is intended to give Parliament an independent review of the financial position of India.

**Mr. S. Satyamurti :** Will the Government of India send their conclusions or opinions on the report of Sir Otto Niemeyer to His Majesty's Government before they make their recommendation to Parliament ?

**The Honourable Sir James Grigg :** I have not thought about it ; but I think that it is quite possible.

**Mr. S. Satyamurti :** Will Government consult this House before they send their opinion on the report of Sir Otto Niemeyer ?

**The Honourable Sir James Grigg :** I cannot give any undertaking about it.

#### POSITION IN THE NORTH-WEST FRONTIER PROVINCE.

**Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the latest position in the North-West Frontier Province ;
- (b) the number of men and officers, British and Indian, who are engaged in the operations therein ;
- (c) the object of these operations ; and
- (d) when the operations are expected to conclude, and with what result ?

**Mr. J. G. Acheson :** (a) The unrest on the Hazara border has, I am glad to say, completely subsided as have also the disturbances in Dir. As regards the Mohmand situation a Government Force has established itself at Nahakki in Kamalai Halimzai country. As a result of the combined land and air operations carried out up to date, the formed *lashkars* have dispersed though there are still some gangs in the vicinity of the troops and sniping still continues. The latest news is that the Burhan Khel, Isa Khel, and Kamalai Halimzai have made complete submission, and there are indications that the remaining offending sections will shortly make overtures for peace. Elsewhere the Frontier is quiet.

(b) 16,000 of all ranks including followers.

(c) As stated in the Press Communiqué of 12th September, to secure tribal overtures on which an adequate settlement can be made.

(d) When the tribes have accepted the peace-terms and have shown by their behaviour that they intend to carry them on honestly. The result is hoped to be the removal of the Mohmand menace to the peace of the Peshawar border.

**Dr. Khan Sahib :** Will the Honourable Member state if the real object of the Government is to take Nowagai and from there connect a road right up to the road which connects Malakand with it ?

**Mr. J. G. Acheson :** The answer is in the negative.

**Dr. Khan Sahib :** Will the Honourable Member state what means Government will adopt to create a peaceful and conciliatory atmosphere amongst the troops ? Are Government going to use the same kind of people who are always deceiving Government and creating these troubles or are Government going to use some other people who will give them honest advice ?

**Mr. J. G. Acheson :** This question appears to contain an insinuation. I should like, however, to take this opportunity of pointing out that all these people, with reference to this question and to the previous supplementary questions, are all indubitably under the suzerainty of His Majesty the King Emperor.

**Dr. Khan Sahib :** I want to put another supplementary question.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would warn the Honourable Member that he must not make insinuations or reflections while he is putting supplementary questions.

**Dr. Khan Sahib :** I am speaking absolute truth, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : It is not a question of absolute truth or not. The point is, he must not make any criticism or cast any reflection while putting his supplementary questions. The question must be confined to obtaining information and not to casting any reflection.

**Dr. Khan Sahib :** My question is this. Will the Honourable Member state as to who are the people who are going to be used for carrying on this negotiation between the troops and the Government ?

**Mr. J. G. Acheson :** The Political Officer with the Forces will deal directly with the tribes in the matter. The officer in question is Captain Bacon of the Political Department.

**Mr. S. Satyamurti :** Apart from acts of hostility, are there any points in dispute ? If so, what are they, and are they capable of settlement between the tribes and the British Government ?

**Mr. J. G. Acheson :** I have already pointed out in my speech on the adjournment motion on this subject, earlier in the Session, what are the main points in dispute. The main point in dispute is that these persons are habitually and wantonly engaged in acts of aggression against the peaceful inhabitants of Peshawar district and against the forces of Government. That is the only matter in dispute.

**Dr. Khan Sahib :** Will the Honourable Member state the date on which the tribes attacked Peshawar area ?

**Mr. J. G. Acheson :** I cannot give the exact date. But it has already been communicated to the Press in Communiqués.

**Dr. Khan Sahib :** Approximate date or a rough idea about the date of attack, about the names of villages which they attacked, and so on ?

**Mr. J. G. Acheson :** The post of Shabqadr was one of the posts which was attacked. The Munda post is another. These were two of the posts which were attacked among others.

**Dr. Khan Sahib :** Were these attacks made after the advance of the army or before ?

**Mr. J. G. Acheson :** Before.

### THE CANTONMENTS (AMENDMENT) BILL.

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

**Mr. G. R. F. Tottenham (Army Secretary) :** Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Cantonments Act, 1924, for certain purposes.

### THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL— *contd.*

**Mr. President (The Honourable Sir Abdur Rahim) :** Legislative Business. Further consideration of the following motion moved by Mr. B. Das on Friday, the 29th March, 1935 :

“ That the Bill to repeal the Indian Criminal Law Amendment Act, 1908, be taken into consideration.

**Srijut N. C. Bardaloi (Assam Valley : Non-Muhammadan) :** Sir, I was speaking the other day about the Partition of Bengal, and I did not conclude my speech then. During the days of the Partition of Bengal, a conference took place at Barisal. All the leaders of Bengal, including the late Surendra Nath Banerjee, and C. R. Das, Aurabinda Ghose (who is at present living) and many other great leaders, whom Bengal respects and reveres, tried to hold that conference at Barisal. That was a perfectly constitutional affair. In that conference, those leaders were assaulted and insulted and the conference was broken up.

**Mr. President (The Honourable Sir Abdur Rahim) :** Order, order. The Chair would remind the Honourable Member that this matter has been debated for a number of days, and the Chair would ask Honourable Members, who wish to speak again on this subject, not to repeat what has already been said.

**Srijut N. C. Bardaloi :** This point relating to the Barisal conference was not debated in connection with this Bill. It was referred to in connection with the other Bill relating to Criminal Law which was introduced by Government.

**Mr. President (The Honourable Sir Abdur Rahim) :** That makes no difference. If the matter has been debated in connection with this Bill or with another Bill, it makes no difference.

**Srijut N. C. Bardaloi :** I will make my observations in my own way to prove that the Act of 1908 is no good.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member must not repeat himself or refer to what has already been said by other speakers. He must conform to the Rules and Standing Orders.

**Srijut N. C. Bardaloi :** What I wanted to say is this. This discontent and unrest was not the doing of the young men of Bengal alone, it is the doing of the authorities also by their mishandling of the situation.

Now, I come to other instances which, to my mind, explain the present position of Bengal, and any amount of oppressive laws on the part of the authorities will not stop the present unrest unless the root cause is removed. My Honourable friend, Sir Abdul Halim Ghuznavi, said the other day that the root cause has been removed. I say that the root cause has not been removed, it is the branch cause that has been removed and the root has gone deeper down. What is the root ? I shall briefly state the facts to prove my statement. It is a fact that the annulment of partition was a stroke of statesmanship, and many of the persons who were on the other side and who were great agitators in those days were brought into line by the action of Government, but those persons who took part in these revolutionary affairs or murders or who took to lawlessness before the annulment of partition, what became of them ? They were hounded, not only like criminals but, like wild beasts throughout India. Even after that, no attempt was made by Government to bring them to their side and thus to bring peace to this country by conciliating them. I know of a case in Gauhati. After the partition of Bengal, some Bengalis remained in a house peacefully at Gauhati and they were doing business. They remained there for about a year. Nobody knew they were revolutionaries. After a certain time a detective policeman went there to arrest them with the help of the local policemen. There was a pitched battle at night. Some of them were arrested and they were tried by a special tribunal and sentenced to various terms of imprisonment. If only those persons had been brought round and allowed to do the peaceful business they were doing at that place, their feelings would not have been roused and they would have remained useful citizens. But no, they were again sent to jail. I know one of them who was an inmate of the Nalanda House and who ran away from there. I met that man some time later in a meeting of the Congress and I asked him what he was doing. He said he was doing khadi work. He said he had given up all those activities because, through Mahatmaji's favour, he had taken to khadi work and to non-violence and he was doing well. I asked some of the people in the khadi business and they told me that he was one of the best and most useful workers. That is the sort of work which some of these people, who had once taken to terrorism, are able to do if they escape being hounded by the police. They should be brought round and their feelings ought to be assuaged. But, instead of that being done, they are hunted by the police from pillar to post and from post to pillar, all throughout India, because some time back they happened to belong to the revolutionary party. They may not be murderers or dacoits, but still they are hunted.

This state of things went on and, as I said the other day, but the Jallianwalla Bagh outrage excited the whole of India. There was not one Indian who did not feel terribly excited over this Jallianwalla Bagh incident. Then, Sir, after the Jallianwalla Bagh and the crawling order which excited the masses of India came the Dyer fund. And what is this fund ? Government officers were of course engaged in suppressing these people who were fighting against Government, but after the good deed of General Dyer the Dyer fund was started. And who subscribed to it ? Most of the European gentlemen who are non-officials, and even the Anglo-Indians. Did not that irritate the Indians more than anything else ? Did the authorities then take steps to put that association under

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this Act of 1908 and declare it unlawful? What was it? It was nothing but a challenge to Indians and to the honour and self-respect of Indians. You make them crawl and you kill them, and because the authorities took some steps against the man who did it, in order to pacify the feelings of Indians, the non-official Europeans and even Anglo-Indians joined together and raised a fund for him. That was another fact which actually brought on this non-co-operation movement. The Honourable the Law Member in reciting the 56 cases tried to prove that Congress members became anarchists or anarchists became Congress members. It is the sort of thing that sometimes the revolutionaries join the Congress and afterwards they again become revolutionaries. And, therefore, the Honourable the Law Member pressed it with great force and cited 56 cases in which anarchists or terrorists were found to be Congress members. Sir, I know it for a fact that when Mahatmaji went to Bengal and Assam he actually discussed this point with many Congress members and with men who knew much about this movement. He asked them to give up the path of terrorism and violence and to join the non-violent movement as that was the only way to fight the British Government and it was better than violence. At his bidding a lot of people who were of that fraternity actually gave up terrorism and came to join the non-co-operation movement as non-violent non-co-operators. The late lamented Bepin Chandra Pal once said in his stentorian voice,—and I remember it even now,—“I am not a non-co-operator but do not repress this non-violent movement so much because if you do so it will go underground again”. Government paid no heed and the non-co-operation movement of 1921 was crushed with all the vigour that Government possessed. After that there was tranquillity for some time. I want to ask whether this Act of 1908 had the least effect upon the minds of the people when they actually went out to defy Government and to practise Civil Disobedience. Honest men when they feel that Government are doing something wrong to the country, and when they feel that they have got no other weapon except the non-violent method and Civil Disobedience, go on in spite of this Act of 1908. The passing of this Act to suppress the Congress movement does not mean anything; it is just like a sportsman shooting at a duck which is sitting on her eggs because she will not run away. The Congress offices are always open, the names are registered, they do not do anything behind the scenes or hide anything. And so these policemen take the help of this Act of 1908 and by overdoing promote terrorism, as I cited some examples the other day. This sort of thing will not suppress this non-co-operation movement. As a matter of fact at present there is no non-co-operation movement and there is no necessity for this Act. As regards terrorism, will this Act of 1908 help Government in any way? Do the terrorists keep open offices and do they do anything openly? The Honourable the Law Member cited a lot of cases in which lists of terrorists were found. He said their names were entered in a register. I cannot controvert that statement as it was proved in a court of law but I have got my own doubts. Anyway, this state of things went on and, afterwards, we know how the authorities always flouted public opinion. The Congress sat from year to year, they passed Resolutions, they made suggestions, and the authorities always disregarded them. The Congress Resolutions were always considered as

so much waste paper. And what happened? Mahatmaji had nothing else to do but to have recourse to Civil Disobedience and the great Dandi march began. What happened at Dacca before that? The facts with regard to the Dacca riot have been stated at length by my Honourable friend, the Deputy President. Those who read the newspapers in those days knew what happened at this Dacca riot, and many people believe that this riot was engineered, and they had good reasons for thinking it to be so. The Honourable the Deputy President said the other day that three or four days before the rioting began Government servants were warned that there would be a riot and were asked to keep provisions ready. All the guns were taken away from the Hindu houses and then the rioting began. I understand that Mr. Griffiths, the present District Magistrate of Midnapore, was then at Dacca. I should like to know what steps he took to prevent this riot or rescue people's houses and properties from being looted and plundered.

Mr. P. J. Griffiths (Bengal : Nominated Official) : Sir, on a point of personal explanation. I spent four whole days and nights protecting Congress Hindus from attacks by the Muhammadans.

Srijut N. C. Bardaloi : Muhammadans or Hindus, whatever they may be, when it is a question of plunder, there is no difference between Muhammadan and Hindu hooligans. The Hindu or Muhammadan hooligans are poor : they live from hand to mouth and they do not get one full meal a day and these people when they get a chance to plunder, they do it and nobody can prevent it. But I want to ask my friend what he was doing and how many did he rescue when all this was going on, when the looting was taking place, when the houses were burning, and policemen were merely standing by and doing nothing. We got these accounts from the papers and my Honourable friend, the Deputy President, has repeated them here. Do we not know what was happening in Dacca at that time? Have we not read of the heroic action of two Bengali girls—all honour to them—who protected their house by means of brickbats which they threw on the hooligans? Where was the police then? And where was my Honourable friend when shops were looted and houses were burnt and when millionaires and rich men became paupers in a day, because the looters came and set fire to their houses and looted their things? Where was the police then? Where were the Europeans? Did they suppress the riot? Did they rescue these people? Did they rescue anybody? They did not do anything. And what about the mentality of the young men who were at Dacca? They thought rightly or wrongly that it was you, the Government men who set up these hooligans to commit all these acts : they have a clear recollection of what took place : they have suffered and become beggars : can any of them have any affection for this Government? If the Government did not protect them, if the Government did not do anything to save them how can they have any other feeling than of this kind? The Honourable the Deputy President has given instances and I can give some also from my own personal acquaintance with some of the sufferers on a later occasion. I know one of them who was beaten by the police. Was it not a shame to beat a retired Indian District Magistrate at his old age in the presence of his wife, daughters and son? Would the son or wife or the daughter have any affection left for this Government after

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this respectable gentleman had been assaulted? His name has been given by my friend, the Deputy President. Things went on like this and the soul of Bengal was actually pierced. There was agony on all sides. This terrorism on the part of the hooligans, supported as it was thought by the Government men because they remained inactive, actually preyed upon the minds of the people. What did the Government do? If the Government had taken immediate steps and saved these people, if the Government had put down these hooligans, then probably the people would have at once got respect for the Government. Bengal has suffered and, therefore, the Bengalis have become unruly. I do not say that they should go and commit murders, but am giving the real psychology of how these people have become unruly and taken to this sort of crime.

Now, about Chittagong. After Dacca came Chittagong. I need not state all the facts that happened there. The terrorists, to our shame, committed murders; and, in spite of our non-violent creed, in spite of the fact that we do not injure or murder people, the bureaucracy, to their shame on the other hand almost, murder the terrorists and not only the terrorists, but also the innocent people whom they suspect to be terrorists. The police say they are terrorists and, on suspicion, they are sent outside Bengal and detained for years and years without giving them any chance of proving their innocence: well, that is a sort of murder. I can cite a lot of examples in which these detenus have been kept and sent to distant places merely on suspicion, without any kind of trial: some of them were shot; some died; one hanged himself and committed suicide; another man died of disease—perhaps he might have been treated better elsewhere: one man went mad; and there are innumerable cases in which wailing mothers and wailing wives have sent applications after applications to the Government asking that the detenus might be tried, that they should not be kept in detention on mere suspicion and thus be killed inch by inch. These persons who are detained like this without any trial are sometimes treated not like human beings. Well, their relations, their wives and children—will they be very loyal to this Government? Will they have much affection for this Government? When there is so much bitterness in the minds of these 2,000 or 3,000 young men of Bengal suffering like this—multiply this 2,000 or 3,000 by their relations and friends and admirers: how many do you get? How many men are there in Bengal who are still suffering? Have Government done anything to help them? Nothing.

After Chittagong we come to Midnapore. Midnapore is now engaging the attention of the Government of India. At Midnapore, during the non-co-operation movement, we have seen a lot of pictures in the papers, how at Contai these people went to make salt, how they were assaulted, how they were beaten and how many of them got terribly injured. These non-violent men were beaten. The District Magistrate of Midnapore said, the other day, that whenever civil resisters go and picket, they begin with non-violence but they end up by being violent. I ask him how many soldiers and how many constables have been beaten by these picketers, how many Europeans have been injured by these civil resisters and in how many places? I have not heard of any so far. Of course, in the past, in places like Chauri Chaura things happened; but

now how many non-co-operators have been convicted of assaulting policemen or beating policemen?

Mr. P. J. Griffiths: 189 in my district.

Srijut N. C. Bardaloi: I am glad of the information; but I perfectly remember the movement of non-co-operation going on without any violence on their part. Anyhow what I say is this: on the one side people go and do everything non-violently, peacefully: their creed is suffering, and they get beatings and at every beating they merely call 'Mahatma Gandhi ki Jai' or 'Vande Mataram' and they go on getting these beatings. I know places where it happened like that. On the other hand you get these people who beat the volunteers, those who actually treated them violently come forward with the grievance that they are the injured party: that the party which used the *lathi* is the injured party: that was the position. That sort of thing went on in Bengal in spite of this Act of 1908. These occurrences took place in 1930. Congress offices were closed up; properties were confiscated; but that did not stop it. I know in Calcutta in a meeting there was a *lathi* charge and a lot of people were injured: some lost their limbs, and some got broken heads and limbs: but in the next day's paper we found it was a mild *lathi* charge. I do not know what a mild *lathi* charge is—possibly it was inspired by the Government officials; otherwise it cannot be described as a mild *lathi* charge. So, when I get accounts of mild *lathi* charges, I know what they are. As I say, this sort of action on the part of the Government will not stop the Bengal people. I said in the beginning that the Bengal people are highly sentimental. When they do not see any other way they take to terrorism. The murders at Midnapore have been referred to. Do we not regret the murders of three District Magistrates at Midnapore? As a matter of fact, when I read about the last murder and about the wails of the poor widow I felt like crying myself. I felt very sorry: everybody feels sorry for it; but somehow my friends on the opposite Benches do not feel that we are sincere in what we say and they think they alone are sorry and nobody else. If they do that, they do it because of their own mentality. Do they ever feel sorry for those who are wailing for the detenus, viz., mothers and wives who are wailing because their sons and husbands are pining away in distant jails? Do they ever feel for those who are detained in jails without trials? You do not feel sorry for them; you do not give them a decent trial. What is it that you want? I say that, in my younger days, the people were saying that British Raj is like Ram Raj. Why did they call it Ram Raj? Because they thought that British justice was the best in regard to meeting out justice to a subject nation. But now, what do they see? British people have forgotten what justice is.

An Honourable Member: This is now Ravan Raj. (Laughter.)

Srijut N. C. Bardaloi: What is the thing that people want now? They want justice and nothing but justice. You have got your law courts, you have got eminent Counsels like the Honourable the Law Member, you have got your informers and spies,—now bring all these detenus into the open and put them on trial in open courts, and punish them if you find them guilty after giving them a fair trial. None will say anything to it. There have been so many cases of hanging and trans-portations for life, imprisonment for varying terms for murders,

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dacoities and various other criminal offences, but does anybody say anything about the punishment you mete out to the guilty? Why don't you try these men even now? Punish them if they are found guilty; if they are not found guilty, then let them off. Let them lead an honest and virtuous life.

Now, Sir, can you actually make Bengal calm and peaceful? No. Bengal can be calmed down only by kind treatment. The only way you can calm down the Bengalis is to try the detenus and if they are found guilty, punish them; if they are found innocent, then release them at once.

Sir, His Excellency the Governor of Bengal is trying to give some land to some of the unemployed youths, specially to detenus and terrorists, but will that satisfy them? Among the detenus there are many people who are not dying for want of food. As I said, try them in the open courts, and do not allow your policemen and spies to hound them and create cases for the courts. Only recently there was a case in which it was found by the Magistrate that a revolver or a bomb was planted by the police. There are *agents provocateurs*, and you have to take care of them. Only by giving these detenus an open trial you will be able to bring about peace and contentment in Bengal. If this is not done, if you go on with your repression,—you may, for the time being, suppress the movement by means of your military and police, you may bring in laws like these to suppress the people,—but if you go on with your repression, the time is coming when you will have to keep policemen in charge of almost every house in Bengal. Even now you make policemen march through the villages to strike terror in the minds of the poor people, but if you go on like this, the time is not far distant when you will have to place one soldier or one policeman against the house of every Bengali youth who lives there. Even now you have got curfew orders, individual cards, identifying cards, and all sorts of humiliating things for them, you have placed all these humiliating things against the manhood of Bengal, but, as I said, if you go on like this, the time will soon come when you will have to keep a detective, a constable or a soldier in front of the door of every Bengali youth. Therefore, I suggest, Sir, these sort of irritating things will do no good to anybody,—do not bring in these laws. The other day we threw out by a majority an important measure like the Criminal Law Amendment Bill, and what happened? It has been certified. Sir, what is our position here? Why do we come here? Is it for the purpose of getting ourselves flouted? This measure also, whatever we may say here, is bound to be kept on the Statute-book, but I say sincerely, that this sort of repression or suppression will not do. You will have to reform yourselves, you will have to change your mentality, otherwise you will also have to suffer just as the people suffer. (Cheers from the Congress Party Benches.)

**The Honourable Sir Henry Craik** (Home Member): Sir, as you observed a short time ago, this subject has been debated in one form or another now for eight days, and the arguments both for and against the particular measure we are discussing have been worn so threadbare that I do not on my part propose to contribute anything to them either one way or the other. What has brought me to my feet has been the

entirely unsubstantiated, undocumented and *ex parte* statements that have been made by various speakers on the other side blaming Government for a state of affairs which has necessitated this special legislation. The last speaker, Sir, poured out a long string of accusations which, naturally enough, are not within my immediate knowledge, but on one point about which he asked one of his numerous rhetorical questions, he challenged us to give him an answer. He got an answer which considerably disconcerted him, and I have no doubt if I had the time or if my friends had the time to look up the actual facts regarding many of his other allegations, we would find that they are completely unsubstantiated and completely one-sided.

One particular speech, however, was made in the course of this debate by the Honourable Member from Rohtak which happened to deal with matters within my personal knowledge, and in the course of it he cast various reflections on myself and on officers who were then serving under me. I propose to show that that speech was from beginning to end an almost entire misrepresentation and distortion of facts and that such truth as it contained was twisted out of all recognition. I propose to show not only that the charges which the Honourable Member brought forward against Government officers were grossly exaggerated, but that he himself was guilty of far more serious misconduct on his own part.

**An Honourable Member:** Yes?

**The Honourable Sir Henry Craik:** I will show that. I have chapter and verse. The object of that speech was to show that Government through its executive officers abuse any special powers given to it and that, therefore, no special powers should be given. The Honourable Member went further and alleged that by the use of these special powers Government have practised oppression, and, therefore, were responsible for the origin of the terrorist movement. He alleged that terrorism started in the Punjab after what he called the assault by the police on Lala Lajpat Rai on the 30th October, 1928. His syllogism, if I may so put it, ran thus. His first premise was that there was no terrorism in the Punjab before October, 1928. His second premise was that in October, 1928, Lala Lajpat Rai was beaten by police. The conclusion was, therefore, that Government was responsible for the rise of terrorism in the Punjab....

**Mr. Sham Lal** (Ambala Division: Non-Muhammadan): On a point of explanation, Sir. It was not my conclusion. It was the statement of the approver in which he said that after Lala Lajpat Rai had been beaten they decided on murder. It was not a conclusion, but a fact, and it is part of the evidence of the Crown witness.

**The Honourable Sir Henry Craik:** The Honourable Member says that it is not his conclusion but it was based on the evidence of the approver. The approver he refers to is a person called Inderpal, a convicted murderer, who plotted murder and was sentenced to death for it and is now undergoing transportation for life. Not only that, a convicted murderer who to save his own skin gave away the whole case against his associates, and not only that, but one who as a witness was found guilty of committing perjury by the Court. If that is the Honourable Member's corroboration....

**Mr. Sham Lal:** On a point of explanation, Sir. This was the case of the learned Public Prosecutor. There were certain parts of the



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Crown witnesses' evidence which were accepted by the learned Public Prosecutor, and I challenge my Honourable friend....

**The Honourable Sir Henry Craik :** I do not give way. This is not a point of personal explanation at all, and I refuse to give way. The Honourable Member on the testimony of this murderer and perjurer witness alleged that there was no terrorism in the Punjab before October, 1928. As a statement of fact that is, of course, entirely inaccurate. The Honourable Member has evidently forgotten the two Dusserah outrages which were the worst outrages from the point of view of casualties of any that took place in the Punjab. One, I think, caused the death of nine and wounded fifty people, the other caused the death of ten and injured fifty-eight. These outrages happened at the Dusserah festivals of 1926 and 1928, before any such incident....

**Mr. Sham Lal :** They were not political murders.

**The Honourable Sir Henry Craik :** They were political murders. I think I can claim a good deal more knowledge of this than the Honourable Member. The Honourable Member has entirely ignored the fact that the principal terrorist gang in the Punjab, led by that "splendid hero" Bhagat Singh, who did not even kill his man himself but merely shot him as he lay helpless and unconscious on the ground—long before 1928 and was well-known to the police.

**Mr. Sham Lal :** On a point of order, Sir.

**The Honourable Sir Henry Craik :** No point of order has arisen. Bhagat Singh was a leading member of the Naujivan Sabha, an association that was in existence long before 1928. Bhagat Singh was actually arrested but was discharged because at that time—that was the beginning of 1927—no sufficient evidence was available. His gang was the direct descendant and comprised the remnants of the gang which committed the Kakori dacoity in the United Provinces in 1925. It is absurd to assert, and it is entirely unsubstantiated and uncorroborated, that there was no terrorism in the Punjab before 1928.

The second premise of the Honourable Member is that on the 30th October, 1928, in the course of a demonstration by a disorderly crowd against the arrival at Lahore of the Simon Commission, Lala Lajpat Rai was assaulted by the police. That again is entirely untrue. An enquiry was held by the Senior Commissioner of the Punjab and it was found that this disorderly crowd placed deliberately some political leaders, Lala Lajpat Rai and one or two others, at their head and tried to force their way through a barbed wire barrier which they knew had been erected to keep them back. That was a deliberate act of defiance which every one in the crowd knew perfectly well would have only one result and which was intended to have only one result, and that was to bring the crowd into conflict with the police.

**Sardar Sant Singh (West Punjab : Sikh) :** Does the Honourable Member mean....

**Some Honourable Members :** Order, order.

**Mr. President (The Honourable Sir Abdur Rahim) :** Order, order.

**The Honourable Sir Henry Craik :** The crowd, according to plan, came into conflict with the police. A sergeant was knocked down by the crowd and into the gap caused by his fall they pushed forward their leaders and they in turn had to be pushed back by the police. The only blow that fell on Lala Lajpat Rai fell on his umbrella. He was not hurt himself at all and the best proof of that is that, although he was at the time a very sick man, he made a speech the same evening lasting for an hour and a quarter and spoke with all his usual vigour and showed no signs of any physical disability whatever.

**Sardar Sant Singh :** Oh, I see ! What a shame !

**A few Honourable Members on the Congress Benches :** Deliberate lies.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair cannot allow that sort of expression.

**The Honourable Sir Henry Craik :** If any one was to blame for what happened, it was the people who so foolishly insisted on placing these political leaders in the forefront of a mob that they knew was bound to come into conflict with the police.

The Honourable Member, having misinformed the House to that extent, went on to draw certain inferences out of the Lahore Conspiracy Case in which he appeared as principal defence counsel. That was a case that lasted for a very long time, in which the Honourable Member drew very handsome fees from Government. The Government appointed and paid for the Counsel for the defence in that trial which lasted for over three years. The Honourable Member, I think, got about half a lakh of rupees in fees and as a result of that, rose from the position of a comparatively unknown mofussil lawyer to the position of a Congress leader and a Member of this House. He made a great point out of the question of detention in police or judicial custody of a certain approver in that case, and, in connection with that point, he made a strong personal attack on myself, alleging that I had defied the orders of the High Court and that I had abused the powers of the executive and so on. The actual facts were these. The approver in question was detained, and detained for very good reasons, according to the practice that had invariably been followed in all such cases, without objection in the past, in police custody. The reasons were obvious, first, that the approver being a member of a gang of very desperate murderers was naturally in grave danger of his life if he were compelled to remain in the same jail as the associates, whom he had betrayed, and secondly, that if he was in a position where his associates could tamper with him there was every chance—as they were entirely unscrupulous people,—there was every chance that they would induce him to retract his statement, and that is in fact what he eventually did. For those reasons the approver in question was kept, according to the usual practice, in police custody. He made certain allegations that he was being ill-treated. Those allegations were found by the High Court to be entirely false. My Honourable friend read many quotations from the High Court judgment but he did not read this. The Judges said :

"We are not satisfied that, in spite of being in police custody, which was subsequently held to be illegal, Indar Pal was either subjected or threatened to be subjected to any such ill-treatment as would make his statement inadmissible..... Apart from his own statement, there is no evidence to show that he was in any way ill-treated by the police."



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His own statement being, of course, perfectly worthless. An application was made to the Tribunal which was trying this case that he should be transferred to judicial custody. That application was rejected by the Tribunal but on appeal it was accepted by the High Court who held that it was illegal,—that the practice, which as I have said had been an age-long practice, of keeping approvers in police custody was illegal. The approver was accordingly transferred to a jail after special arrangements had been made so that he could be kept separate from his other associates implicated in this criminal conspiracy. For a day or two, but not longer, till those arrangements were completed, he was kept in the Fort in Lahore, which for that purpose was declared to be a jail. Immediately the High Court held that that was illegal, in fact, I think, before their decision was actually communicated to Government, he was removed to a jail. So much for that point. There was no defiance of the High Court orders and there was no application to the Government of India for an Ordinance. All these are figments of the Honourable Member's fertile brain.

Now, Sir, before I proceed further to deal with the Honourable Member's allegations, I think the House should be made aware of what was the main nature of this Lahore Conspiracy case. The principal charge against this gang, which consisted originally of 21 or 22 people, was what were known as the booby-trap bombs. The secret society which perpetrated these diabolical offences was known as "the Atishi Chakar", or the fiery wheel or circle. On the 19th June, 1930, there occurred simultaneously a series of outrages at six separate places in the Punjab which, for devilish ingenuity, have not, I think, been surpassed by any terrorist outrage anywhere else in India. Simultaneously on the morning of that day, small explosions occurred in untenanted or empty rooms in houses in Lahore, Amritsar, Gujranwala, Sheikhupura, Lyallpur and Rawalpindi. I would ask the House to remember Rawalpindi, because I will have to come back to that place later. The object of these small explosions was to ensure that the police should immediately proceed to investigate their causes and the police promptly did this in every case. In every one of these rooms there was arranged a diabolically ingenious trap, which contained a much more violent explosive, so arranged either in a small box or some kind of vessel that it should explode immediately it was touched. As a result of these second explosions in Gujranwala, one police officer was killed and several were wounded. As a result of the explosion in Lyallpur, one police officer was very seriously wounded and subsequently died and a second was blinded in one eye. That officer who was blinded was the eldest son of an old friend of mine and I remember his lingering in agony for many months and eventually he had to be invalided out of the service and though he is still comparatively young, he is now a broken man. Fortunately, in the other four places, this abominable plot was not successful, though in some cases some of the police officers had very narrow escapes. In one case, the explosive was in a closed box and instead of opening it or picking it up as most people would have done, the police officer turned it over with his foot, so that the bomb instead of hitting the detonator slid up against the lid of the box. Anyhow the plot was successful to

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this extent that two police officers were killed, several were wounded and one was blinded and had to leave the service. I do not know if Honourable Members who were so lavish in their praise of murderers the other day extend their meed of praise to those who brought about these results. For my part, I feel nothing but the most intense indignation for these abominable crimes.

It was the people who were guilty of that plot who were tried in the Lahore Conspiracy case. The Honourable Member speaking the other day gave the impression that the case was fabricated and supported by perjury and so on.

Mr. Sham Lal : On a point of explanation. I did not say that the case was fabricated. What I submitted was that the evidence was fabricated.

The Honourable Sir Henry Craik : But the Honourable Member entirely omitted to mention the result of the case. He gave the impression, perhaps unwittingly, that the only features of this case of any importance were the perjury and forgery alleged to have been committed by police officers. He omitted entirely to mention that of the twenty-one or twenty-two persons sent up for trial, 16 were convicted. The case was withdrawn against one as he was too ill to appear in Court. Four or five were discharged. The other 16 were convicted and the High Court which heard the appeal upheld the conviction of 14 out of the 16. The case was obviously one of extreme difficulty. Although the principal outrages were committed in the middle of June, the police officers could not get a clue till the end of August. In the end, the case resulted in the conviction of an overwhelming majority of the accused.

In decanting at great length on the sins of omission and commission of the police, the Honourable Member relied to a considerable extent on the statements of Inderpal. He also quoted certain extracts from the appellate judgment of the High Court. He conveniently omitted to quote a very relevant and very important sentence. The High Court said, and this was quoted by the Honourable Member, that "the trial has become so complicated and prolonged so inordinately merely because the police did not place a true picture of the investigation, as it proceeded, before the Court". The next sentence he omitted to quote and I will quote it. This is how it ran :

"But in fairness to the police and the magistrates concerned we feel bound to record that it has not been shown that there was any deliberate attempt to introduce any falsehood into the case or to implicate any innocent person. The desire to suppress all discrepancies and inaccuracies apparently sprang from over-zeal but it has led to disastrous consequences."

Then, a great deal was made about the alleged substitution of a page of Inderpal's statements. He made an enormous number of statements, and he constantly contradicted himself and lied :

"We are prepared to believe"—said the Judges of the High Court—"that this substitution was made with Inder Pal's consent, but the emphatic denial of the magistrate on this point throws a great doubt in our minds on his fairness as a magistrate and his veracity as a witness."

Now, Sir, the investigation in this case, as I say, was a very long one ; the trial itself lasted for three years, and it was a long time before the police got on to the track of the murderers. Throughout the course

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of these investigations, and throughout the trial, they had to contend with the very greatest difficulties,—with unscrupulous attempts on the part of the defence to tamper with the witnesses, and with all sorts of plotting, intrigues and machinations to try and ensure the failure of the case. (Hear, hear.) It is not altogether unnatural that in a case involving the death and wounding of so many of their comrades, the police should have shown a certain amount of over-zeal (Interruptions), but as the Judges of the High Court said, there was no attempt to implicate any innocent person, and there was no attempt to introduce any falsehood of any kind. The case was eventually, after the most careful, and possibly one of the most prolonged trials in the history of criminal jurisprudence in India, entirely or almost entirely successful. (Hear, hear.)

The Honourable Member said, quite untruly, that the police officers concerned had been promoted and given titles and honours by the Government. That statement, Sir, is entirely and completely incorrect. The Government held a careful investigation into the matter: no officer was promoted, one at least was severely censured, and it is entirely untrue to say that anyone was rewarded with a title or the grant of rank. (Interruptions). I do not give way. He further alleged that what happened in this case showed that 75 per cent. of the entire police in the Punjab were corrupt and perjurers. That, of course, is a fantastic and wild statement. (Interruptions.)

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order.

**The Honourable Sir Henry Craik** : I took down his exact words :

“ 75 per cent. of the entire police force are corrupt and perjurers.”

As a matter of fact, in this particular case, a very large number of police officers were engaged. The case concerned, as I have said, not only the Central C. I. D., but it concerned the police of no less than six districts, and possibly more than the six districts where the explosions took place. The number of police engaged in the case must have been at least fifty or sixty. Against only four of them were any charges made, or any malpractices alleged,—and that is what the Honourable Member chooses to distort into “ 75 per cent. of the entire police force of the Punjab ”. (Hear, hear.)

Sir, I have said that the police had to contend, in this case, with grave difficulties and with persistent attempts on the part of the defence to tamper with the witnesses for the prosecution. Now it is a good thing, I find as a rule, to follow the old proverb that “ people who live in glass houses should not throw stones ”. (*Ironical cries of “ Hear, hear ”*), and another pertinent proverb is that “ the pot should not call the kettle black ”.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : So you are black.

**The Honourable Sir Henry Craik** : I have here, Sir, documentary evidence to show that persistent and successful attempts were made by the defence to tamper with the witnesses for the prosecution, and that the Honourable Member who brought these charges was himself implicated up to the hilt in these attempts. (Hear, hear)

**Mr. Sham Lal** : On a point of order, Sir, the Honourable Member is making a most serious charge against me. ....

**The Honourable Sir Henry Craik** : I am making a most serious charge. And the Honourable Member himself made a most serious charge against me.

**Mr. Sham Lal** : Then the Honourable Member should have prosecuted me. These must be the reports from the very C. I. D.

**Mr. S. Satyamurti** : Mr. President, on a point of order—I am not able to lay my hands on the number of the rule, but I believe I am correctly repeating the exact words, which are : “ no Member, while he is making a speech, should make a personal charge against another Member ”. I will give you that reference presently, and I submit that the Honourable the Home Member is now making a serious personal charge against another Honourable Member.

**The Honourable Sir Henry Craik** : The Honourable Member made a most serious personal charge against me.

**An Honourable Member** : Why didn't you object then ?

**The Honourable Sir Henry Craik** : I did object. I contradicted it. (Interruptions.)

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order.

**Mr. S. Satyamurti** : May we have a ruling on this point, Sir ?

**Mr. President** (The Honourable Sir Abdur Rahim) : There is no doubt that no Honourable Member of this House is allowed to make a personal charge against another Honourable Member. (Loud Applause.)

**The Honourable Sir Henry Craik** : I am replying, Sir, to a most grave personal charge made by the Honourable Member against my honour and against the honour of the officers concerned.

**An Honourable Member** : You did not object.

**The Honourable Sir Henry Craik** : I am replying to that charge ; I am entitled to place before the House the evidence which I have to show that the charge was not only unfounded but malicious.

**Mr. President** (The Honourable Sir Abdur Rahim) : As to the point of order, the Honourable Member is perfectly entitled, if he is attacked, to defend himself. (Loud Applause.) (Interruptions.)

**The Honourable Sir Henry Craik** : As regards the Rawalpindi outrage, there were at least two witnesses from Rawalpindi who were prepared to swear to the identity of one of the accused persons as having been seen near the scene of the outrage either just before the explosion or just after—I forget which—anyhow the point is not material. Anyhow those were vital witnesses of identity. Their names were Syed Alam and Karam Din. There was a person living in Rawalpindi called Gopal Singh,—an employee of a certain contractor there. On the 20th March, 1933, this Gopal Singh—who appears to have been an agent of the defence—wrote to the Honourable Member, who was the leading counsel for the defence, a letter, of which this is a literal translation :

“ Dear Lala Sham Lal,

I have tried to approach Syed Alam. He has become all right.....Please send a copy of the statement that he has made.”

(Interruption by Professor N. G. Ranga) : Is that Mr. Ranga again ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would ask the Honourable Member, Professor Ranga, not to go on interrupting like this.

**The Honourable Sir Henry Craik :**

"I have tried to approach Syed Alam. He has become all right. Please send a copy of the statement that he has made and the amendments you want in detail (Laughter) so that he might be instructed. Please send the statement soon, as I have to go to Murree after finishing this work soon. Also please send a copy of the statement that Karam Din (*that was the other witness*) has made together with the amendments you desire in detail. (Laughter.) You will have to send the statements of both the persons."

Enclosed with this letter was a loose sheet, not in a separate envelope, addressed to Krishan Gopal, one of the accused persons—the accused man against whom these two people were going to give evidence.—*He was staying apparently with the Honourable Member. His postal address, at any rate, was the same. The enclosure read as follows :*

"I have settled with Syed Alam : Karam Din also agrees. The bargain has been struck at Rs. 100. We have decided to deposit it somewhere. We will have to give it to them when they have given their statement. (*They would not trust them.*) Please send the amount as soon as possible as I have to go to Murree soon....."

**Mr. Sham Lal :** May I point out, Sir, that that man was tried for tampering with prosecution's evidence and the case was withdrawn by the Crown. (*Cries of "Shame, shame" from the Congress Party Benches.*) Why did they withdraw the case?

**The Honourable Sir Henry Craik :** I know that perfectly well. It is clear that my arguments have gone home with the Honourable Members opposite from whom I never expected the ordinary courtesies of debate. What did not come out in that case was the Honourable Member's personal complicity in this disgusting transaction. (*Continued Cries of "Shame, shame" from the Congress Party Benches.*)

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair would ask the Honourable Members not to go on shouting in this way.

**Mr. S. Satyamurti :** Sir, my Honourable friend, the Home Member, is perfectly entitled to reply to any charge which an Honourable Member of this House might have made against him by making a categorical statement, but I submit that no personal charge against the Honourable Member can justify his making a counter and vile personal charge against another Honourable Member. I request you, Sir, to give a ruling to keep up the dignity of the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair has already given its ruling that there should not be any personal charge made by one Honourable Member against another Honourable Member in this House. But, if an Honourable Member is attacked, he is perfectly entitled to defend himself, and, in defending himself, if it is found necessary to point out that one Honourable Member, who made the charge, made it recklessly or without evidence or without any reference to facts, he is entitled to point that out.

As the Honourable the Home Member is likely to take some time, the Chair thinks it had better adjourn the House.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

**The Honourable Sir Henry Craik :** Sir, before I proceed with the main narrative of these somewhat sordid events, I must correct one statement that I made this morning. I am very anxious not to say anything that can possibly be considered an exaggeration. I said this morning that one of the police officers who was wounded by the "booby-trap" bombs had to be invalided from service because he lost the sight of his eyes. I am glad to find that I was mistaken in that. Though the officer lost the sight of one eye and though the medical board actually recommended that he should be invalided, as the sight of the other eye was expected to be lost, eventually the skill of the oculist managed partially at any rate to save the sight of one eye and I am glad to say that it was found not necessary to invalid him from service, but it has been found possible to give him light duties such as he is physically capable of performing. That is a small correction I should like to make.

Now, Sir, before luncheon, I read to the House a letter addressed to the Honourable Member from Rohtak by a man named Gopal Singh of Rawalpindi. I should like the House to remember the date of that letter. It was received on 21st March, 1933. On the 22nd March, a reply was sent to this man Gopal Singh at Rawalpindi, not by the Honourable Member from Rohtak, but by the accused person Krishna Gopal who was then on bail and who was closely concerned with this evidence that was coming from Rawalpindi. I will read that letter :

"**Bother Sardar Gopal Singh,**

I am in receipt of your letter and have understood the contents. Don't you worry. Arrangements will be made regarding the money. The money however can be delivered when he comes to this place,"—*that is when the witness comes to Lahore from Rawalpindi*—"You can assure them through some reliable person. I shall explain to you full particulars on my return to Rawalpindi, as these home affairs should not be reduced to writing."

The last clause is a very wise observation. The rest of the message is irrelevant and so I need not read it. Now, Sir, that was on the 22nd March, 1933. I should like the House to mark what the sequel was. On the 26th May, 1933, that is two months later, these two witnesses with whom the defence had been tampering were produced before the Tribunal and I will read—I will not give my own version of what happened—I will read an account written on that very date by an eye-witness who was present in Court. The account runs as follows :

"There was a considerable amount of excitement in the Tribunal's court today,"—(*that was 26th May, 1933*), "when Karam Din, the witness was being re-cross-examined by Kapur", (*that was the Junior Defence Counsel*). "The latter started to ask him a question with regard to certain matters of identification in Rawalpindi. Karam Din suddenly burst into tears and wept for a considerable time. The defence and the accused were over-joyed at this as they thought that his tears were the fore-runners to allegations he was going to make against the police. Sham Lal and Kapur joined with the Judges in an effort to calm him down so that he might have a fair hearing. Eventually peace was restored and Karam Din stated that his distress was due to the fact that a friend of one of the accused, Krishna Gopal, had approached him in Rawalpindi and had asked him to commit perjury in favour of the accused, that the person who had been to him in Rawalpindi was Gopal Singh and that he (Gopal Singh) had obtained instructions from the defence Counsel regarding the answers which Karam Din was to give to the questions that would be asked him

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by the defence in this case. As he had failed in court to carry out what has been told to do, he was afraid of what would happen to him when he went back to Rawalpindi and he, therefore, craved the Court's protection. This bomb-shell caused considerable consternation and the Tribunal held, after discussion and after hearing the protests of the prosecution Counsel, that as Karam Din had not in fact gone back on his statement the attempts to make him commit perjury were irrelevant in this case and the matter therefore should not go on record. They, however, said, that they would bear the matter in mind and would be prepared to listen to any reference concerning this made by the prosecution at any future date. Karam Din was told that if he cared to submit an application the President would see that it received consideration. I understand that he is submitting a petition to the Tribunal asking for protection. The result of all this was that when Sayyid Alam, the second witness from Rawalpindi, appeared, the defence asked him only one or two questions of little importance, although this Sayyid Alam is probably the most important Rawalpindi witness and his re-examination was expected to last for hours. Karam Din stated in court that Sayyid Alam had also been asked in Rawalpindi to go back on his statement."

Now, Sir, if any corroboration is required as to the genuineness of the letters and correspondence which I have read out to the House, that statement recorded at the time, by an eye-witness, is surely the fullest possible corroboration that human ingenuity could devise.

I will now inform the House what the sequel was. This man Karam Din went back to his home in Rawalpindi and he went before the District Magistrate. I think he had submitted a petition to the Tribunal at Lahore who forwarded it to the District Magistrate for disposal. Karam Din was summoned by the District Magistrate and made before him a statement on oath confirming all that I have hitherto recounted. He spoke of the attempts to tamper with him and so on, the threats that had been given to him regarding what would happen to him if he did not alter his statement. On that Government decided to prosecute this man Gopal Singh, the Rawalpindi agent who had got at these two witnesses, and a prosecution under section 214 of the Penal Code was actually started in the Court of a Magistrate at Rawalpindi. The Honourable Member from Rohtak in one of his numerous interruptions this morning made great play of the fact that that prosecution was ultimately withdrawn. I will explain exactly why it was withdrawn; and here again I will not use my own words but I will quote from a letter written by the Superintendent of Police at Rawalpindi explaining the circumstances. It says:

"Upon an affidavit sworn by Karam Din we have lodged a complaint under section 214 of the Indian Penal Code against Gopal Singh in the court of the Cantonment Magistrate, Rawalpindi. When the case was called the defence counsel contended that the case could not proceed unless Krishna Gopal, accused in the bomb case, is first convicted of the substantive offence, and in support of this he quoted a Madras ruling. His contention appears to be sound though it is possible that the Legal Remembrancer could produce some ruling to the opposite effect. I must confess that at the moment I can find nothing to oppose the Counsel's contention and would be grateful if you would let me know when the original case against Krishna Gopal pending before the Special Tribunal is likely to be decided."

That letter was written on the 28th August, 1933, and the Superintendent of Police was told in reply that the Tribunal was at the moment having a vacation, that it was impossible to say when the case would finally be decided by the Tribunal and that it was of course impossible to say what would be the verdict in the case of Krishna Gopal. Eventually this man Krishna Gopal was acquitted and it was, therefore, held that it was not possible to proceed with the charge against Gopal Singh. That, Sir, was the only reason why that prosecution was withdrawn. It may be

asked why with these facts in our possession Government did not produce them before the Courts, either before the Tribunal which was then engaged in the trial or before the High Court, with a view to reporting the professional misconduct of one of the High Courts' officers. That course was carefully considered but it must be remembered that at the time this evidence came into our possession, that is to say, in March of 1933, this extremely lengthy trial had then been proceeding for a period of over two years, and it was impossible to foresee how long it would take to reach its conclusion. Had we taken steps either to bring to the knowledge of the Court that attempts were being made to tamper with witnesses or to bring to the knowledge of the High Court that the principal counsel for the defence was in our opinion guilty of grave professional misconduct....

Mr. Sham Lal : Sir, on a point of personal explanation....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should go on; he is not making any charge against the Honourable Member.

Mr. Sham Lal : Yes. I may inform the House that I did not represent Krishna Gopal.

The Honourable Sir Henry Craik : Had we taken either of those

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courses we would have seriously prejudiced the accused persons in their defence. Further, we should probably have made it necessary for this very long and very expensive trial to commence all over again from the beginning with a new counsel; and it might have been a perfectly good plea to put in that the new counsel was not acquainted with all the details of the case. Most of the evidence had been recorded by then and it might have been necessary to start the entire case again from the beginning.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, on a point of order, how is all this relevant?

The Honourable Sir Henry Craik : There is no point of order; it is perfectly obviously relevant. I am explaining why we did not take.....

Mr. M. S. Aney (Berar Representative) : Sir, when a point of order is raised, is it for the Honourable Member to reply that it is perfectly relevant, without giving an opportunity to the Chair to give its ruling?

Mr. President (The Honourable Sir Abdur Rahim) : The Chair gave its ruling already.

The Honourable Sir Henry Craik : That, Sir, seems to me a completely adequate explanation for the failure to take what might have been suggested was an obvious action on the information in our possession.

I have only this to add, that if the speech of the Honourable Member from Rohtak is a fair specimen of the Congress or his party's case in favour of this legislation, then all I can say is that it is no case at all. I can only say that I am amazed, and I think the House too must be amazed, at the effrontery that can put forward a case such as he put forward the other day in support of this legislation.

**Maulana Shaukat Ali** (Cities of the United Provinces : Muhammadan Urban) : Sir, I was very anxious that this House and the country should be spared the acrimonious discussion we have had over the Criminal Law Amendment Bill and other repressive laws, and if you remember, Sir, I made an earnest appeal on my bended knees that these should be withdrawn and the country should be given a chance, so that we could work in a calmer atmosphere in the Constitution that is coming. I am sorry that there has been a good deal of display of temper, and I think it has not been the monopoly of this side (Congress) only. We have seen and heard the Honourable the Home Member, and I was surprised that a responsible official of his age and his experience should have made assertions which no one, who feels for his country, could easily tolerate. Unfortunately we on this side are only an opposition ; they administer the law, they rule the country and they have not got to suffer for the bad laws that they make. I speak today, because I am a worker in the cause of Islam and in the cause of my country, and I have suffered also from the bad laws that they made. Government's Benches have been talking very lightly of murders and sympathy with murderers, but if we use the same kind of argument that they use, I can ask the Honourable the Home Member, what about the 69 murders that were committed in Karachi ? Sir, when this case of Abdul Qaiyum came to our notice, we made a serious effort to stop such cases in future. He had killed another man in Karachi, and the Islamic law on the point was very clear. As you know the Holy Qoran says :

*"Lakum fil kasas la hayat."*

"Which means that the secret of life lies in taking life for life." We waited with some of our friends on the Honourable the Home Member. He was very kind and very patient, and we put our case before him and he heard us very patiently. It was decided by Government that as Abdul Qaiyum had taken one life, he ought to give his life. We have no quarrel with that decision, but we expected in the cause of peace in the country that the Honourable the Home Member would have sent for us, and, if he had done that and asked our advice, I am certain that some of us would have gone to Karachi and would have arranged to take the body of Abdul Qaiyum to a place where thousands would have joined the funeral prayers and paid the last honours to the deceased and the 69 valuable lives and so many wounded would have been spared. I am afraid, believing in their monopoly of good sense and wisdom, the officials do not want to listen to us and they do not want our advice : they only want our votes to help them to pass such laws. I for one, who have suffered through bad laws and have been forced into a position which I never like, declare frankly that you cannot expect us to put our necks into the noose like this voluntarily. The Criminal Law Amendment Bill has been passed. Personally I do not see any reason for these repressive laws of 1908 to spoil and disfigure the Statute-book. They only make the country bitter and more bitter, and they are of no use or efficacy. I was a Government servant for 17 years—meritorious service and fine record. But things happened to my faith in India and outside in Moslem Lands and we decided that we could not keep quiet : and I and my late brother and those who thought with us, including some of the greatset Ulemas in the country, men well-known for their character and for their piety, were hauled up and forced into a position which we did not like. If the Government make

bad laws and punish us afterwards for our belief, then, it must lose our support. My loyalty is conditional. As long as I am allowed to practise my faith as freely as I want, I would be willing to be a subject of His Majesty the King Emperor. But if you pass such laws and force me into a position which I as a good and God fearing Muslim, thinking of my eternal life, am not prepared to accept, then you punish us and send us to prison. What was this Karachi state trial to which we were subjected ? My brother, myself, Dr. Kitchlew, Maulana Hussain Ahmad, Pir Ghulam Mojaddid and Mufti Nissar Ahmad were tried at Karachi and Government wanted to give us life sentences, but we got only two years each. We had preached only what the Holy Qoran ordained on every Muslim : and I would like to ask those Muslims who always go and vote with the Government to listen and say if I am quoting the Qoran correctly or not. I ask Sir Abdul Halim Ghuznavi, Mr. Yamin Khan, and other Government supporters to let the House know what they think about the Qoranic Text :

*"Waman Yaktul Momenan Motaamedan, fa jazaohum Jehannam, etc."*

"If one Muslim intentionally goes and kills another Muslim, then his punishment is Jehannum, eternal fire and God's wrath, and so forth."

Suppose our Muslim brethren are threatened and attacked unjustifiably in Palestine or Syria or elsewhere, then that very fact changes our politics. To please Italy and wean it off from the Triple Alliance, Tripoli was given to her, Morocco and Algeria was given to France ; Egypt was taken over by England itself, Persia was to be divided north and south, the north was to go to Russia and the south to England. Each time England wanted to get into an advantageous position, they did so at our expense. I am a Muslim, thank God. I have not invented my faith, nor has my friend, Sir Abdul Halim Ghuznavi nor Mr. Yamin Khan, nor any of my other friends there, who support the Government : they are not responsible for our faith. Over 1,300 years ago, the last of the Prophet (God's peace be on him) came and he gave us our laws and we cannot accept any laws that clash with them.

From 1908, when I was in Government service, you have tried these repressive laws. Day by day, the condition in India is getting worse, and I want to warn the people responsible for them. I want to co-operate with them, but they make it impossible for me to do so. Every day the condition is getting worse. I know what the effect of the Criminal Law Amendment Act debate and today's debate will be on the country. I am not a very learned man. I do not know much law, but I understand one thing probably more than most, and that is mob psychology. The speech which you had cheered,—the Honourable the Home Member's speech today will create millions of terrorists. The time has come when Government must change this attitude, and if they do not change it, and if they do not withdraw these repressive laws, it will be bad for us and worse for them. I am against all repressive laws. By all means frame laws for thieves, evil-doers and murderers : but you cannot include us in that category—we are God-fearing respectable people. I tell you, not one blackguard, not one thief, not one murderer, not one habitual criminal can ever be checked by these laws. You merely bring bitterness into our hearts. I have no bitter-

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ness in my heart, I have not allowed it, but the bitterness is getting into the heart of the country, and I say frankly, that if things go on like this for another ten or fifteen years, there will be a bloody revolution in this country. Why these laws now? The new reforms are coming: we will be in the place which the officials occupy now. The Constitution is not what we wanted or what we expected or what we deserved. Yet, many of us will work this Constitution and we are often told that our co-operation is wanted. I say: "I will give them that co-operation on certain conditions" and I also say: "bring a great deal of pressure on our friends Congressites here that they must work the reforms and give the reforms a fair chance". But with what face can I go to them and ask them to work this Constitution with these laws on the Statute-book? A few years hence, when we will be in charge of our own affairs, we will be perfectly entitled to look after our own affairs and make our own laws. I mean no disrespect to my Honourable friend, the Law Member. He is a very able man, and I know he has come here at great personal sacrifice giving up his huge practice, to take up this work. But he will agree with me that there are as good people in Bengal as he. He himself will say so. There is my friend, Sir Muhammad Zafrullah, whom I know intimately: there are as good people among the Muslims as he—I mean no disrespect to him. I am proud of him, and I am proud of all Indians who sit on the front benches; they carry on the work of this House and the administration of this country with great capacity: but I for one will honestly tell them through you, Sir, and I will tell the whole House that those who think that India will lapse into chaos, the day the English disappear, are very much mistaken. If one fine morning we find that every Englishman and Englishwoman and every administrator have developed angelic wings on their shoulders and flew away from this unfortunate and unwanted country and gone back to their own beautiful land, I assure you, Sir, there may be an astonishment, and temporary dislocation of work for a week or few days, but within ten days the administration will be as good, if not better than what it is today. (Opposition Cheers.) The time has come to conciliate. You have tried all measure of repression. I have been a prisoner, and I know prison life. I told you the other day about habitual criminals. I say at the rate that you are going, you will soon make 350 million of Indians habitual criminals. Every repressive law means that the criminals also develop further capacity and ingenuity to commit more crimes and get hardened. Every day, new laws are being created for repression with no effect. I hear my friend, Mr. Morgan (European Group), laugh. Let me tell him I was a loyal subject. I wanted to be a good Muslim also. For all practical purposes I thought as they did and I wanted to be a friend: even now after a period of 20 years as an outlaw and rebel I want to co-operate with them. But what do I get? A great wrong was done to the Moslems at Karachi. Non-official Moslem members of both Houses, responsible men all of them, decided that as Government was not going to make an official inquiry we must go and ease the situation, soothe the Muslims, soothe their feelings and see that in future such things did not happen. With what result? Our entry into Sind was banned and I was to be finished—I was put down on the black list of the Government. My letters are being opened; and I appeal to my

Honourable friend the Home Member—I do not know if he has read them—to read them kindly and see that they reach me alright. My wife's letters, love letters from my family and all kinds of letters addressed to me are opened. (Loud Laughter.) For the last 20 or 25 years, they have carried on this game, and, so far thank God, the Honourable the Home Member has found no letters to incriminate me. And yet I am a peace maker, Sir, in spite of all kinds of harrassment. They want my assistance, as they cannot carry on without me. I want to go to a place on a peace mission, suddenly the police officers and other Government officials want to show their displeasure and demand a security of Rs. 3,000 from my paper the *Daily Khilafat*. I started from Bombay for Sind, and a telegram was received all along the G. I. P. line that an eye was to be kept on me. At 2 o'clock after midnight, at Bhusaval, where they change for Nagpur side, a man comes and asks me: "Have your servants got tickets", because he wanted to know whether I was going to Delhi or to Nagpur. I always keep my heavy shoes beside me, and I would have thrown my shoes at this disturber of night's rest, but I desisted. The poor Railway official was prompted by a police man to wake me up against all railway rules. I went to Bhopal to meet my daughter-in-law and my sister-in-law, Begum Muhammad Ali, and also to pay respects to H. H. the Nawab Saheb of Bhopal. The police report had already gone ahead that Maulana Shaukat Ali was travelling by a certain train and his movements should be watched. Sir, the day I arrived in Simla to attend the Assembly Session and entered my host's house in Summer Hill, there was a police man with folded hands sitting on the verandah of the post office to watch my movements. When I go by rickshaw, these policemen, as they cannot follow me, ask the rickshaw coolies all about my movements. Thank God, I have been a very good boy in Simla. (Laughter), and there is nothing against me so far. I think the police must have given a very good report about me, and the Honourable the Home Member must have thought that, "unlike Lala Sham Lal, Shaukat Ali was a very good man". (Laughter.) Sir, I had never studied any revolutionary literature until I was sent to jail. The first book that I read was during the Karachi jail, Carlyle's French Revolution belonging to the Jail Library. We were to be imprisoned there for 20 years, but the Court gave us only two years. The second book that I read was Tharaud on "Civil Disobedience" and the third book was also given to me by the Jail Superintendent in Rajkot from his own station club library; and all these books dealt with the Irish question, and, later on, I came across the History of the American War of Independence. But, Sir, I have been watching all movements including the events of the Great War. I was not on the English side, because Islam was in danger and my Khalifa was forced to fight in self defence, and, therefore, I had to side with my Muslim brethren, and for me as against my faith, no Kingdom, no Empire, no loyalty, no Criminal Law Amendment Act would count, and, I am sure, every God-fearing Muslim will agree with me and fight for the safety and glory of Islam. But Sir, in the last war, India gave many thousands of men,—Hindus, Muslims, Sikhs and members from all communities. In 1917, when I was in prison, the late Mr. Montague promised on behalf of England, Self-Government for India within ten years. And we expected that we will get our promised reward; but, this is the year of Grace, 1935, and we see no signs of any



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reward ; on the other hand, we see very ugly signs or rewards like the Criminal Law Amendment Act, the Rowlatt Act and other Acts to keep down the people of this country. A great poet in India, a great friend of mine, told me once : " This Criminal Law Amendment Act is putting a seal on my brain and political muse ! " and I agree with him. Sir, the other day, we had a poets' gathering in Simla, and I think my friend, Mr. Yamin Khan, was sitting behind me ; and whenever a poet sang beautifully, I said to him, Criminal Law Amendment Act. My friend said, " No ! " A second time he also repeated a shame-faced " No ! ", but the third time, when a fine verse was sung, I said : " Criminal Law Amendment Act " and he said " Yes !!! ". (Laughter.) The only reward we got for our services in the last War was the Rowlatt Act—the Black Act as it is called. As soon as the War was over, they enacted the Jallianwalla Bagh scene in which Sir Michael O'Dwyer and General Dyer took a prominent part. They were lauded to the skies as saviours of the British Empire. It was said they had saved the British Empire. The Britishers subscribed and gave General Dyer a big purse and a " Sword of Honour " for his meritorious services to the Empire. And yet, after barely a year, the non-co-operation movement came in, and people of all classes and communities, Hindus, Muslims and Sikhs worked together for righting of the wrongs, and the future historian of India will chronicle all these events.

I am a worker for peace—triangular peace. Now, how can I go and ask my friends to work peacefully in the cause of the country ? I personally like the Honourable the Home Member very much, he is an honest man, but when he has been a party to the introduction of these Rowlatt Act, Criminal Law Amendment Act and such like Acts, under which people were made to crawl on their bellies, to write poetry on the ground with their nose, how can I ask the people to remain calm ? The Congress started the Civil Disobedience Movement, in spite of all your repressive Acts,—of course I was opposed to the Civil Disobedience Movement, because it was a sectional movement, started in spite of my advice and opposition to it, and my friends, Sir Ghulam Hussain Hidayat-alla and Dr. Deshmukh know it that I and my group fought against it. Yet though it was a sectional movement, it was four times stronger than the non-co-operation movement, in spite of all your Criminal Laws and other laws which have disfigured the Statute-book. Do you think you have been able to save India ? Do you think criminal laws of this character will ever be able to save this country ? I am afraid, Sir, they are making every decent minded man a revolutionary. Sir, I would appeal to the Honourable the Home Member as also to the Honourable the Law Member to please withdraw this measure. You have to conciliate the people of this country. Reforms are coming, you are going to give power into the hands of the people. Why do you produce bitterness in our hearts ? In your wisdom,—of course you think you have got the monopoly of wisdom,—in your wisdom you think we are all fools, we will blindly surrender to what you say and give you the votes you want. Under the present conditions, I would rather put the noose round my neck than vote for Government Repressive Laws. I even now beg of the Government to withdraw all these repressive laws. The Indian Penal Code is quite sufficient. Give us a chance for peace. I am not afraid to die, I am an old man. My father died at the age of 32, my

brother at the age of 50, and my children died young, and I have lived my life, a very interesting life I can assure you, these 62 years, and I do not mind dying. But let us think of these young men, Muslims and Hindus, of Bengal or of any other province. Power is going to be given to us. The country is not going to stand any nonsense and to be treated as babies. I am not a baby. (Laughter.) For 600 years, my people have been soldier administrators. I am not that miserable thing which officials call " babu " or " banya ", I am soldier and fighter, and I knew this game. I say, in the interests of everybody, more in the interests of England, and also in the interests of India,—everybody's life should be happier if Government retrace their steps and give up this old road that has led them nowhere. If they do so, their administration will probably last longer. What may happen after fifty years, God alone knows. But if you trust India and win the goodwill of the people, India will be a happy country and England too. This is my appeal. If the Government want my vote, I won't give it to them as long as these repressive laws are on the Statute-book. I am a single man here, and I have no party, but in the next election I hope to have a very good party in this House. I say nobody will vote for you unless there is a change of heart and unless great and brave people as you are you stretch your hand and shake hands of the brave people of India, and then India, England and the whole world will be happy. (Applause.)

**Mr. Amarendra Nath Chattopadhyaya** (Burdwan Division ; Non-Muhammadian Rural) : It is needless for me to say that I stand to support Mr. B. Das's Bill for the repeal of this obnoxious law and not to allow it to stultify the Statute-book any longer. In the last Delhi Session, when this Bill was under discussion, the Honourable the Law Member had taken great pains to read out from his book a list of names,—name after name he read on, but for what purpose I could not understand. Since 1905 we have been struggling for our inherent rights and several movements have come and gone and we, in Bengal, have identified ourselves with every movement. Sir, there came revolutionary movement before non-violent non-co-operation movement in Bengal, and naturally if there were some men who had been violent previously, they have been found to be in the non-violent movement when it was started in Bengal in 1921, and it required no proof. We never denied that there were some people in charge of District Congress Committees who were men previously pledged to or connected with violence, and when Mahatma Gandhi introduced this non-violent non-co-operation movement in Bengal they wanted to become non-violent, and it is a pity that Government did not like that they should be non-violent. If we examine the laws that are now governing Bengal, I feel inclined to say that Government prompt and incite Bengal to more violence. The whole responsibility for violence rests with Government and not with the Bengali people. With regard to this law, another question which the Honourable the Law Member asked, in reply to a statement by the Deputy President of the House in his last Speech—that " Hunger for food and hunger for freedom " made Bengal young men violent—he asked, " hunger for food and hunger for freedom is prevalent everywhere ", and why should there be violence in Bengal alone ? I may take the liberty to remind him of an old story from the pages of history. When Lord Clive was planning his campaign against Siraj there was a conference of the nobilities and gentries



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of Bengal to decide whether they should help the English to drive away Siraj from the throne or Musnad. There was one lady, a great lady, a Rani of Ranis, I mean Rani Bhabani whose name is sacred, whose memory is sacred,—she warned those gentlemen, those noblemen of Bengal not to excavate canals and bring crocodiles from the seas. Today Bengal is expiating the sins of her forbears. Bengal is expiating for their sins by giving her lifeblood. Up till 1905 Bengal had given slavery brand loyalty to England. Slavery I call it—because they remained mendicants for their rights and privileges, and it was not until Lord Curzon's speeches on the University Bill and his partition of Bengal, that Bengal rose from the torpor, Bengal rose from the slumber and took to direct action. During the partition days, under the leadership of the then Mr. Surendra Nath Bannerjee, the boycott movement was launched. He said that so long as England and the British Government in India would not modify the partition there would be no end of boycott because a nation of traders would be moved only when their pockets were touched. That was the beginning of the movement. How did the bomb come? The first bomb that came was when, Sushil Kumar Sen, a boy of fifteen, was given a sentence of fifteen stripes, for he had paid in their own coin some three or more European Sergeants who attacked him in a melee in the Presidency Magistrate's Court. The action—the brutal action of the sergeants who belaboured the boy was never called into question, they were never punished, and that was the origin of the first bomb. His friends took it to heart to avenge that wrong. A boy of fifteen was given 15 stripes, and that in the name of law and order! When Khudiram Bose and Profulla Chaki had gone to Muzaffarpur and by mistake killed two ladies instead of Mr. Kingsford, their target elect—everyone in Bengal was sad. The two youngmen never thought of killing those ladies, they wanted to avenge the wrong done by Mr. Kingsford, the magistrate.

Sir, I do not for a moment stand here to support terrorism. I stand here only to show that it is the actions of the magistrates and officials in charge of Government that are responsible for terrorism in Bengal. In the name of law and order, they have insulted law and their own codes and they have introduced this cult of the bomb. Sir, in this connection I should like to read an extract from the Rowlatt Committee's report :

“He (Vivekananda) organised centres of philanthropic and religious efforts under the supervision of Ramakrishna Mission and carrying much further the teachings of his master, preached that Vedantism was the religion of the world and that although India was now subject to a foreign power, she must be careful to preserve the faith of mankind. She must seek freedom by the aid of the Mother Shakti. Vivekananda died in 1902. His writings and teachings survived him, have been popularised by the Ramkrishna Mission and deeply impressed many educated Hindus. From much evidence before us, it is apparent that this influence was perverted by Barindra and his followers in order to create an atmosphere suitable for the execution of their project. So indeed was the teachings of the Bhagvat Gita or Lord's Song of the Mahabarat Epic recited by Sri Krishna, the incarnation of the creator of the world before the great long ago battle of Karukshetra. But neither the religious teachings of Vivekanand nor the exultation of Sri Krishna in the Bhagvat Geeta would have afforded so moving a text to preach from had not the whole world, specially the Asiatic world been electrified and amazed by the victories of Japan over Russia at a time when within this country circumstances occasioned by certain Government measures specially favoured the development of Barindra's plans. Early in the century, Lord Curzon, then Viceroy, had introduced the University Bill which provoked much controversy and was interpreted by politicians as designed to limit the number of Indians educated in English and thus retard national advance. That was their idea

and opinion. In Bengal, where as we have seen, English education had been largely adopted, opposition was intensely bitter and while the dispute was in progress, the Government projected partition of Bengal. It was the agitation that attended and followed on the latter measure that brought previous discontent to climax and afforded a much desired opportunity to Barindra and his friends.”

The members of the Rowlatt Committee deserve thanks for the saving grace to admit that it is the flouting of public opinion in Bengal that is responsible for the discontent and the bomb. Had this present law been in force then, the Ramakrishna Mission would have been its victim and the world would have been deprived of the great and noble service of this mission. If Swami Vivekanand had lived, he would have been a victim of this law if it was in force then and he would have been in jail. The partition of Bengal came and that was responsible for most of this discontent. During this partition agitation, the extremists and moderates formed themselves together into one group of politicians and they conducted a campaign against the partition which the Government declared to be a settled fact. Now, I have shown how the cult of the bomb was started and now I want to show how it spread. After Profulla Chaki died, Khudi Ram was under trial and ultimately executed. The Alipore Conspiracy case was started. Twelve young men were arrested and placed on trial and the trial went on for a year. The supposed leaders were Arabindo Ghose and Barindra Ghose. This is well known to everybody. Since 1906, this cult of the bomb and this revolutionary movement went on increasing in spite of all laws. In 1906 we had only two cases. In 1907 we had seven cases, in 1908 we have 21 cases, in 1908 five institutions were declared unlawful and there were 16 cases. In 1910, there were nine cases, in 1911, there were 14 cases, in 1912, 14 cases, 1914, 18 cases, 1915, 31 cases, in 1916, 12 cases, in 1917, 9 cases and then in 1922 came Mahatma Gandhi's movement, in 1922, there was one, in 1923, nine cases, in 1924, eight cases, in 1925, three, in 1926, one case, in 1927, there was one, in 1928, three cases and in 1929-32 there were seven cases. Regulation III of 1818 and regulation *lathis* were all in use and nobody could stop terrorism in spite of all laws. Terrorism is not and cannot be suppressed by law. Those who readily lay down their lives for any such idealism or foolishness as you call it, no law can stop them, no law can prevent them from their activities. It is very well known to everybody. The law is for those who obey law. Terrorists never mind any law. They have been inspired by laws of their own. They are actuated by their own sense of self-respect and a nation's prestige and they cannot live the lives of ordinary men. They are guided by their own light which burns within their souls. Consequently, even if this law is passed by this House, it can never stop terrorism, because so long as terrorism of the British Government will remain, terrorism of the people will continue to stay. There may be lull but they cannot be extinct.

Sir, I shall now come to the Civil Disobedience Movement of 1930, and I shall take Midnapore first. I shall start with the movement in Midnapore in 1930, and I know my Honourable friend, Mr. Griffiths, is here. I shall give this Honourable House an idea of how that poor district was governed in 1930. Sir, people who were aloof from the Civil Disobedience Movement will endorse every word I say in this House—men who are in the good books of the Government, men who are held in great esteem, men who have unbroken faith in the sense of justice of the British. Sir, with such men, an enquiry committee was formed to

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of Bengal to decide whether they should help the English to drive away Siraj from the throne or Musnad. There was one lady, a great lady, a Rani of Ranis, I mean Rani Bhabani whose name is sacred, whose memory is sacred,—she warned those gentlemen, those noblemen of Bengal not to excavate canals and bring crocodiles from the seas. Today Bengal is expiating the sins of her forbears. Bengal is expiating for their sins by giving her lifeblood. Up till 1905 Bengal had given slavery brand loyalty to England. Slavery I call it—because they remained mendicants for their rights and privileges, and it was not until Lord Curzon's speeches on the University Bill and his partition of Bengal, that Bengal rose from the torpor, Bengal rose from the slumber and took to direct action. During the partition days, under the leadership of the then Mr. Surendra Nath Bannerjee, the boycott movement was launched. He said that so long as England and the British Government in India would not modify the partition there would be no end of boycott because a nation of traders would be moved only when their pockets were touched. That was the beginning of the movement. How did the bomb come? The first bomb that came was when, Sushil Kumar Sen, a boy of fifteen, was given a sentence of fifteen stripes, for he had paid in their own coin some three or more European Sergeants who attacked him in a melee in the Presidency Magistrate's Court. The action—the brutal action of the sergeants who belaboured the boy was never called into question, they were never punished, and that was the origin of the first bomb. His friends took it to heart to avenge that wrong. A boy of fifteen was given 15 stripes, and that in the name of law and order! When Khudiram Bose and Profulla Chaki had gone to Muzaffarpur and by mistake killed two ladies instead of Mr. Kingsford, their target elect—everyone in Bengal was sad. The two youngmen never thought of killing those ladies, they wanted to avenge the wrong done by Mr. Kingsford, the magistrate.

Sir, I do not for a moment stand here to support terrorism. I stand here only to show that it is the actions of the magistrates and officials in charge of Government that are responsible for terrorism in Bengal. In the name of law and order, they have insulted law and their own codes and they have introduced this cult of the bomb. Sir, in this connection I should like to read an extract from the Rowlatt Committee's report :

“He (Vivekananda) organised centres of philanthropic and religious efforts under the supervision of Ramakrishna Mission and carrying much further the teachings of his master, preached that Vedantism was the religion of the world and that although India was now subject to a foreign power, she must be careful to preserve the faith of mankind. She must seek freedom by the aid of the Mother Shakti. Vivekananda died in 1902. His writings and teachings survived him, have been popularised by the Ramkrishna Mission and deeply impressed many educated Hindus. From much evidence before us, it is apparent that this influence was perverted by Barindra and his followers in order to create an atmosphere suitable for the execution of their project. So indeed was the teachings of the Bhagvat Gita or Lord's Song of the Mahabarat Epic recited by Sri Krishna, the incarnation of the creator of the world before the great long ago battle of Kurukshetra. But neither the religious teachings of Vivekanand nor the exultation of Sri Krishna in the Bhagvat Geeta would have afforded so moving a text to preach from had not the whole world, specially the Asiatic world been electrified and amazed by the victories of Japan over Russia at a time when within this country circumstances occasioned by certain Government measures specially favoured the development of Barindra's plans. Early in the century, Lord Curzon, then Viceroy, had introduced the University Bill which provoked much controversy and was interpreted by politicians as designed to limit the number of Indians educated in English and thus retard national advance. That was their idea

and opinion. In Bengal, where as we have seen, English education had been largely adopted, opposition was intensely bitter and while the dispute was in progress, the Government projected partition of Bengal. It was the agitation that attended and followed on the latter measure that brought previous discontent to climax and afforded a much desired opportunity to Barindra and his friends.”

The members of the Rowlatt Committee deserve thanks for the saving grace to admit that it is the flouting of public opinion in Bengal that is responsible for the discontent and the bomb. Had this present law been in force then, the Ramakrishna Mission would have been its victim and the world would have been deprived of the great and noble service of this mission. If Swami Vivekanand had lived, he would have been a victim of this law if it was in force then and he would have been in jail. The partition of Bengal came and that was responsible for most of this discontent. During this partition agitation, the extremists and moderates formed themselves together into one group of politicians and they conducted a campaign against the partition which the Government declared to be a settled fact. Now, I have shown how the cult of the bomb was started and now I want to show how it spread. After Profulla Chaki died, Khudi Ram was under trial and ultimately executed. The Alipore Conspiracy case was started. Twelve young men were arrested and placed on trial and the trial went on for a year. The supposed leaders were Arabindo Ghose and Barindra Ghose. This is well known to everybody. Since 1906, this cult of the bomb and this revolutionary movement went on increasing in spite of all laws. In 1906 we had only two cases. In 1907 we had seven cases, in 1908 we have 21 cases, in 1908 five institutions were declared unlawful and there were 16 cases. In 1910, there were nine cases, in 1911, there were 14 cases, in 1912, 14 cases, 1914, 18 cases, 1915, 31 cases, in 1916, 12 cases, in 1917, 9 cases and then in 1922 came Mahatma Gardhi's movement, in 1922, there was one, in 1923, nine cases, in 1924, eight cases, in 1925, three, in 1926, one case, in 1927, there was one, in 1928, three cases and in 1929-32 there were seven cases. Regulation III of 1818 and regulation *lathis* were all in use and nobody could stop terrorism in spite of all laws. Terrorism is not and cannot be suppressed by law. Those who readily lay down their lives for any such idealism or foolishness as you call it, no law can stop them, no law can prevent them from their activities. It is very well known to everybody. The law is for those who obey law. Terrorists never mind any law. They have been inspired by laws of their own. They are actuated by their own sense of self-respect and a nation's prestige and they cannot live the lives of ordinary men. They are guided by their own light which burns within their souls. Consequently, even if this law is passed by this House, it can never stop terrorism, because so long as terrorism of the British Government will remain, terrorism of the people will continue to stay. There may be lull but they cannot be extinct.

Sir, I shall now come to the Civil Disobedience Movement of 1930, and I shall take Midnapore first. I shall start with the movement in Midnapore in 1930, and I know my Honourable friend, Mr. Griffiths, is here. I shall give this Honourable House an idea of how that poor district was governed in 1930. Sir, people who were aloof from the Civil Disobedience Movement will endorse every word I say in this House—men who are in the good books of the Government, men who are held in great esteem, men who have unbroken faith in the sense of justice of the British. Sir, with such men, an enquiry committee was formed to

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 inquire into the atrocities of the Government in Midnapore during the Civil Disobedience Movement. Sir, during the previous debate my Honourable friend, Mr. Griffiths, gave us in his inimitable language and in a very impressive and eloquent speech an account of how simple-minded and enthusiastic young men were recruited to the ranks of terrorism by sinister agencies. Sir, it is, I say the action of the Government and not anybody else's action that forced these young men to join the ranks of terrorists and to run after the lives of those who were responsible for such atrocities in the name of law and order. Sir, everybody here is acquainted with the nature of the non-violent non-co-operation movement and the Civil Disobedience Movement. The main feature of both the movements is to accept "suffering and sacrifice" by defying certain "unrighteous laws"—laws which should not have seen the light of the day to stultify the Statute-book, and such laws were chosen to be broken by the Leader of the country. You know, Sir, that Mahatma Gandhi chose to break the salt law, and young men and young women from all parts of the province marched forward to manufacture salt in Contai, and this was on the 6th of April; and the 25th of April had been fixed as a day to stop the payment of the *Chaukidari* tax. So, Sir, this was the method of the struggle. Every one of the workers was pledged to remain non-violent, to observe non-violence in mind, language and deed. Sir, there was not one who could be charged with violence; there was not one who could be charged with any objectionable conduct, and they suffered in silence from all these atrocities during that work. Sir, I do not blame the district authorities for seeking to stop that attempt at breach of laws by the Congress workers, but, Sir, they made unprovoked assaults on the villagers; they damaged, destroyed and removed private properties; they threatened physical violence to people who did not follow them as slaves; they exacted promises and undertakings from poor villagers by assaults and threats; they forcibly took possession of buildings belonging not only to private individuals but to public bodies, like national schools, and they kept in some of the places of inadequate accommodation men in detention at Contai, and then there was wholesale detention without charge and without trial, and sometimes without food and drink of men who were only suspected to be sympathetic with the movement. Sir, I do not know if the Honourable the Home Member has in his possession the report of the non-official enquiry committee consisting of such distinguished and esteemed gentlemen as Mr. J. N. Basu, the great Liberal leader, Mr. Akhil Chandra Datta, our Deputy President, the late Mr. B. N. Sasmal, M.L.A., Mr. K. C. Neogy, M.L.A., Mr. P. B. Sen, P.R.S., Mr. P. C. Banerjee, Mr. L. C. Wahid Hussain, Advocate, Calcutta, High Court, Mr. J. N. Maitra, Councillor, Calcutta Corporation, and some other Members of the Bengal Legislative Council. Does anybody here who knows these names ever imagine that what they have inquired into and reported upon is all false? Sir, it is because, on the contrary, they stated what were facts, after proper inquiry, that this report was banned, and it could not be published for the public. Truth is very unpalatable specially to cowards and men with guilty conscience. (Hear, hear.) I say, Sir, if the Honourable the Home Member or the Leader of the House had the courage to place on the table of this House this report, then this House would have been able to understand the real situation at Midnapore during the Civil Disobedience Movement.

Sir, I shall now start with a few sketches of most inhuman fresh assaults which the members of this Committee saw with their own eyes. It was in Contai. The victims were (1) Bains Pradhan, of Baltalia, (2) Indra Jana of Bagdhia, and (3) an elderly woman named Suryya. Next they visited the scenes of looting and damaging of property in Subarnadighi village. There, one Mohendra Nath Samanto's house was entered into by the police, his house was pulled down, his articles were scattered, his papers, documents, etc., were thrown all over the yard, and the paddy bags were cut open and scattered. Next, the members visited a house close by and saw, to their horror, a girl of eighteen years, in an advanced stage of pregnancy, Ambu by name, breathing with difficulty, her eyes closed, with tears trickling, and she complained of her breasts being twisted, and of her being kicked about on the hips! (Hear, hear.) Sir, these people surely had not taken any part in the breaking of the "Salt Act", but they were suspected of being sympathisers. Sir, the local officers did not like that the visitors should have further opportunities of seeing these atrocious acts and to have further evidence of these oppressions. They were arrested by the S. D. O. for the time being but better sense prevailed and they were set at liberty. However, they recorded statements, observed wounds, inspected damages to property, although they were hampered, and they regretted to notice such want of administrative sense of executive capacity in the local officials concerned. In the afternoon, they reached Mirzapur, nine miles from Contai; they visited the Library Association where they would take evidence, and found the houses and the buildings of the national school all occupied by the police! Then the members took down these cases of assault and witnessed fresh marks of wounds on their bodies. From there they went to Nachinda and took the evidence of thirty eye-witnesses, and many of them were women who had marks of assault on their bodies!! (Hear, hear.) Sir, the martial spirit of the British Government was here manifested on the bodies of women in Midnapur, without any provocation on their part!! Sir, the Assistant Surgeon of Contai, a Government servant, will bear witness to this. In Contai town at Saraswatitala, an unprovoked assault had been made on the 8th of May, 1930, and the buildings of the national school, which had the reputation of being one of the best of schools in the district, if not the best, had been taken possession of by the police, and constables were lodged in that building on the 25th May. On the 25th May, there had been no case of any act of violence in Contai on the part of the villagers and yet all the teachers of this national school have been externed from the district. Can you imagine, Sir, how thoughtlessly the local authorities have acted and have been still persisting in this blunder? Is this the way by which the Government of India mean to bring peace to the country and restore law and order? Teachers are sacred and the profession of teaching is holy, as they by their examples build the character and by their elevating and ennobling teaching they make the future character of the nation. But, Sir, this Government do not leave anybody untouched, unscathed and unhurt. On the 26th of May at Kholakhali a large number of persons—all sufferers—wanted to hear witness. Seven were examined and most of them bore marks of assault on their bodies, assault by canes, lathies and kicks. One woman, named Kumari Dasi, was roughly handled to faint. In Egra, Babu Pashupati Maiti, a teacher, on his way to school, was assaulted with canes by police, be-

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cause he put on Khaddar. In Gupinathpur—in village Bayenda—in discriminate assaults on bodies of villagers were inflicted and the Committee had seen fresh marks of assaults on bodies of many who appeared to give evidence. At Pratapdighi Patashpur thana shooting took place on 1st of June, 1930, resulting in the death of two persons. The father of one of the two persons killed was examined. Sir, the committee inquired if there had been any attempt on the part of the villagers to attack the police—any sort of provocation. There was nothing of the sort; only the movement was there. Looting of money, loss of silver and gold ornaments, was the common feature of these assaults. Sir, I can go on quoting this sort of assaults, this sort of oppression and this sort of tyranny on the part of the Government for hours together—if not days. But I think it is useless. It is not in Contai alone that these atrocities were perpetrated but they were perpetrated in many other places in Tamuk and Sudder sub-divisions. I will give you the instance of Charpalia. Now, Charpalia is a village in the police station of Egra, sub-division Contai. The committee visited the place on the 28th September, 1930. The tragedy of drowning is harrowing and exposes the bestiality and brutality of the Government in its nakedness. The site of the tragedy is a narrow lane between a large tank on one side of a fence in front of the house of Khirode Chandra Jana. On the 8th September, 1930, there was unprovoked assault by the police with *lathies* on a large number of villagers who had fallen into the tank opposite that house. Five dead bodies were found in the tank. On the 7th September some officials including Circle Officers, police officers, visited Charpalia with several policemen. Policemen were placed partly in the house of Brojo Mandal and partly in Khirode Jana's house. On the 8th September, a large number of people went on a deputation to the Circle Officer and they pleaded their inability to pay the *Chaukidari* tax on account of poverty. They wanted either remission or time. They were supplicant while parley was going on between the Circle Officer, the President of the Panchayat and the representatives of the people. Order was given to test the strength of the police *lathies* on the unarmed men without the least provocation. They were driven between the two detachments of police, one in front of Khirode Jana's house and the other at the back of Brojo Riandal's House. Sir, violence was absolutely one-sided. If they had any inclination to violence, they could have overpowered the police as they could have been out-numbered and *lathies* and brickbats could have been secured. Being attacked from rear and the front 200 men jumped into the tank to escape death and wound. People tried to get out of the water but the policemen standing on the bank belaboured them with *lathies*. They were severely hit on their heads and those who were swimming were pelted with hard sods. Sir, shall I go on describing this any further? I do not think the House requires it. I shall ask Mr. Griffiths if he requires any further enlightenment on the achievement of the executives of the Midnapore during the Civil Disobedience Movement. Sir, I have already said that five dead bodies floated in the tank and three of them had their heads smashed. I would like to ask the Honourable the Home Member if he had awarded police medals to these cold-blooded murderers of innocent men. Sir, do you know whom they had killed? Three of these persons were 20, 17 and 14 years of age. One Rudra Sasmal had gone to pay the *Chaukidari*

tax. Sir, Charpalia has become the pilgrimage of the people of Midnapore and of the neighbouring district. Government may, if they like, raise Charpalia to the grounds or turn it into a bog.

Sir, I believe I have given sufficient food for consideration to the Honourable the Home Member and the Leader of the House. In spite of all this, most of the youngmen remained non-violent. I do not want to quote here any further deeds of oppression of the police on individuals who had taken part in the movement. Sir, it really puts me to shame to go on describing the atrocities committed on innocent people by the police in the name of law and order under the very nose of the district officers. Sir, I think it is now time for me to conclude my speech. But before I do so, I wish to make an appeal to the Honourable the Home Member. I request him to forget for the moment that I am an old revolutionary who is addressing this Honourable House. I have come here as a legislator and as such I feel inclined to tell this House the defects that I observe in these laws and to give a guidance to the authorities. I know our people better than they do and I know my young friends better than they do. All those persons who are now under detention are my friends, younger brothers and comrades. I feel for them because they have been kept in confinement for six years simply on suspicion created by informants. How long will they be there? On the eve of the reforms, of which the authorities are so proud, I would ask them not to stultify the Statute-book with this repressive law. This law cannot save India. It is only a policy of conciliation that can save India. Sir, England has already lost India just as Austria lost Italy when Mazzini was scheming his secret societies and sending his secret messages and pamphlets from England under the protection of the English people. Sir, England did not know that America was lost in spite of warning by Edmund Burke. The Czar of old Russia did not know that he was going to lose his kingdom and the whole royal family would be murdered. Sir, Lenin was a murderer; DeValera was a murderer; Mazzini was a murderer and you call these youngmen of Bengal murderers? I do not feel shame to call them murderers of the type. In every clime and age such murderers were born in the past and will see light in the future. Do not try to insult the intelligence of India by confounding between murderers and martyrs. They are all martyrs. We cannot forget the difference between the two classes of people I mean Dyers-O'Dwyers and these murderers. I cannot subdue my temptation to mention just three names out of these terrorists who are dead, names of which any nation should be proud. Sir, Kanai Lal Dutt, a young boy of 20 or 21 died, not to save his own life, but to save the life of many innocent souls. Narendranath Goswami the approver was made to entangle many an innocent man in that Alipur conspiracy case. The result was this, Kanailal sacrificed his life to save good many innocent lives. The jailor knew of what stuff he was made and what sublime character he possessed and how high his soul was soaring when he was waiting for his death in the condemned cell. Second man was, Sir, Jotindra Nath Mukherji—a man of such a character as to be found rarely in any country. Such characters are born in the world few and far between. Sir, ask the jailor of the time—of what stuff Dutt was made. Ask Sir Henry Wheeler and Sir Charles Tegart about Jotin Mukherji and they will endorse every word of appre-

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 ciation of mine. These gentlemen were not murderers but martyrs. To call them murderers is to insult martyrdom.

Now, Sir, it is time for me to conclude, and I do so with an appeal to the Government not to press for keeping this obnoxious law on the Statute-book. I appeal with all earnestness that the law which has not served any useful purpose should not disfigure the Statute-book any longer.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I had no intention of taking part in this debate, particularly because while speaking on the Bill of 1932 which was sought to be revived and made perpetual, there were certain important matters of principle with which I have dealt but the events which occurred today have made it necessary for me to perform what I feel a duty which I owe to those sitting on this side of the House. But before I deal with them in detail, it is also my desire to express in a very few brief sentences my own experiences of the manner in which the Act of which sections 15, 16 and 17 and 18 survive has been worked during the last four or almost five years, and of the way in which it has been operated. At the time when this Act was passed in 1908—and I have gone through the speeches with great care—it was stated in this House, on behalf of the Government, that a crime leading to violence and involving murder and looting was a crime that they could not detect and wanted to put down and for that purpose they wanted to be armed with special powers. As they always have done—and I do not wish to go over the ground which I have covered last time—either through negligence or through astuteness, this is what is incorporated in section 15 :

“ Association means any combination or body of persons whether the same be known by any distinctive name or not. Unlawful association means an association which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts.”

If the Act had stopped at that, it would certainly have served all the purpose for which it was intended. But, as is always the case and notwithstanding the charges that have been made I venture to repeat that the Government of this country in particular during the last some 20 years have always armed themselves by rushing legislation either through this House or its predecessor, created a scare and they have got what they wanted, in the first instance by the professed objects which they have in view, either as I said by a piece of ingenuity or otherwise they have got incorporated clause (b) which this House or its predecessor ought never to have passed and which they passed believing and hoping and trusting that the executive was what they professed themselves to be governing this country for its common weal and good and not for the suppression of all forms of national life and national consciousness. It was for that reason, though I do not wish to be uncharitable, but at all events it was with a view to catch whatever they thought was unfavourable to themselves whatever they thought was likely to hold its head against their supreme and sublime power that they had enacted in the law clause (b) or what has been declared to be unlawful by the Local Governments under the powers hereby conferred. It is those wide words, followed by the power conferred on the executive under section 16, which has made the Act pernicious in its operations, atrocious in all the work that it did. Sir,

I am often told to give facts. I challenge the other side to take the map of India as large as they like and plant the national flag which we adore on every single town or village in which an association was declared unlawful during the last period of four years and I defy them to see anything in that map at all. In other words every single association that stood for nationalism, and I know numerous ones in my part of the Province including those which had for their purpose no other than prayer and encouragement of other types of noble aim or physical exercise purpose intended for the purpose of amelioration of this land, was declared illegal by them having got this charter in their hands, an unholy charter used for unholy purposes. That is the way in which this Act has been worked. I am witness to the fact that in 1930—and all the law reports of all the Indian High Courts will bear witness to that fact—when every single case went up, in most of them fortunately I was associated for the defence during the first year until I myself became the victim of this particular Act, and I remember very well how this section 17 was applied. That section runs :

“ Whoever is a member of an unlawful association or takes part in meetings of any such association contributes or receives or solicits a contribution for the purpose of any such association or in any way assists the operations of any association shall be punished.”

The last part, “ assists the operation of any such association ” has been put to uses of which even the Courts of law became themselves ashamed. I know a case, and I will give you only one, where a meeting was going to be held at Chaupati sands which, even though the Bombay Congress Committee was declared unlawful, at all events purported to have been signed by somebody under the auspices of that association. The Commissioner of Police having come to know of that meeting himself published a proclamation under the Bombay Police Act prohibiting that meeting. A newspaper, a most respected and a most moderate one, one that has not yet come under the scrutiny of this vigilant Government published first the report that they had information about the meeting that was going to be held. Immediately below that, in the same column they published the proclamation of the Commissioner of Police and yet this Government, taking advantage of the language of the Act, put up the Editor for trial on the ground that he, by publishing the information as to that meeting, was assisting in the operations of the unlawful association. When I appeared before the Court, two Judges presided and I put it to them, was it unlawful to publish the words of the Commissioner of Police which said :

“ Whereas it has come to notice that a meeting is advertised to be held at Chaupati sands I hereby prohibit the same.”

That part was perfectly legitimate to be published in the newspapers and yet they said the section does not say that it is by any unlawful operations of any unlawful association. In other words, it is all very well to rely on promises made at the time when these Acts are passed, when the executive, with all care and protection of the millions of this land, come to you to be armed with authority. We have learnt by experience to see the use to which they can put it and the degree of insincerity and hypocrisy which they themselves have been guilty of, by reason of their own professions which they do not keep. Because their own Advocate General appears and stands before the Court saying, “ My Lord, what have you got to do with the promise of the executive except to give



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effect to this Act?" Where is the word "unlawful" before the word "operation"? It may be any operation, however lawful, however benevolent, however good, however progressive, however useful; but so long as we the condemned persons choose to do the right acts, even the right acts become unrighteous, and that becomes an offence under what is called the law of the land. It is, Sir, these two sections which now survive, and reading clause (b) and reading sections 16 and 17, it is one of those charters which have been abused during all the years of its existence in a manner that calls for a vote of this House for the purpose of its repeal. I would have undoubtedly given you a great deal more of detailed information about the working of this Act, had I the time at my disposal, but I have intervened in this debate for another purpose too.

I felt, Sir, during the time that the Honourable the Home Member was addressing the House this morning,—much as I respect his self-possession and his experience,—that he should not have really allowed himself to be carried away in the manner in which he did. Next to you, Sir, the Members on this side of the House look to me to protect their honour and their sense of respect, and it is, therefore, my duty to examine very briefly, and enter a humble but emphatic protest against the manner in which the privilege of the House was used. My Honourable friend, Mr. Sham Lal, only made charges, or what he called repeated the charges, proved against the police in the judgment of the High Court itself. The sentence on which he relied was this:

"We trust that the lesson to be learnt from this trial will be taken to heart and police officers who have at all times to perform a difficult task will never again disgrace their force and cause such a waste of public time and money as in this case."

He had, therefore, the authority of the judgment of the High Court in what has been described as a protracted trial to justify the position that he took up. His only ground was that the executive are apt to abuse the powers given to them, either by scaring the House, by creating a fright or by exaggerating dangers, and that, therefore, we should beware lest we should entrust them with too much power in advance, notwithstanding the promises of their good and benevolent use. My Honourable friend, Mr. Griffiths, seems to think that you can make any law you like and surrender the life and liberties of the people so long as the executive promises to use it mildly. I do not take such a view of the law or of the responsibility of this House. And when my Honourable friend got up to protest against the abuse of the law, as illustrated in the case in which he had the honour to appear, he came in for a personal charge against him. I am not here to question the correctness of the ruling of the relevancy of the episode. I would like to close it myself if I could, honourably to myself and honourably to those with whom I am associated. But he came in for a direct charge of having disgraced his profession and having disgraced himself. And to make it worse the Honourable the Home Member said that for reasons of prudence alone they did not take any action against him in the High Court of Judicature, forsooth with a view to save expense,—the last infirmity of which they can be accused. And yet, Sir, on what was that based? On two letters, one of which purports to have been addressed to one Sham Lal and presumably intercepted by the police. And if this is the manner in which documents are to be used in order almost to blackmail this side of the House,

for indeed it is quite possible to produce any document which any man may produce and put it in the hands of the Honourable the Home Member, he may be perfectly entitled to believe that it is right or just or correct; but I trust that in his better judgment and in his calmer moments he will see that if a similar process were repeated against him from this side of the House he would be the first to protest against it as being almost infamous on our part. And yet that is the charge which he did not flinch from making on materials on which no responsible man and much more the Honourable the Home Member should act. As I said, I am one of those who have done my level best, almost against the grain sometimes, to maintain the traditions of a House of this character. I do not pretend to be a man who has been versed in them as you, Sir, have been. And yet the fact remains that there is something innate in a man's education and character which prevents him from doing things which after all our honour demands that we shall not do. And, Sir, it is that respectful protest that I wish to make. And the process of reasoning went like this. He says there were these two letters written, one to Sham Lal and one to Gopal Singh. After that certain events took place in Court; after that a certain statement was made in Rawalpindi; after that a prosecution was undertaken which was withdrawn; and yet, without the basic foundation which I hope and trust my Honourable friend will acknowledge that my Honourable friend, Mr. Sham Lal, did not appear for Krishna Gopal at all. And yet we have been entertained to an exhibition both of temper and of accusation which I think he will only do well not to repeat. What we do, therefore, is to enter our emphatic protest.

So far as his own conduct of the case was concerned, the Judges who tried it have said this:

"We cannot close this judgment without expressing our gratitude to the learned counsel on both sides for the great assistance they have given in this complicated case. They have shown complete mastery of details and the case has been presented on both sides with fairness and accuracy. Their ability and industry had shortened the hearing," etc.

Sir, on a former occasion also I entered my protest against what I called the *argumentum ad hominem* which cannot prove anything at all. And yet it is surprising to me that with that self-possession for which he is distinguished, the Honourable the Home Member still thought that by levelling a personal charge against Mr. Sham Lal the repeal of this Act would in the least degree have been affected. It almost looks, at least to my mind, as if having no better argument you try almost to foully and falsely accuse your opponents. That, I submit, is not the proper function of debate either on this side of the House or the other, and I shall stand for that principle and see that it is obeyed, so far as I can control the proceedings of this House, by advice, suggestion, persuasion or even a respectful appeal. That is the standard for which we stand in support of the traditions of this House, I say that two of these sections are formal and as regards the other, it is now time—it has lived 27 years in ignominy and to the prejudice and detriment of India and the national cause and it should now die a deserved death.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, in a way I feel grateful to the members of the Government for having revealed their attitude of mind and the policy for which Government stand today. It seems that the Government of India are so very decayed in their super-

[Mr. B. Das.]

strength that they have to deliver speeches like those which came from the Honourable the Home Member and the Honourable the Law Member which are unworthy of any Government, not to speak of the present Government of India. Sir, I do not wish to refer to the long speech that the Honourable the Law Member made—lasting for three and a half hours : I would only interpret it by reminding the House that it is the old story of the wolf and the lamb ; whether the lamb itself polluted the water or his father did it or his grandfather did it, was no matter of concern to the wolf : and he promptly proceeded to devour the lamb : similarly, the Honourable the Law Member will not allow and will not tolerate the lambs of the Congress on this side. As for the Honourable the Home Member he showed a temper which I did not expect from a Home Member of the Government of India and I say his exhibition of temper was unworthy of him. I would only remind him of the writing of another very great—perhaps a greater—bureaucrat than himself, who was a General of the Indian Army and who became the head of the Irish Constabulary in Ireland in 1920. After being the head of the Black and Tan methods in Ireland and doing all the crushing he did to suppress the Sinn Fein movement in Ireland, he came to the following conclusion, and I believe my Honourable friend, Sir Henry Craik, after he retires from his present task, will do the same. He said :

“ Had I known what I was in for in 1920, when I consented to go to Ireland to take part in suppressing the Irish Sinn Fein revolution, I should, in the words of Mr. Baldwin, ‘ never have touched it with the end of a barge pole ’. One lives and learns.”

I believe Sir Henry Craik will say the same thing and will reflect in the words of General Crozier in his book on the Black and Tan Movement in Ireland :

“ Having seen a great deal of force in use, having applied that force for over thirty years, having experienced the utter failure of force, I must needs look for other weapons with which to achieve the object—the welfare of mankind.”

Sir, when in office no bureaucrat will think of these lines. When they retire, when they think of the other world in their peaceful moments, they will think of this. We are tired of the Black and Tan methods which they applied, whether in Bengal or in Bombay or in the Punjab. The speakers on this side have proved to the hilt that this Act should not exist and should be repealed and I, therefore, hope that the House will take my Bill into consideration.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill to repeal the Indian Criminal Law Amendment Act, 1908, be taken into consideration.”

The Assembly divided :

AYES—65.

Aaron, Mr. Samuel.  
Abdul Matin Chaudhury, Mr.  
Aney, Mr. M. S.  
Asaf Ali, Mr. M.  
Ayyangar, Mr. M. Ananthasayanam.  
Azhar Ali, Mr. Muhammad.  
Ba Si, U

Badi-uz-Zaman, Maulvi.  
Banerjee, Dr. P. N.  
Baqui, Mr. M. A.  
Bardaloi, Srijut N. C.  
Bhagavan Das, Dr.  
Chattopadhyaya, Mr. Amarendra Nath.  
Chettiar, Mr. T. S. Avinashilingam.

AYES—contd.

Chunder, Mr. N. C.  
Das, Mr. B.  
Das, Mr. Basanta Kumar.  
Das, Pandit Nilakantha.  
Datta, Mr. Akhil Chandra.  
Desai, Mr. Bhulabhai J.  
Deshmukh, Dr. G. V.  
Essak Sait, Mr. H. A. Sathar H.  
Fuzlul Huq, Mr. A. K.  
Gadgil, Mr. N. V.  
Gauba, Mr. K. L.  
Ghulam Bhik Nairang, Syed.  
Giri, Mr. V. V.  
Gupta, Mr. Ghansham Singh.  
Hosmani, Mr. S. K.  
Jedhe, Mr. K. M.  
Jogendra Singh, Sirdar.  
Joshi, Mr. N. M.  
Khan Sahib, Dr.  
Khare, Dr. N. B.  
Lalchand Navalrai, Mr.  
Laljee, Mr. Huseinbhai Abdullahai.  
Maitra, Pandit Lakshmi Kanta.  
Malaviya, Pandit Krishna Kant.  
Mangal Singh, Sardar.  
Mudaliar, Mr. C. N. Muthuranga.

Muhammad Ahmad Kazmi, Qazi.  
Murtuza Sahib Bahadur, Maulvi Syed.  
Paliwal, Pandit Sri Krishna Dutta.  
Pant, Pandit Govind Ballabh.  
Raghubir Narayan Singh, Choudhri.  
Raju, Mr. P. S. Kumaraswami.  
Ranga, Prof. N. G.  
Saksena, Mr. Mohan Lal.  
Sant Singh, Sardar.  
Satyamurti, Mr. S.  
Sham Lal, Mr.  
Shaukat Ali, Maulana.  
Sheodass Daga, Seth.  
Siddique Ali Khan, Khan Sahib Nawab.  
Singh, Mr. Ram Narayan.  
Sinha, Mr. Anugrah Narayan.  
Sinha, Mr. Satya Narayan.  
Sinha, Mr. Shri Krishna.  
Som, Mr. Suryya Kumar.  
Sri Prakasa, Mr.  
Thein Maung, Dr.  
Thein Maung, U  
Umar Aly Shah, Mr.  
Varma, Mr. B. B.  
Vissanji, Mr. Mathuradas.

NOES—60.

Abdoolah Haroon, Seth Haji.  
Abdul Aziz, Khan Bahadur Mian.  
Abdullah, Mr. H. M.  
Acheson, Mr. J. G.  
Ahmad Nawaz Khan, Major Nawab.  
Ayyar, Diwan Bahadur R. V. Krishna.  
Ayyar, Rao Bahadur A. A. Venkatarama.  
Bajoria, Babu Baijnath.  
Bajpai, The Honourable Sir Girja Shankar.  
Bewoor, Mr. G. V.  
Bhagchand Soni, Rai Bahadur Seth.  
Bhat, Mr. Madhusudan Damodar.  
Blackwell, Mr. J. H.  
Bower, Mr. E. H. M.  
Boyle, Mr. J. D.  
Chapman-Mortimer, Mr. T.  
Chatarji, Mr. J. M.  
Clow, Mr. A. G.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
Desai, Mr. S. P.  
DeSouza, Dr. F. X.  
Fazli-Haq, Piracha, Khan Sahib Shaikh.  
Gajapatiraj, Maharaj Kumar Vijaya Ananda.  
Ghiasuddin, Mr. M.  
Ghuznavi, Sir Abdul Halim.  
Graham, Sir Lancelot.  
Griffiths, Mr. P. J.  
Grigg, The Honourable Sir James.  
Hands, Mr. A. S.  
Hidayatallah, Sir Ghulam Hussain.  
Hockenhull, Mr. F. W.

The motion was adopted.

James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Jehangir, Sir Cowasji.  
Lal Chand, Captain Rao Bahadur Chaudhri.  
Leach, Mr. F. B.  
Lee, Mr. D. J. N.  
Lister, Mr. T.  
Lloyd, Mr. A. H.  
MacLachlan, Mr. D.  
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.  
Milligan, Mr. J. A.  
Mody, Sir Hormusji Peroshaw.  
Morgan, Mr. G.  
Mukherjee, Rai Bahadur Sir Satya Charan.  
Nixon, Mr. J. C.  
Owen, Mr. L.  
Rajah, Rao Bahadur M. C.  
Rau, Mr. P. B.  
Sarma, Mr. B. S.  
Scott, Mr. J. Ramsay.  
Sher Muhammad Khan, Captain Sardar.  
Singh, Mr. Pradyumna Prashad.  
Sircar, The Honourable Sir Nripendra.  
Tottenham, Mr. G. R. F.  
Yakub, Sir Muhammad.  
Yamin Khan, Mr. Muhammad.  
Zafullah Khan, The Honourable Sir Muhammad.  
Ziauddin Ahmad, Dr.



**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 2 stand part of the Bill.”

**Mr. P. J. Griffiths** : Sir, it was not my intention to speak on this Bill, a Bill of which I believe, this House and the country outside is heartily tired, but I have been prompted to speak by the remarks which I heard from two Honourable Members in particular who have taken part in the debate. As I listened to, what with due respect I must call, the wild, unrestrained and thoroughly irrelevant speeches of my friend the Honourable Member from Assam and my friend, Mr. Chattopadhyaya, I found it impossible to contain myself. For some considerable time I found it difficult to discover any logical principle of relevance between their speeches and the Bill under consideration, but after listening for some time, I realised what the game was. The game was to vilify the Government, to persuade the audience that whatever Acts have been carried out by Government in the past have been unjustified and to argue therefrom that the Government in future will inevitably make unfair use of any powers with which it may be entrusted. This is the only argument against this Bill which I have heard advanced either today or last week. That argument has been supported by, what with due respect I must characterise, as a tissue of misstatements having no shadow of foundation whatsoever.

I turn first to the statement which the Honourable Member from Assam made in his endeavours to support this thesis. He was good enough to state that Government could not be trusted because, among other things, the officials of Government had engineered the Dacca riots. He went so far as to say that Government was so certain of the coming of these riots that every official in Dacca was warned four or five days beforehand to lay by a large stock of provisions. Sir, I happened to be an official in Dacca at that time, and I can assure the House that that statement has no foundation whatsoever. No official was given any warning. (Some interruptions and laughter from the Opposition side.) It is all very well for Honourable Members opposite to laugh and to assume that I am not telling the truth in this particular matter. Sir, I am in a much better position than the Honourable Member in question to state the actual facts. (“Hear, hear” from Official Benches.) I was in Dacca at that time....

**Srijut N. C. Bardaloi** : On a point of personal explanations, Sir....

**Mr. P. J. Griffiths** : I do not give way, Sir.

**Srijut N. C. Bardaloi** : I merely want to make a personal explanation.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is not giving way. Let the Honourable Member continue.

**Mr. P. J. Griffiths** : I happened to be in Dacca at that time, and I can assure the Honourable Member that I personally received no such notice whatsoever.....

**Srijut N. C. Bardaloi** : (When the speaker was continuing) : I wanted to say that I spoke from information received from the Deputy President's speech and other contemporary accounts.

**Mr. P. J. Griffiths** : My house happened to be in the middle of the bazar. Surely, if Government had considered it necessary to warn

officials of the impending riots, I who lived in the bazar should have been the first to receive such warning, but no such warning was ever either given or contemplated by the authorities,—(Some Honourable Members were laughing at this stage) and the Honourable Members who laugh have no personal knowledge of the facts whatsoever.

Again, Sir, as another instance of the Government's failure to preserve law and order, we were told that during the Dacca riots policemen were standing by doing nothing, watching houses being burnt and watching people being attacked. I wonder if the Honourable Member from Assam has any idea at all as to the strength of the police force present at that time. I will tell him for his information that the total police force in the town of Dacca, on the day when the riots broke out, was 200 men. The great bulk of the Dacca police force had been drafted to Barrackpore to deal with the trouble in Calcutta, and another large section of that force had been sent into the interior of the district to deal with troubles created by my friends of the Congress. Thanks to their activities, thanks to the fact that the police were preoccupied with putting down the objectionable features of the Civil Disobedience Movement, there were 200 police constables available in Dacca to deal with the Dacca riots. My Honourable friend may possibly not know that Dacca is a very large town, that the rioting took place in every quarter of the town, and that the length of the streets concerned amounts roughly to 50 miles. If my Honourable friend is anything of a mathematician he will soon realise that we had on an average four policemen to every mile of road. Do my Honourable friends opposite suggest that four policemen can protect the lives and property of one mile of road in the middle of flaming riots? There is another side to this picture. Government made every possible effort to obtain auxiliary forces to deal with these communal riots, and, first and foremost, they enrolled special constables. Certain gentlemen of the town did join as special constables, but I believe I am right in saying that not one single member of my Honourable friend's party saw fit to offer his services to the authorities for the preservation of law and order. (Laughter.) Honourable Members may laugh, but these facts are susceptible of proof and I am prepared to prove them. My Honourable friend from Assam was not content with making assertions against Government. He saw fit to talk of the Europeans. He said, what were the Europeans of Dacca doing during the riots? The answer to that is simple and it is very creditable for the European community. Almost, without exception, every European non-official present in Dacca or in the neighbouring town of Narayanganje offered his services to the Government as a special constable. Lorries were mobilised, and in each lorry was stationed a party consisting of three or four Europeans, one official and as many police constables as could be found. Those lorries toured continuously round Dacca town day and night, and what did they find? They came to a house and found somebody setting fire to it. They put down the fire and arrested the miscreant, if he had not already run away, and while doing that, in practically every case, for the first two days, they found that somebody else had started a fire further down the road. I do not think even my Honourable friend from Assam could have collected, in so short a space of time, a better organisation or a more efficient body of men to deal with such a situation. I must apologise for dealing in such great detail with a subject which is not strictly relevant to the Bill under discussion, but I can only say that as my Honourable friends opposite have made state-

[Mr. P. J. Griffiths.]

ments of that kind, the basis of their allegation that Government is unfit to exercise greater power, I am entitled to reply to those statements. I have, therefore, one more point to make in connection with the Dacca riots. My Honourable friend, the Deputy President, speaking the other day, was good enough to state that on the night preceding the riots a meeting was held in Dacca town in the house of a local Muhammadan at which officials were present and at which the forthcoming riots were discussed. I am very glad for the sake of his peace of mind to be able to assure my Honourable friend that that statement has no foundation whatsoever. (Cheers from Official Benches.)

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : There were witnesses to that effect before the Committee of which I was the President.

**Mr. P. J. Griffiths** : My Honourable friend is under a disadvantage ; he gets his information second hand, but I am speaking of what I myself saw. But to return to the speech of my Honourable friend from Assam. He was not content with making extravagant assertions about the conduct of the officials in Dacca. He saw fit to turn his attention to the district in which I happen now to be employed. With reference to my district, he said, " You had these people going down to make salt, you had Civil Disobedience, you had many Congress workers who were assaulted, but on the other hand, how many Congress workers did you have convicted for assaults on the police or on the members of the public ? "

**Mr. B. Das** : My Honourable friend is dealing with Dacca riots. We are now discussing clause 2 of the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : Clause 2 deals with repeal.

**Mr. P. J. Griffiths** : I have sympathy with the objection of the Honourable Member, but I will remind him that if I am irrelevant, the fault lies with his Party and not with me. In the course of his remarks regarding my present district the Honourable Member from Assam was good enough to ask how many cases occurred in which workers in the Civil Disobedience Movement were concerned in assaults. I was very pleased this morning to have the opportunity of giving him an answer. That answer I repeat—it is 189. I do not know whether in addition to these cases of assault my Honourable friend was listening the other day when the Honourable the Leader of the House gave him details regarding the Chachua Hat murder case and the Chachua Hat riot case. He may possibly remember that on that occasion certain Congress volunteers had gathered together. A small body of police visited the place and in their anxiety not to shed blood endeavoured to disperse that body with *lathis*. They failed in their endeavour and had to take refuge in a house near by. Reinforcements were called for, but before those reinforcements could arrive, two police officers were brutally and cruelly murdered. That, Sir, was done as a result of the subversive activities of the Congress Party. I pass on to another very peculiar point which my Honourable friend from Assam thought fit to make. He brought to light the case of a bomb which had been planted by an evil minded informer in the house of an innocent person. I presume he was referring to the case which took place in the town of Midnapore not long ago. He laid great stress on the fact

that this case was sent up by the police, the wicked police who could possibly never act honestly, and when this case came from the wicked police to the honest and upright magistrate, then that magistrate discovered that the whole case was a concoction. As usual, my Honourable friend has completely mistaken the facts. The facts are that during the course of the police investigation it was the police themselves who discovered that this had been planted. The very officer to whom information was brought was the first to discover that it was a wicked and ingenious plot. (Cheers from Official Benches.) The prosecution of the informer was lodged by the police in consultation with me, and any suggestion that that particular incident shows the corruptibility or dishonesty or the inefficiency of the police is too grotesque to deserve notice. There is only one more point made by my Honourable friend with which I think it is worth while to deal. In support of his case about the iniquity of the present Government, he drew a touching picture of the condition of the detenus. I must confess that if I had not known him longer he would have almost brought tears to my eyes by his description of the poor detenus deprived of medical aid. What are the actual facts of the case ? I will speak again, not of what I have read in some remote book, but of what I know from my own personal experience. In my own district there has been a detention camp of which Members might know.

**An Honourable Member** : What is " my district " ?

**Mr. P. J. Griffiths** : I am not concerned with your district. But as things stand, there is a detention camp in the district of Midnapore. The average income, previous to admission to that detention camp, of its present inmates has been calculated and works out on a generous calculation at Rs. 14-8-0 a month. There is such gross poverty that in their ordinary village homes it is quite impossible for these gentlemen to obtain the services of the Civil Surgeon or of any expert doctor. At present, Sir, when they are ill, the entire medical resources of the Government are at their disposal and this, Sir, is not theory but practice. I can assure Honourable Members that at least ten inmates of the Hijli Detention Camp were treated by the Civil Surgeon during my last month in Midnapore. I think that sufficiently disposes of the attempt of the Honourable Member from Assam to throw mud against the Government.

I turn now, and here I shall be as brief as possible, to the suggestions—shall I call them insinuations—made by my Honourable friend, Mr. Amarendra Nath Chattopadhyaya. If I had been new to this country and if I had been a stranger to Mr. Chattopadhyaya's usual style of oratory, I should have been troubled and distressed in mind. I should have verily believed that the Government must indeed be a Satanic one, if this kind of thing could go on under its aegis ; but, Sir, I was not distressed or troubled in mind, because I remembered the previous occasion when exactly the same kind of statement was made by exactly the same Honourable Member. That statement also concerned my unfortunate district. We were told that troops in the district of Midnapore had gone into a certain village, brought out the women from the houses and had them stripped naked. My Honourable friend, the Leader of the House, took the trouble to write a personal letter to Mr. Amarendra Chatterjee and asked him if he would give him any details or any kind of facts in support of that allegation. That was in March this year. My Honourable friend, the Leader of the House, is still waiting for his reply from Mr. Amarendra Chatterjee.

**An Honourable Member** : He never received the letter.

**The Honourable Sir Nripendra Sircar** (Law Member) : On a point of personal explanation. I did send a letter to Mr. Amarendra Chattopadhyaya. I am not aware, it was miscarried. I did not send it by post. I sent it through a peon book. I have not got the document here. I wrote to him that if he would give me some information about the name of the village and so on, I can inquire into the matter.

**Mr. Amarendra Nath Chattopadhyaya** : It is news to me. I never received any such letter.

**Mr. Mohan Lal Saxena** (Lucknow Division : Non-Muhammadan Rural) : May I ask a question of the Leader of the House ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair cannot allow it.

**Mr. P. J. Griffiths** : I have no means of knowing what happened to that letter. I can only inform this House that the letter was sent and, it is unfortunate, that that particular letter, out of the thousands of letters which are sent by the Law Member during the year, should have been miscarried.

But, Sir, as I listened to the speech of the Honourable Member, I thought at one time that it would be necessary to deal with it in some detail. That idea was dispelled when he came to the end of his speech and I heard a strange, indeed a lamentable, eulogy of people whom I call murderers but whom the Honourable Member prefers to call martyrs. It is strange and significant that Honourable Members on that side of the House, however much they might theoretically deplore terrorism, are always ready to find some redeeming feature in the character of the terrorist murderer. My Honourable friend says that Kanaiya Lal Dutt is a man of whom any nation might well be proud. Speaking for myself—and perhaps I might remind the House that Kanaiya Lal Dutt was the murderer of an approver—I should be ashamed to belong to any nation which could be proud of such a murderer.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must remember that he is speaking to clause 2 and not on the general debate.

**Mr. P. J. Griffiths** : I will confine myself strictly to the scope of clause 2. Clause 2 is the substantive clause of this Bill and in debating this clause, the question we have to settle is whether the Criminal Law of 1908 is necessary or not. Now, Sir, when I listened, some days ago, to the debate on the Criminal Law Amendment Act, I had a good deal of sympathy with my friends on the opposite side of the House. I realised that their position was a difficult one. I realised that they were.....

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : On a point of order. Having passed the motion for the consideration of the Bill, the House has accepted the principle of the Bill and the principle of the Bill is that the Act of 1908 be repealed. It is not open to the Honourable Member or to any other member to cover the same ground over again. I submit that all his arguments are entirely irrelevant and out of order.

**Mr. P. J. Griffiths** : As I read clause 2 of the Bill, it says : "The Indian Criminal Law Amendment Act, 1908, is hereby repealed." I understand that as we are discussing the Bill clause by clause, clause 2 is also open to discussion.

**Mr. President** (The Honourable Sir Abdur Rahim) : Clause 2 embodies the principle and the real object of the Bill and that has been discussed threadbare upon the motion for consideration. There is no amendment of which notice has been given to this clause. So the Chair must rule that no general discussion can go on any further.

**Mr. P. J. Griffiths** : May I ask, Sir, not in a contentious spirit but as a new Member of the House, exactly what is within the scope of the discussion.

**Mr. President** (The Honourable Sir Abdur Rahim) : If there was an amendment, that amendment could be discussed. The House has already given its verdict on the general principle of the Bill. So, the principle of the Bill is no longer before this House.

**The Honourable Sir Nripendra Sircar** : May I put in a word on this ? Without giving notice of any amendment, an Honourable Member can oppose any clause of the Bill. The peculiar situation here is this. Under one clause, the Bill repeals all the clauses of the Criminal Law Amendment Act. Therefore, the result of one clause is that 5 or 6 or 8 clauses of the old Act are going. Therefore, every clause of the old Act is relevant in a discussion on clause 2. That is my submission.

**Mr. President** (The Honourable Sir Abdur Rahim) : What is the effect of the decision of the House ?

**The Honourable Sir Nripendra Sircar** : Supposing the House had decided on a Select Committee motion, that also means accepting principle of the Bill, but am I to be told that no clauses can be altered or amended ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The House has committed itself to the principle of the Bill, and, therefore, the Chair cannot allow this general discussion to go any further.

**Mr. P. J. Griffiths** : May I speak on the principle of the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : That has been decided upon already.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : Sir, I rise to oppose this clause, and I want to give my reasons for doing so, and I hope I may be permitted to give my reasons very shortly for the benefit of my Honourable friends.

**Mr. President** (The Honourable Sir Abdur Rahim) : Will the Honourable Member please speak up. The Chair cannot hear a word.

**Voices** : Nobody hears him.

**Another Voice** : He has got a sore-throat.

**Sir Cowasji Jehangir** : I am giving my reasons very shortly, Sir, as to why I oppose this clause and why I would urge the House to throw it out. Mr. President, we have heard a great deal about terrorism.

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadan Urban) : Do not address us. Address the Chair.

**Sir Cowasji Jehangir** : I think my Honourable friend, Dr. Deshmukh, does not understand what it is to address the Chair. I am addressing the Chair. Mr. President, both the Honourable Members on this side of the House and on the other side of the House have confined their attention merely and perhaps completely to terrorism. Now I would like to draw the attention of the House to another evil of a very serious nature from which we in Bombay suffer, namely, communism. (Hear, hear.) (Voices : "Oh, Oh !") Now, Sir, I hope and believe, nay, I am really sure, that there is not a single Honourable Member on the side of the Opposition who is at heart really a communist. There may, no doubt, be many who are advanced socialists. Sir, I claim, in my own humble way, also to be a socialist (Laughter and Voices of "Oh, Oh !"), but not an advanced socialist. I repeat that I am sure there is not a single Honourable Member on this side of the House who is really, at heart, a communist. Now, Sir, I wish we were in a position to be able to say that there were really no communists in the right sense of the word in my Presidency. I am afraid there are many, Sir, there are many who desire to subvert the present social order of things ; there are many who will take every opportunity, as they do, to hamper trade and industry, and there are many in my part of the world who will encourage strikes—not to benefit the labourer—but only in order to encourage "disorder", in order that the social state may be changed,—and who, are, we are informed, financed from another part of the world. Sir, I will give you just one little incident that occurred to me some years ago. I had to deal with an extensive labour strike, when many labour leaders saw me two or three times a week. One of my friends had a silk shirt on and my attention was drawn to it, I asked him : "Mr. So and So (I am not going to mention his name), I see you have got a silk shirt on ?" His reply was, "yes, I have, and the money to buy it did not come from your pocket, it came from Moscow". (Voices : "Oh, Oh !") That was in the Secretariat of Bombay when I was a Member of Government, in charge of labour,—and that was the answer I got.

**Dr. G. V. Deshmukh** : He pulled your legs !

**Sir Cowasji Jehangir** : Now, Mr. President, there are many in my city who will be only too willing to act—not against Government, but against us all, against you and me, to upset the ordered state of social life : And I understand that although this Act may not have been passed originally for the purpose of being able to tackle this great evil, it is today of considerable use for this purpose ; and, therefore, when my Honourable friends are in power, they will have to bring on the Statute-book some other Act which will enable the Provincial Governments to fight one of the greatest evils we have had to contend with and shall have to contend with in an increasing degree in future.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member is making a "second reading" speech. He ought to have spoken, if he wanted to make general observations, at the time when the motion was under consideration. The Honourable Member is not in order in discussing the principles of the Bill now.

**Sir Cowasji Jehangir** : Mr. President, I have not been able to hear you....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member, the Chair said, is not in order in dilating upon the general principle of the Bill, which has already been decided upon by the House.

**Sir Cowasji Jehangir** : I am opposing the passing of this clause, Sir, which affects the general principle of the Bill, and if you still rule me out of order, then I will resume my seat.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is really the Chair's ruling. The Honourable Member did not hear the Chair properly, but that is its ruling.

**Sir Cowasji Jehangir** : Then, I will urge upon the House, Mr. President, before, I sit down, that the House do reject this clause, unless and until there is some other Act on the Statute-book which will help Provincial Governments to fight this living evil, the increasing evil of communism, an evil which threatens to ruin our country and all the future prospects of our peace, happiness and prosperity. (Loud and prolonged Cheers.)

**The Honourable Sir Henry Craik** : Sir, May I respectfully point out that clause 2 of this Bill contains three sub-clauses. One repeals the Criminal Law Amendment Act, and the other two contain provisions which in the course of this lengthy debate have not been so much as mentioned. There has been no discussion whatever on sub-clause (2) or sub-clause (3) of this Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : But there is no amendment ?

**The Honourable Sir Henry Craik** : Surely it is in order to oppose sub-clauses (2) and (3) ? I should like to oppose them not only on their merits because they are the worst piece of draftsmanship I have seen for a long time.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order : The Chair finds in May's Parliamentary Practice (page 403), the following :

"The chairman (*I take it the Chairman of the Committee of the House*) proceeds to read the number of each clause, which is thus brought under the consideration of the committee ; and to call on the members who have given notices of amendments. A member is not at liberty to speak generally upon a clause, upon its being called by the chairman, there being no question before the committee until an amendment has been moved, or the question proposed, 'That the clause stand part of the bill.' If no amendment be offered to any part of the clause, the chairman at once proposes the question, 'That this clause stand part of the bill,' and when this has been disposed of proceeds to the next clause. If no amendment be offered to any part of the clause, the chairman at once proposes the question, 'That this clause stand part of the bill,' and when this has been disposed of proceeds to the next clause."

The question is that this clause stand part of the Bill.

**The Honourable Sir Nripendra Sircar** : May I have your permission, Sir, to make a few remarks in connection with this point of order ? I will again quote what you have quoted just now :

"A member is not at liberty to speak generally upon a clause, upon its being called by the chairman, there being no question before the committee until an amendment has been moved (*that has not been done in this case*) or the question proposed, 'That the clause stand part of the bill'. (*That you have done.*) If no amend-

[Sir Muhammad Zafrullah Khan.]

accepted and sub-clause (1) of clause 2 has been passed, the two subsequent sub-clauses provide that :

"(2) All proceedings and prosecutions pending on the date of the coming into force of this Act shall be deemed to be withdrawn.

(3) All sentences of imprisonment or fine or both that may remain to be undergone or paid by those convicted under the Act shall cease with the coming into operation of this Act."

My respectful submission is that it would be open to Honourable Members to speak on this clause and oppose the motion that this clause do stand part of the Bill on the ground that if this clause passes, certain dire consequences are bound to follow and on that ground to show that this clause should not form part of the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair finds there is a ruling given on 29th November, 1932, but having read that ruling, the Chair is not quite sure whether it goes to the full length of what is contended on one side of the House, namely, that there can be no discussion on the principle of the Bill upon a consideration of a clause when no amendment has been moved or even given notice of. The question raised, as the Chair has already intimated, is of considerable importance, not only to this Bill, but to the procedure of the House generally, and the Chair is unable to give a final ruling on this point just now. The Chair would consider the point carefully and give its ruling afterwards. There seems to be no more time now to carry on the debate, and the Chair will, therefore, adjourn the House till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th September, 1935.

## LEGISLATIVE ASSEMBLY.

*Wednesday, 25th September, 1935.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, **Mr. President** (The Honourable Sir Abdur Rahim) in the Chair.

## QUESTIONS AND ANSWERS.

### EMPLOYMENT OF PERSONS BELONGING TO THE UNTOUCHABLE CLASSES IN THE DEPARTMENTS UNDER THE GOVERNMENT OF INDIA.

653. **\*Mr. N. M. Joshi** : Will Government be pleased to state :

- (a) what special provision they have made for the employment of persons belonging to the untouchable classes in the departments under the Government of India ;
- (b) if they have reserved any fixed proportion for them ; if not, why not ;
- (c) whether any instructions are issued to the heads of departments in this respect, and if so, what they are ;
- (d) if the Special Officer appointed to watch the progress of the employment of minorities, will also watch the progress made by the untouchable classes in this respect ?

**The Honourable Sir James Grigg** : (a), (b) and (c). The untouchable classes are treated as part of the depressed classes for the purpose of communal representation in the services. The orders that apply to them are contained in paragraphs 3 and 7 (1) (vi) of the Resolution of the 4th July, 1934, and in paragraph 1 of the Home Department Office Memorandum No. F. 14/6/34-Ests. (S.), dated the 15th May, 1935, which has been placed in the Library of the House. Paragraph 3 of the Resolution of the 4th July, 1934, explains why no definite percentage of vacancies has been reserved for them.

(d) The Special Officer will watch the progress made by the depressed classes, which include untouchables.

### FREE PASSES FOR THE INFERIOR SERVANTS ON STATE RAILWAYS.

654. **\*Mr. N. M. Joshi** : Will Government be pleased to state :

- (a) whether inferior servants on State Railways are given the same concessions as regards free passes on the line on which they are employed and on other lines, as is given to the men belonging to subordinate service ;
- (b) if there is a difference what it is and why it is made ;

(c) whether Government propose to consider the question of extending the facilities given to inferior servants in the matter of supply of free passes ?

**Mr. P. R. Rau :** (a) to (c). The practice as regards pass concessions on the line to which an employee belongs varies on different railways. I lay a statement on the table giving the information available.

The Railways over which differences exist as between inferior servants and subordinates are being asked to consider their elimination.

The issue of foreign line passes is a matter for mutual arrangement between railways under rules framed by the Indian Railway Conference Association. In accordance with these rules, inferior staff and subordinate staff (except clerical staff) drawing less than Rs. 40 per mensem are not eligible for passes. Under present conditions, Government are not prepared to suggest to the Conference Association any extension of the existing privileges.

*Statement.*

*Eastern Bengal Railway :* Third class passes are given to inferior staff irrespective of the pay drawn, whereas for subordinates the class of pass is determined by pay.

*East Indian Railway :* Passes to inferior staff are not given for dependants or attendants and separate passes are not given for their families. Except in special cases, the issue of passes for inferior staff is restricted to their home station, and such staff are eligible for three sets of passes only after three years' service.

*Great Indian Peninsula Railway :* The concessions given are those admissible to subordinate staff coming within the salary limits for third class passes.

*North Western Railway :* The concessions given to inferior staff are the same as those given to the subordinate staff.

**Prof. N. G. Ranga :** Will Government consider the advisability of restricting the privileges now given to higher paid officials in regard to the issue of these free passes and of giving the benefit of those savings to these lower paid officials ?

**Mr. P. R. Rau :** As my Honourable friend is aware, restrictions have recently been imposed on the privileges admissible to higher paid staff.

**Prof. N. G. Ranga :** Is it not a fact that considerable money is being spent by the Railways on the saloons that are placed at the disposal of many of these railway officials ?

**Mr. P. R. Rau :** That has nothing to do with passes, Sir.

**Prof. N. G. Ranga :** Will it not be possible for Government to give up the practice of placing these saloons at the disposal of these higher officials and thus save some money which can be spent for the benefit of the lower paid officials ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order ; that does not arise on this.

**Mr. N. M. Joshi :** May I ask whether Government will consider the question of giving passes to inferior servants on what you may call foreign lines amongst the State Railways themselves ?

**Mr. P. R. Rau :** No, Sir ; as I have already said, we are not prepared to agree to any extension of existing privileges at the present moment.

**Mr. N. M. Joshi :** May I ask why they do not propose to extend those privileges ?

**Mr. P. R. Rau :** On financial considerations.

**Mr. N. M. Joshi :** On financial considerations, should they not bring equality among all classes by curtailing the privileges of certain classes of people ?

**Mr. P. R. Rau :** Those privileges have already been restricted to a certain extent.

**Mr. N. M. Joshi :** May I ask whether it is the policy of Government to discriminate among classes on the basis of their salaries and their economic position ?

**The Honourable Sir Muhammad Zafrullah Khan :** No discrimination is practised. Each is treated according to the grade in which he is.

**Mr. N. M. Joshi :** If it is not discrimination, what is this treating of people according to their grades ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The answer has been given.

**Mr. N. M. Joshi :** Sir, as regards question No. 655, there is obviously some mistake. My question was, "does not come within the purview", etc., whereas it is printed as "does come within", etc. In these circumstances, I should like to ask you, Sir, whether you will permit the question to be put in the way in which I had intended to put it, and, if Government are not prepared with the reply, permit them to print their reply in the records of the Assembly.

**Mr. President** (The Honourable Sir Abdur Rahim) : Are Government prepared to reply to the question as amended ?

**Mr. A. G. Clow :** There is no obvious mistake in the question. Mr. Joshi informed me about two minutes ago that he wanted to alter the whole tenor of the question and had intended something entirely different. I have an answer ready to the question as it stands on the paper which I am prepared to give, and if the Honourable Member cares to put supplementaries after that, I will do my best to answer them.

**Mr. Joshi :** All right, Sir.

**REGULATION OF WORK IN HAZARDOUS OR DANGEROUS OCCUPATIONS AND TRADES.**

655. **\*Mr. N. M. Joshi :** Will Government be pleased to state :

(a) whether they have made any enquiry as regards regulating work, from the point of view of safety and health, in hazardous or dangerous occupations and trades like work on Railway siding, construction of high buildings, Fire-works making, tanning, bangle making, etc., when the work in these occupations does come within the purview of the Factories Act ;

(b) if they have not made any enquiry, whether they propose to do so ;

(c) if they have made enquiry what their conclusions are ?



**Mr. A. G. Clow :** (a) and (c). The issue of rules under section 33 (4) of the Factories Act is under consideration in consultation with Local Governments. As regards the operations named by the Honourable Member I might explain that fire-works manufacture is regulated by a separate law, the Indian Explosives Act, and work on railway sidings subject to the Factories Act is a matter for regulation by rules made by Local Governments.

(b) Does not arise.

**Mr. N. M. Joshi :** May I ask whether the Government of India would make an inquiry about the desirability of regulating work in the occupations mentioned by me when the work does not come within the purview of the Factories Act ?

**Mr. A. G. Clow :** As I have already said, as regards fireworks, these are regulated whether they come under the Factories Act or not. As regards railway sidings which lie outside the factories, they are a matter for regulation under the Railways Act. In certain other directions, we are making inquiries in connection with a Convention passed relating to occupational diseases.

**Mr. N. M. Joshi :** May I ask whether the Government of India will continue the inquiry as regards regulating for the sake of safety ?

**Mr. A. G. Clow :** No general inquiry is under contemplation at present.

**Mr. N. M. Joshi :** May I ask whether they will consider the question of making an inquiry ?

**Mr. A. G. Clow :** I think a general inquiry of this kind would be an extremely expensive affair and would not give results commensurate with the labour and expense involved. It is primarily a matter for Local Governments in whose hands the administration of labour lies.

**Mr. N. M. Joshi :** May I ask whether the Government of India is aware that in Great Britain there are regulations for the preservation of safety in these hazardous occupations ?

**Mr. A. G. Clow :** There are a number of regulations regulating dangerous trades, I believe.

**LICENCE GRANTED TO ISA BROTHERS FOR OPENING MUSLIM REFRESHMENT ROOMS ON STATIONS OF THE EAST INDIAN RAILWAY.**

656. **\*Dr. Ziauddin Ahmad :** (a) Will Government be pleased to state the number of railway stations in the six divisions of the East Indian Railway at which Isa Brothers have got a licence for opening Muslim Refreshment Rooms ?

(b) Have Isa Brothers got the licence of Tea Shops or licence for the sale of other articles at any station on the East Indian Railway ?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to mention the names of the stations at which they have such licences ?

(d) Have Government got any information whether Isa Brothers personally supervise these restaurants or they leave the administration in the hands of their servants ?

(e) Are Government aware that they have different prices for the different waiters who serve the passengers on the same platforms ?

**Mr. P. R. Rau :** (a) Seven.

(b) Yes.

(c) A statement is placed on the table.

(d) The Agent states that besides employing supervisors the proprietors themselves pay periodical visits of inspection.

(e) The Agent states that this is not so ; and that the rates charged are in accordance with the schedule of rates approved by the Administration.

*List of Stations at which Messrs. Isa Bros. have contracts for Tea Stalls, etc.*

Moghalsarai to Tarighat and Sasaram (inclusive), Manpur to Sasaram (exclusive) and the Daltonganj Branch.

Allahabad, Bhaupur, Rura, Phaphund, Etawah, Mainpuri, Tundla, Aligarh, Khurja Junction, Bulandshahr, Moradabad, Bareilly and Najibabad.

**Dr. Ziauddin Ahmad :** Sir, the next four questions also relate to the same matter : may I, therefore, ask supplementary questions to all these questions at one time in the end ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Yes.

**LICENCE GRANTED TO KAPOOR AND COMPANY FOR OPENING HINDU REFRESHMENT ROOMS ON STATIONS OF THE EAST INDIAN RAILWAY.**

657. **\*Dr. Ziauddin Ahmad :** (a) Will Government be pleased to state the number of railway stations in the six divisions of the East Indian Railway at which Kapoor and Company have got a licence for opening Hindu Refreshment Rooms ?

(b) Have Kapoor and Company got the licence of tea shops or licence for the sale of other articles at any station on the East Indian Railway ?

(c) If the answer to part (b) be in affirmative, will Government be pleased to mention the names of the stations at which he has such licences ?

(d) Have Government got any information whether Kapoor personally supervises these Restaurants or leaves the administration in the hands of his servants ?

(e) Are Government aware that he has different prices for different waiters who serve the passengers ?

**Mr. P. R. Rau :** (a) Nine.

(b) Yes.

(c) A statement is placed on the table.

(d) and (e) : The replies to these parts of the question are the same as to parts (d) and (e) of the previous question.



*List of Stations at which Messrs. S. L. Kapoor and Company have Contracts for the Stalls, etc.*

Barh (exclusive) to Dildarnagar (exclusive), Patna to Gaya (exclusive), Jhajha to Barh, Sahebganj Loop up to Dharara and South Behar, Mandah Road, Meja Road, Sarsaul, Cawnpore Central Goods Shed, Bhaupur, Rura, Jhijhak, Phaphund, Achalda, Bharthna, Etawah, Kosma, Bhongaon, Mainpuri, Jumna Bridge, Aligarh, Khurja Junction, Bulandshahr, Dankaur, Benares Cantonment, Moradabad, Lhaksar, Chandausi and Raja-ka-Sahaspur.

**PASSES GIVEN TO ISA BROTHERS AND KAPOOR AND COMPANY BY THE EAST INDIAN RAILWAY ADMINISTRATION.**

658. \*Dr. Ziauddin Ahmad : (a) Will Government be pleased to state the number of passes given to Isa Brothers and Kapoor and Company by the East Indian Railway administration including those given by the Divisional Superintendents ?

(b) What is the monetary value of a first, a second, an intermediate and a third class pass ?

(c) Have Government ever calculated the loss to tax-payers by awarding these passes to these contractors ?

Mr. P. R. Rau : (a) Messrs. Isa Bros. . . . . 19  
Messrs. S. L. Kapoor and Co. . . . . 33

(b) The monetary value depends on the mileage travelled.

(c) The issue of these passes is considered necessary by the administration to enable the contractors to carry on their work.

**AUTHORITY GIVING CONTRACTS TO THE CONTRACTORS AT STATIONS OF THE EAST INDIAN RAILWAY.**

659. \*Dr. Ziauddin Ahmad : (a) Will Government be pleased to mention the authority who gives the contracts to the contractors at different stations on the East Indian Railway ? Is there any check by which Government can avoid giving the contracts to the same persons in different divisions ?

Mr. P. R. Rau : I presume my Honourable friend refers to the refreshment and vending contracts. The grant of these is within the competence of the Divisional Superintendents concerned, except as regards the contracts for refreshment rooms for first and second class passengers which is under the control of the Chief Operating Superintendent.

Government see no objection to the contracts in the various Divisions being given to the same firms if they are competent to undertake them.

**FIXATION OF PRICES OF ARTICLES OF FOOD FOR SALE AT RAILWAY STATIONS.**

660. \*Dr. Ziauddin Ahmad : (a) Will Government be pleased to mention the authority which fixes the prices at which licensees should sell articles to the travelling public ?

(b) Do the Railway authorities fix the size of the plate and the quantity of meat, while fixing the prices of plates ?

(c) Is it not a fact that these licensed restaurants charge four annas for one ounce meat ?

Mr. P. R. Rau : (a) I presume my Honourable friend's question has reference to railway refreshment rooms, the tariff of which is subject to the approval of the authority empowered to give the contract. This may be the District or Divisional Officer in some cases, or the Chief Traffic Manager or other officer of the same standing.

(b) and (c). Government have no information, but I am bringing the Honourable Member's question to the notice of Railway Administrations with a view to their enquiring into the matter and considering the feasibility of regulating the tariff of charges according to the quality of food supplied.

Dr. Ziauddin Ahmad : May I ask whether the system of giving refreshment contracts in a large number of stations together with tea stalls and various other things to one person is for the benefit of the passengers, or, for whose benefit it is ?

Mr. P. R. Rau : The object is undoubtedly for the convenience of passengers.

Dr. Ziauddin Ahmad : May I know, if under these monopolies, which have been given, whether passengers have not to pay much more than they would otherwise have to do if contracts are given to local persons ?

Mr. P. R. Rau : The information at the disposal of the Railway Board does not substantiate that.

Dr. Ziauddin Ahmad : I am sorry that the Railway Board depends entirely on the reports they get, whereas we depend upon our personal experience, and that is far more reliable than the reports they receive. May I also add that the Railway Board never see these things for themselves as they travel in saloons and every one 'in attention' when they travel, whereas we travel like ordinary passengers : are we not, therefore, the greater authority in these matters ?

Mr. P. R. Rau : The Agents of the Railway Administrations have the benefit of the advice of members of the Standing Advisory Committees.

Dr. Ziauddin Ahmad : May I understand the answer is that the Agents know better than the travelling public about the prices and quantity and quality of food supplied by these contractors ?

Mr. P. R. Rau : Any complaints usually come to the notice of the Agents in some way or other, and, though the Agent may not be a better authority than all the travelling public put together, there is nothing to prevent his being a better authority than an individual member of the travelling public.

Dr. Ziauddin Ahmad : Just as we are bringing before Government and with the same result. As regards supervision, the Honourable Member said that they occasionally go and supervise the work, but usually they leave it to their servants to administer. Is not my Honourable friend aware that large contractors do not give full quantity, and that the quality is also bad ? I speak from my own personal experience.

Mr. P. R. Rau : I have no reason to doubt my Honourable friend's experience.

(c) Are Government aware that some years ago the Public Service Commission used to examine the successful candidates in typewriting by conducting such an examination themselves ?

(d) Are Government further aware that the practice mentioned in part (c) above was somehow given up by the Public Service Commission which introduced the practice of requiring the candidates to submit such certificates a few months after the examination ?

(e) Are Government aware that as a result of the recent change a number of candidates, many of whom may be first class graduates and undergraduates, will be debarred from taking the examination simply because they will not be able to furnish the certificates with the application ?

(f) Are Government aware that as a result of this recent change introduced by the Public Service Commission, the private institutions mentioned in the application form have found an opportunity of extracting fees to the extent of Rs. 40 for granting a certificate in typewriting which is more than double the admission fee, from candidates most of whom are obliged to spend much more to go to Lahore from their native places. ? Why is the Public Service Commission promoting the interest of such private institutions ?

(g) Are Government further aware that in this particular case the Public Service Commission is required by the Government of India to hold a competitive examination for the typists and routine clerks which is classed as Third Division of the Imperial Secretariat ? If so, is it not one of the legitimate duties of the Public Service Commission to test the speed of candidates in typewriting as well ? If not, how ? If the reply be in the affirmative, why have the Public Service Commission changed the past practice ?

(h) Are Government prepared to consider the advisability of themselves holding in future the examination of the successful candidates only in typewriting as they have been doing previously ? If not, why not ?

**The Honourable Sir James Grigg :** (a) The facts are as stated by the Honourable Member, except that the date for the submission of typewriting certificates has been extended until the 2nd October, and these certificates are issued by Government institutions as well as private ones.

(b) It is not intended that candidates should begin to learn typewriting only after the issue of the notice of the examination.

(c) and (d). Yes.

(e) Proficiency in typewriting is a more important qualification for third division clerks than high academic qualifications.

(f) Government are not aware of this.

(g) and (h). There are serious practical objections which make it difficult to examine a large number of candidates in typewriting, and it is unlikely that candidates who are unable to produce the certificates at present required would be successful in competitive examination. Government are, however, prepared to consider the possibility of including typewriting in the examination.

# REPORT OF THE BURMA TRIBUNAL ON THE FINANCIAL ADJUSTMENT.

663. **\*Mr. B. Das :** (a) Will Government be pleased to state whether they intend to give a date early in the coming Session of the Assembly for discussion of the Report of the Burma Tribunal on the financial adjustment ?

(b) Will Government be pleased to lay on the table a copy of the Memoranda that the Government of India submitted through their representative before this Tribunal ?

(c) Will Government be pleased to state if they intend to make available to the House all papers that their representative submitted before the Burma Tribunal ?

(d) Have Government submitted their views on the report of the Burma Tribunal to the Secretary of State since that report was published ?

(e) Will Government please lay on the table all correspondence that passed between them and the Secretary of State since the report was available to them ?

Sir, I don't wish to put the first part of the question, but I should like to put the other parts.

**The Honourable Sir James Grigg :** (b) The Government of India submitted no Memoranda to the Tribunal except one describing the future monetary arrangements between the two countries, the substantive part of which has been published.

(c) No.

(d) No.

(e) The only correspondence which has taken place between the Government of India and the Secretary of State was in regard to the publication of the report.

## CONTRIBUTIONS MADE TO THE LEAGUE OF NATIONS.

664. **\*Mr. Akhil Chandra Datta :** Will Government be pleased to state :

(a) the yearly contribution of India towards the expenditure of the League of Nations at Geneva ;

(b) the yearly contribution of the other State members ;

(c) the total amount of money paid out of the Indian exchequer for the League of Nations from the time India became a member upto the year 1934 ;

(d) the total number of officials and employees belonging to each State member who work in the different organs of the League ; and

(e) the total amount drawn as salary each year by these officials and employees belonging to each State member ?

**The Honourable Sir Nripendra Sircar :** (a) and (b). I would refer the Honourable Member to the General Summary of Ordinary Contributions on page 5 of Part I of the League of Nations Budget for 1936, a copy of which is in the Library.

(c) The total sum paid in contributions up to the year 1934 is approximately rupees one crore fifty-seven thousand eight hundred and twenty.

(d) and (e). The Honourable Member is referred to pages 1276 to 1287 and pages 1339 to 1369 of the Official Journal, 15th Year, No. 10, Part II of October, 1934, a copy of which is in the Library.

**Mr. R. S. Sarma :** Sir, will the Honourable the Leader of the House tell this House as to how often, during the last two or three years, has this question, similarly worded and couched in the same language, been put in this House and answered?

**Mr. President** (The Honourable Sir Abdur Rahim) : An answer is not necessary.

**Dr. Ziauddin Ahmad :** May I also point out, Sir, that the repetition of this question so often is due to the fact that the Assembly has never had a chance of discussing this question, and 'question' is the only method of debating the subject?

#### INDIA'S MEMBERSHIP OF THE LEAGUE OF NATIONS.

665. **\*Mr. Akhil Chandra Datta :** (a) Will Government be pleased to state when and at whose instance and with what object India first became a member of the League of Nations and on what conditions?

(b) How and by whom are the Indian delegates to the League elected or appointed? From whom do they derive their authority to represent India?

(c) Do the Indian delegates act on their own independent judgment or upon instructions received from every body? If upon instructions, who gives the instructions? What is the system under which the instructions are formulated and conveyed?

(d) What is the status of the delegates as compared with that of the other State Members?

(e) Is the public opinion of India consulted through the Legislature or otherwise by the Indian delegates before advocating or accepting a certain policy on any question of national importance?

**The Honourable Sir Nripendra Sircar :** (a) As a signatory to the Treaty of Peace named in the Annex to the Covenant, India automatically became an original Member of the League of Nations under the operation of Article 1 of the Covenant. The objects and conditions of membership will be clear to the Honourable Member from a perusal of the Covenant.

(b) They are appointed by the Secretary of State acting in consultation with the Government of India and derive their authority from that appointment.

(c) They receive their instructions from the Secretary of State acting in consultation with the Government of India, and within the terms of their instructions are free to exercise their discretion. For the system under which instructions are formulated and conveyed the Honourable Member is referred to the relevant sub-paragraph in paragraph 25 of the Memorandum on the International Status of India presented to the Indian

**Statutory Commission :** He will find this Memorandum on page 1632 of Volume V of the Memoranda submitted to the Commission, a copy of which is in the Library.

(H) The status of all delegations is identical.

(e) No, but the Honourable Member may take it that public opinion in India is taken into consideration when the instructions to the delegates are prepared.

**Prof. N. G. Ranga :** Do Government think that the enormous expenditure of one crore and odd is justified in view of the fact that the public in India has never been consulted whenever the Government of India tried to give instructions to their delegates?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is arguing.

**The Honourable Sir Nripendra Sircar :** As I understand my Honourable friend's question, he wants me to express an opinion on it, which I would rather not do.

**Prof. N. G. Ranga :** Will Government consider the desirability of consulting public opinion in India through the Legislative Assembly in future before they give instructions to their delegates to the League of Nations?

**The Honourable Sir Nripendra Sircar :** As at present advised, I think that is a wholly impracticable idea.

**Prof. N. G. Ranga :** Why is it so?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question please.

#### RESIGNATION BY CERTAIN COUNTRIES OF THEIR MEMBERSHIP OF THE LEAGUE OF NATIONS.

666. **\*Mr. Akhil Chandra Datta :** (a) Are Government aware that the following countries have resigned their membership of the League of Nations, viz.,

(1) Germany, (2) Japan, (3) Brazil, (4) Costa Rica?

(b) Do Government propose to consider the advisability of India's withdrawal from the League? If not, are Government prepared to consult the opinion of this Honourable House on the advisability of such withdrawal?

**The Honourable Sir Nripendra Sircar :** (a) Yes.

(b) Government are not prepared to contemplate the withdrawal of India from the League and consequently do not propose to take the action suggested in the second part of the question.

**Prof. N. G. Ranga :** What is the advice given by the Government of India to their delegates in regard to this?

**The Honourable Sir Nripendra Sircar :** How does it arise?

**Mr. S. Satyamurti :** Are the Government of India not prepared to consider the advisability of India withdrawing from the League, or

are there any advantages which India derives from continuing in the League ?

**The Honourable Sir Nripendra Sircar :** I have answered that question previously, and I submit that a general question like that ought not to be put as a supplementary to a particular question.

**Mr. S. Satyamurti :** May I know first with regard to part (b)....

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member cannot discuss a question of policy.

**Mr. S. Satyamurti :** Do Government propose to consider the desirability of India's withdrawal from the League—that was the question, and the answer is "No". I am asking, Sir, what are the reasons why the Government do not propose to consider the desirability of India's withdrawal from the League ?

**Mr. President (The Honourable Sir Abdur Rahim) :** It is a matter which rather involves a question of policy.

**Mr. S. Satyamurti :** If they can state the reasons briefly, they can.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member cannot put a.....

**Mr. S. Satyamurti :** The answer to part (b) of the question is a categorical "No". I am asking for an elucidation of that—what are the reasons for this "No" ?

**Mr. President (The Honourable Sir Abdur Rahim) :** If the Honourable Member can answer it, let him give an answer.

**The Honourable Sir Nripendra Sircar :** It is not possible to answer it here in detail, but I may remind my friend that this question has been answered by me repeatedly, and may I give my friend one of the numerous answers ? A similar question was put by Lala Rameshwar Prasad Bagla on the 23rd July, 1934.....

**Mr. S. Satyamurti :** We were not here.

**The Honourable Sir Nripendra Sircar :** The Honourable Member was not here, of course. But this is what I said :

"Government have received no protests and have never contemplated resignation from the League, a step which in their opinion would represent at once an abandonment of an international duty and an abdication of international status."

**Mr. Akhil Chandra Datta :** Before I put the next question, I must express my thanks to the Honourable the Finance Member for very kindly supplying me with a copy of the reply in advance.

#### INCOME-TAX PAID BY TEA COMPANIES IN BRITISH INDIA OWNING TEA GARDENS IN THE TRIPURA STATE.

667. **\*Mr. Akhil Chandra Datta :** (a) Is the Honourable the Finance Member aware that Tea Companies situated in British India owning tea gardens in the Tripura State are required to pay income-tax on the entire amount of their total net profits while only 40 per cent. of such income is assessed in the case of tea gardens situated in British India ?

(b) Is the Honourable the Finance Member aware that some Tea Companies situated in British India owning gardens in the Tripura State pressed a claim on the Income-tax Officer, Tipperah and Noakhali Division, for allowing exemption of 60 per cent. of their total net profits from assessment under proviso 2 of section 4 of the Indian Income-tax Act and that the said claim has been disallowed by the Income-tax Officer, Tipperah and Noakhali Division, on the ground that the profits from tea gardens in the Tripura State do neither "arise" nor "accrue" within the State as the tea manufactured in the said State is sold in British India and the sale proceeds are received directly from the brokers by Companies situated in British India ?

(c) Have the Government of India received two representations, one from the Tippera Chamber of Commerce and another from the Bengal National Chamber of Commerce in which they have urged that the Income-tax Department has taken an extremely wrong view of proviso 2 of section 4 of the Income-tax Act and that the erroneous and far-fetched interpretation put by the Income-tax Department on the said proviso is calculated to defeat the object of the amendment of 1933 as incorporated in the said proviso ?

(d) Have Government considered the desirability of issuing departmental instructions as to the correct interpretation of proviso 2 of section 4 of the Income-tax Act in connection with the Tea Companies situated in British India owning tea gardens in the Tripura State and of pointing out that the above-mentioned interpretation of Income-tax Department is erroneous ?

(e) If the last question is answered in the negative, are Government prepared to consider the desirability of taking immediate steps for amendment of the Income-tax Act with a view to place the Tea Companies owning tea gardens in Indian States on the same footing with the tea gardens in British India as regards assessment of income-tax ?

**Mr. A. H. Lloyd :** (a) Yes.

(b) No ; but I am prepared to take it from the Honourable Member.

(c) Yes.

(d) The Government of India do not agree that the interpretation of the law adopted by the Income-tax Department is incorrect.

(e) In view of the representations which have been received, the Government of India have decided to ask for the advice of the experts, who are shortly to be appointed, upon this subject.

#### RESPONSIBILITY OF A SUPERVISING POSTMASTER FOR THE WORK DONE BY HIS SUBORDINATE CLERKS.

668. **\*Mr. Sri Prakasa** (on behalf of Mr. Sham Lal) : Will Government state whether a supervising postmaster is held wholly and solely responsible for the work done by his subordinate clerks and whether the clerks are exempted from all responsibilities ?

**Mr. A. G. Clow :** No.

**CONTRACT FOR SELLING SWEETS AND OTHER Eatables AT THE AMBALA RAILWAY STATION.**

669. \***Mr. Sri Prakasa** (on behalf of **Mr. Sham Lal**) : (a) Are Government aware that the contract of selling sweets and other eatables at Ambala Railway Station has been given not to a professional *halwai* but to a Babu who has sublet it to some other person ?

(b) Are Government aware that there is a general complaint that the contractor supplies unwholesome things and charges exorbitant rates ?

(c) Are Government aware that the present system of giving contracts to any persons regardless of their profession causes much inconvenience and loss to Railway passengers ?

(d) Are Government prepared to revise the present system of contracts and introduce the system of giving licences to professional men of the locality only ?

**Mr. P. R. Rau** : (a) The Agent, North Western Railway, states that the contract has been held since 1932 by Messrs. Daulat Ram and Company, who have held similar contracts at Meerut Cantonment and Meerut City for over eleven years and have been working satisfactorily at these stations, and that there is nothing to show that they have sublet their contract.

(b) The Administration have not received any complaints of this nature. The prices charged are in accordance with rate lists supplied by the Divisional Superintendent and the contractors have strict instructions to exhibit these rate lists and not to charge more than the rates shown therein.

(c) and (d). The Agent states that under the present system licences for vending eatables at stations are given only to professional vendors.

**Dr. Ziauddin Ahmad** : Are these rates the same as are prevalent in the town in which the restaurant is situated ?

**Mr. P. R. Rau** : I think I have explained on a previous occasion that these rules are fixed after consultation with local civil authorities and after consideration of the rates prevailing in the city. I cannot say definitely in this particular case whether the rates are the same as in the city or not.

**EXTERMENT OF MR. GOKULDAS, SON OF PADARATH DAS, BY THE GOVERNMENT OF FIJI.**

670. \***Mr. Anugrah Narayan Sinha** : (a) Are Government aware that Sjt. Gokuldas son of Sjt. Padarath Das, has been exiled by the Government of Fiji for a period of three years from Fiji where he has been domiciled and has been virtually interned in India ?

(b) Are Government aware of the offence committed by the said Gokuldas and will they be pleased to state it ?

(c) Is it a fact that no allowance is given to him and he has to shift for himself while under exile from his country ?

(d) Are Government aware that Gokuldas is penniless and has been going about in search of employment but has not been able to secure any and has therefore been forced to lead a life of vagrancy ?

(e) Are Government prepared to secure for him a suitable allowance for maintaining himself during the remaining portion of the period of his exile ?

**The Honourable Sir Girja Shankar Bajpai** : (a)—(e). So far as Government are aware, Mr. Gokuldas was not exiled from Fiji. He is not interned in India nor is he under any sort of surveillance. Government have no information regarding any offence committed by him in Fiji. In view of the position described above the question of granting him an allowance does not arise.

**Mr. Anugrah Narayan Sinha** : Is he at liberty to go back to Fiji ?

**The Honourable Sir Girja Shankar Bajpai** : I do not know.

**Mr. Anugrah Narayan Sinha** : If he wants to go back to Fiji, will Government interfere with his movements ?

**The Honourable Sir Girja Shankar Bajpai** : I cannot say what the intentions of the Government of Fiji in regard to this gentleman are. But such enquiries, as I have been able to make, show that he was not externed from Fiji.

**WITHDRAWAL OF THE JURISDICTION OF THE INCOME-TAX OFFICER OF PATNA FROM THE INDCOME-TAX CASES OF THE SHAHABAD DISTRICT.**

671. \***Mr. Anugrah Narayan Sinha** : (a) Are Government aware that the jurisdiction of the Income-tax Officer of Patna was withdrawn from the income-tax cases of the district of Shahabad in Bihar and Orissa about two years ago ?

(b) Is it a fact that cases from Shahabad district have now been transferred to the file of the Income-tax Officer at Gaya ?

(c) Are Government aware of the inconvenience caused to the assessee of the district of Shahabad in representing their cases to the Income-tax Officer at Gaya in place of Patna which was the case previously ?

(d) Are Government prepared to consider the hardship and inconvenience caused to the income-tax assessee specially of the town of Arrah (in Shahabad District) from where the bulk of the assessee come and place them again under the jurisdiction of the Income-tax Officer at Patna ?

**Mr. A. H. Lloyd** : (a) and (b). The Government of India understand that the position is as stated.

(c) The Government are not aware that there is any serious inconvenience caused by the arrangement. Arrangements are made to avoid such inconvenience by requiring the Income-tax Officer to spend a considerable amount of his time on tour visiting the important towns in the whole of his charge.

(d) The complaints that have been made will be borne in mind if at any time it becomes possible, without interfering with the efficient and economical administration of the department, to re-arrange the jurisdictions of Income-tax Officers in the Province.

# RULES FOR THE REFUND OF MISSING OR LOST CURRENCY NOTES.

672. \***Mr. Anugrah Narayan Sinha** : (a) Has the attention of Government been drawn to the proposed rules for the refund of missing or lost notes that are published in pursuance of a provision in the Reserve Bank Act ?

(b) Are Government aware of the great hardship that will be caused to the public, in case the above rules are adopted, when currency notes are either inadvertently torn or mutilated or lost in transit or in any other way ?

(c) Are Government prepared to suggest such changes in the rules as are calculated to better protect the interests of the public in case of loss of notes for any valid cause ?

(d) Will Government be pleased to lay on the table of the House a copy of the Bank of England rules on this subject ?

(e) Will Government be pleased to state the value of such notes as were reported to have been either lost or missing for which no refund had been given by the Currency Department in the years 1930 to 1934 ?

(f) Is it a fact that pay order issued upon a Government Treasury is payable only to those in whose favour it is issued, if they attend in person and is not realisable through any Bank on their behalf ?

(g) If the facts as stated above are correct, do Government realise the hardship and inconvenience caused to the payees in such cases and are they prepared to change the existing rules or adopt any other course that may avoid delay or inconvenience ?

**The Honourable Sir James Grigg** : (a) Yes.

(b) The rules issued by the Bank follow the former Government rules on the subject and Government do not think that any hardship will be caused by their adoption.

(c) Government do not consider any changes necessary.

(d) The only information which the Bank of England have for publication is contained in a brief notice which is issued to persons desirous of tracing Bank notes of the denomination of £5 and upwards. I place a copy of this notice on the table.

(e) The desired information is not available and its collection would involve so much time and labour that Government do not consider that it would be justifiable to undertake it.

(f) and (g). Yes. This is because pay orders issued on a treasury are not negotiable under the Negotiable Instruments Act. The intention is that in future, when possible, pay orders (in the form of Bank drafts) will be drawn direct on the Reserve Bank or the Imperial Bank in places where the Government treasury business is done by either of these banks. Such drafts are negotiable. Government do not, however, propose to make any change in regard to pay orders drawn on treasuries where there is no branch of the Reserve Bank or the Imperial Bank.

## NOTICE.

*Regulations relating to Bank of England Notes, etc., alleged to have been lost, mislaid or stolen.*

1. Any person desirous of tracing Bank Notes, Post Bills, etc., lost, mislaid, or stolen, with a view, if possible, of recovering the property, may, upon payment of a registration fee of 2s. 6d., cause the numbers, dates, and other particulars of such Notes, etc., to be entered, together with the name and address of the applicant, in a book kept in the Issue Office (4th Floor) at the Bank of England for that purpose :— Bank Notes, however, being payable to bearer on demand, the Bank cannot hold themselves under any responsibility should notes so entered be paid on presentation, whether from inadvertence of the clerks of the establishment, under an order from the Governors, or from any cause whatever.

2. The proper officers of the Bank will endeavour, if the circumstances of the case permit, to delay payment of the notes, etc., and to give information of their presentation to the person who has given notice, and paid the registration fee ; but such notice shall not be in force for more than twelve months from its date.

3. Many bank notes, etc., the subject of notice, are presented at the bank by bankers and other undoubted holders for value, and must be paid on presentation ; in these cases the bank cannot do more than endeavour to give the earliest information to the giver of the notice.

## REFUSAL OF ADMISSION TO INDIAN STUDENTS IN ENGLAND TO A SWIMMING POOL.

673. \***Dr. N. B. Khare** : (a) Is it a fact that two Indian Muhammadan youths were recently prohibited from swimming in a swimming pool in the United Kingdom, as a result of the colour bar ?

(b) If so, are Government prepared to take steps to prevent such occurrences in future ?

(c) If not, why not ?

**The Honourable Sir Girja Shankar Bajpai** : I would refer the Honourable Member to the reply given by me to Mr. Akhil Chandra Datta's starred question No. 546 on the 20th September, 1935.

**Dr. N. B. Khare** : May I know if it was a mixed bath ?

**The Honourable Sir Girja Shankar Bajpai** : I am not in a position to say whether it was a mixed bath or a single sex bath.

**Dr. N. B. Khare** : Why was this colour bar in operation ?

**The Honourable Sir Girja Shankar Bajpai** : That is a question which ought to be addressed to the authorities who are responsible for running the swimming bath.

**Dr. N. B. Khare** : Is it not a fact that these gentlemen were prevented from entering after they had purchased tickets ?

**The Honourable Sir Girja Shankar Bajpai** : I have answered that question the other day,—that at first there was a complaint on the ground that the railway company had actually issued tickets, and people, after having purchased tickets, were not admitted to the bath. That practice has been discontinued by the railway authorities.

(At this stage, Dr. N. B. Khare and Mr. Lalchand Navalrai rose in their seats to put further supplementary questions.)

**Mr. President** (The Honourable Sir Abdur Rahim) : That question has been answered before. Next question.

## RECRUITMENT TO THE TRAINING RESERVE WOMEN'S MEDICAL SERVICE.

674. \*Dr. N. B. Khare : (a) With reference to the notification in the *Statesman*, Delhi, dated the 3rd May, 1935, regarding recruitment to the Training Reserve Women's Medical Service, how many applications for admission to this service have been received by the Chief Medical Officer, W. M. S., and how many Indian lady graduates are admitted ?

(b) What is the personnel of the Selection Committee which scrutinises these applications and when did it meet in Simla for the purpose ?

(c) Who are the lady graduates deputed this year for acquiring British Medical qualifications in the United Kingdom ?

(d) What are the criteria for admission to this service ?

(e) Is there any non-official member on this Committee, and, if so, who is that ?

(f) Were the old applications pending for several years put up before the Selection Committee or circulated to its members ?

The Honourable Sir Girja Shankar Bajpai : (a) 35 applications were received and four vacancies were filled.

(b) The Selection Committee consists of :

The Director-General, Indian Medical Service,

The Surgeon to His Excellency the Viceroy,

The Chief Medical Officer, Women's Medical Service, and Dr. Alice Pennell, O.B.E.

The Committee met on the 20th June, 1935.

(c) A statement is laid on the table. The object of deputation is further study which need not be in the United Kingdom.

(d) The minimum educational qualifications required are the possession of a degree in medicine of an Indian University. In making the selection, post graduate experience is also taken into consideration with a view to seeing whether the candidate would be able to benefit by a course of study abroad and take charge of large hospitals.

(e) Yes, Dr. Pennell.

(f) Yes.

Statement.

The following members of the Training Reserve of the Women's Medical Service have been selected for prosecuting further studies in the United Kingdom :

1. Miss Ivy Massick (Anglo-Indian).

2. Miss Edith Smith (Anglo-Indian)—to obtain the D.M.R.E. of Cambridge.

3. Miss Sharyn Pandit (Indian)—has been awarded a Rockefeller Scholarship and is proceeding to America and England for training in Maternity and Child Welfare work.

4. Miss Mary Purienkarpil John (Indian).

Dr. N. B. Khare : With regard to part (c) of the question, how many of them are Europeans and how many Indians ?

The Honourable Sir Girja Shankar Bajpai : There are no Europeans, Sir.

## FACILITIES FOR DELHI UNIVERSITY STUDENTS FOR ADMISSION TO AN ENGINEERING COLLEGE.

675. \*Dr. N. B. Khare : (a) Is it a fact that a student of the Hindu College, Delhi, had applied in April 1935, for permission through the Secretary to the Honourable the Chief Commissioner, Delhi, for appearing at the Competitive Examination of the Thomason Civil Engineering College, Roorkee ?

(b) Is it also a fact that he was refused the permission applied for ?

(c) If so, will Government please state the reason for prohibiting a student from competing for the examination ?

(d) Is it the policy of Government that no student of the Delhi University should go to the Thomason Civil Engineering College, Roorkee ? If so, what are the Engineering Colleges open to the Delhi University students for the study of Engineering ?

(e) Are Government aware of the fact that Delhi University students are not held eligible for admission to the Engineering Colleges of other provinces ? If so, are Government prepared to take immediate steps to improve the lot of the Delhi University students ?

Mr. A. G. Clow : (a) Yes, in March, 1935.

(b) and (c). The Government of India decided in 1925 that students resident in centrally administered areas who obtain from the minor Local Government concerned permission to appear at the entrance examination of the Thomason College and are admitted to the College may receive financial assistance from the Government of India. In the case to which the Honourable Member refers official permission was refused on the ground of financial stringency and because the Government of India were already paying an annual grant of Rs. 3,100 to the elder brother of the applicant. The refusal of permission does not necessarily debar a student from entry to the College and the applicant was advised to make his own arrangements with the College authorities.

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

(e) Students, not resident in the Bombay Presidency, are not at present admitted to the Poona College of Engineering, but Government are not aware of any specific bar elsewhere. The second part does not arise.

## HOURS OF DUTY OF TICKET COLLECTORS ON THE JUBBULPORE RAILWAY STATION.

676. Mr. Sri Prakasa (on behalf of Seth Govind Das) : Will Government be pleased to state :

(a) the number of ticket collectors on the staff of the Jubbulpore Railway station ;

(b) the number of hours they are rendering duty per day ;

(c) from what hour to what hour they render duty ;

(d) whether they are provided with quarters in the Railway premises ;

(e) whether they are given any house rent allowance ; if so, how much ; if not, why not ;



- (f) whether Government are aware that they are required to work from 12 noon till 12 midnight ;
- (g) whether they are given extra pay for the extra hours of work ; if so, how much ; if not, why not ;
- (h) since when the hours of duty and shift have been started and on whose orders ;
- (i) for what reasons it has been fixed ;
- (j) why this time of duty has been fixed from 12 to 12 instead of 8 to 8 or 6 to 6 ;
- (k) whether Government are aware of the serious hardships the ticket collectors have to undergo as a result of leaving their work at 12 at midnight to go to their homes in the city for meals and rest ; and
- (l) whether Government contemplate changing the hours of duty and the hours of shift immediately ; if so, when ; if not, why not ?

**Mr. P. R. Rau :** (a) Eight excluding the Head Ticket Collector.

(b) Twelve.

(c) Their hours of duty are from 8 to 20 hours and from 20 to 8 hours, the change in duties taking place weekly.

(d) No.

(e) No. Ticket Collectors are not eligible for free quarters and are, therefore, not given an allowance in lieu thereof.

(f), (i), (j), (k) and (l). The Honourable Member is apparently referring to a roster introduced from the 5th June, 1935, as an experimental measure, with a view to distributing the work evenly, according to the trains to be dealt with, among the two batches of collectors. The roster was withdrawn and substituted by the duty hours stated in my reply to part (c) above from the 18th August, 1935, for the reason that the hours were inconvenient to the men. The collectors represented their difficulties through the Divisional Staff Council and their request for a revision of the roster was granted.

(g) Yes, when they are due to it under the Hours of Employment Regulations.

(h) The roster is decided by the Divisional Traffic Manager on the authority of and in accordance with the Hours of Employment Regulations.

#### NON-ISSUE OF WEEK-END INTERMEDIATE AND THIRD CLASS TICKETS ON THE GREAT INDIAN PENINSULA RAILWAY.

**677. Mr. Sri Prakasa** (on behalf of Seth Govind Das) : Will Government be pleased to state :

- (a) whether they are aware that week-end third and intermediate class return tickets are not issued on the Great Indian Peninsula Railway at concession rates ;
- (b) if so, for what reasons ;

- (c) whether Government propose to consider the advisability of issuing return concession tickets in the future ; if so, when ; if not, why not ;
- (d) the names of the State Railways where concession return week-end third and intermediate class tickets are issued ; and
- (e) the special reasons for the non-issue of week-end intermediate and third class tickets on the Great Indian Peninsula Railway ?

**Mr. P. R. Rau :** (a) Not as a general rule ; but I understand third class week-end return tickets are issued from Bombay (Victoria Terminus), Byculla and Dadar to Nasik Road and Pandharpur and from stations in the Agra area to Delhi and New Delhi.

(b), (c) and (e). The question of introducing return tickets is a matter primarily for the consideration of the Railway Administrations concerned who are always ready to grant concession tickets if they are satisfied that these are likely to bring additional revenue. I will convey the Honourable Member's suggestion to the Agent, Great Indian Peninsula Railway, for consideration if it has not already been examined.

(d) Week-end return tickets are issued on the Eastern Bengal Railway for third class and on the East Indian Railway for intermediate and third classes.

**Pandit Lakshmi Kanta Maitra :** Do Government propose to introduce a sort of uniformity in all railways in the matter of these week-end tickets ?

**Mr. P. R. Rau :** No. Government have already asked Agents to consider all these questions for individual railways.

#### INDIAN TRADE COMMISSIONERS IN FOREIGN COUNTRIES.

**678. \*Seth Govind Das :** Will Government be pleased to state :

- (a) the number of Trade Commissioners appointed on behalf of India in foreign countries ;
- (b) the names of the countries where Trade Commissioners have been appointed and their headquarters ;
- (c) their qualifications and the salaries they draw ;
- (d) whether they have separate offices, or whether they are attached to the British embassies in those countries ;
- (e) the names of the Commissioners so appointed ;
- (f) under whose directions they work, either of the Government of India or of the Chief Commissioner for India ;
- (g) whether they send suggestions to the different industries in India in regard to the qualities preferred in those countries from India ;
- (h) the total annual cost of maintaining each of the Trade Commissioners' offices ;
- (i) what they have done in the matter of introducing Indian products in foreign markets ;

- (j) what their activities are in general in this matter at present ;
- (k) whether they have considered the advisability of taking such Commissioners from the mercantile community or from the different chambers of commerce in this country ; and
- (l) whether Government propose to do so in the future ; if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (b), (c), (e), (f), (h), (i) and (j). The Honourable Member is referred to the reply given to Pandit Nilakantha Das' starred question No. 521 on the 25th February, 1935. I lay on the table a statement showing the salaries drawn by each of the Indian Trade Commissioners in London, Hamburg and Milan.

(d) The Indian Trade Commissioners at Hamburg and Milan have their own separate offices. The office of the Trade Commissioner in London forms part of that of the High Commissioner for India.

(g) No. I may, however, invite the attention of the Honourable Member to the statement giving the principal duties of Indian Trade Commissioners which was laid on the table of the House with reference to part (c) of Prof. N. G. Ranga's starred question No. 54, asked on the 6th February, 1935.

(k) Yes. A member of the mercantile community has already been appointed to the post of Indian Trade Commissioner at Milan.

(l) The matter will receive due consideration as and when the occasion arises.

*Statement showing the salaries drawn by the Indian Trade Commissioners.*

£ per annum.

|                                        |                             |                                     |
|----------------------------------------|-----------------------------|-------------------------------------|
| Indian Trade Commissioner,<br>London.  | Pay .. ..                   | 1721-5                              |
|                                        | Representation Allowance .. | 200-0                               |
| Indian Trade Commissioner,<br>Hamburg. | Pay .. ..                   | 1500-0                              |
|                                        |                             | (on the scale of<br>£ 1000-50-1500) |
|                                        | Representation Allowance .. | 250-0                               |
|                                        | House Rent Allowance ..     | 150-0                               |
| Indian Trade Commissioner,<br>Milan.   | Pay .. ..                   | 1000-0                              |
|                                        |                             | (on the scale of<br>£1000-50-1500). |
|                                        | Representation Allowance .. | 250-0                               |
|                                        | House Rent Allowance ..     | 150-0                               |

**Prof. N. G. Ranga :** With reference to part (g) of this question, what procedure is adopted by the Government of India to make available their suggestions to the different departments of Industries and Agriculture in the various provinces ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid my Honourable friend did not hear the answer that I read out to part (g). I said :

"No. I may however invite the attention of the Honourable Member to the statement giving the principal duties of Indian Trade Commissioners which was laid on the table of the House with reference to part (c) of Prof. N. G. Ranga's starred question No. 54 asked on the 6th February, 1935."

If the Honourable Member likes I can read out that statement.

**Prof. N. G. Ranga :** That is not necessary. May we know how the various Provincial Departments are expected to avail themselves of the suggestions made by these various Trade Commissioners sent to the Government of India in regard to the marketing of different Indian commodities ?

**The Honourable Sir Muhammad Zafrullah Khan :** Reports are published and there are direct communications. For instance, one of the duties laid down on page 432 of the report to which I have referred is to furnish commercial information directed to the development of Indian export trade required by Departments of the Government of India or by Local Governments, by Indian States, by the High Commissioner for India or by the Director-General of Commercial Intelligence and Statistics.

**Prof. N. G. Ranga :** Are not the Provincial Departments of Industries and Agriculture placed on the list of those to whom the Trade Commissioners are expected to send their periodical reports ?

**The Honourable Sir Muhammad Zafrullah Khan :** I would not like to answer that question without notice.

**Prof. N. G. Ranga :** Will Government consider the desirability of placing them on the list of those to whom these periodical reports are supplied ?

**The Honourable Sir Muhammad Zafrullah Khan :** Not until I have looked into the matter with regard to the previous question.

**EXPENDITURE ON THE INAUGURATION OF THE NEW CONSTITUTION AND THE DELIMITATION COMMITTEE.**

679. **\*Seth Govind Das :** Will Government be pleased to state :

- (a) the estimated approximate expenditure on account of the inauguration of the new constitution in India ;
- (b) the estimated expenditure for the Delimitation Committee announced recently ; and
- (c) whether the different provinces are to pay their quota for their individual province, or whether the expenditure is to be met by the Central Government ?

**The Honourable Sir James Grigg :** (a) If the Honourable Member is referring to the cost preliminary to the setting up of the new Constitution no total estimate has yet been made. If, however, he is referring to the additional expenditure involved in the new Constitution, I would refer him to paragraphs 267 to 273 of the Report of the Joint Parliamentary Committee on Indian Constitutional Reform.

(b) Rs. 1,34,500.

(c) The expenditure against (b) will be borne by the Central Government.

**Mr. S. Satyamurti :** Are the figures in the paragraphs of the Joint Parliamentary Committee's Report to which the Honourable Member referred final ?

**The Honourable Sir James Grigg :** They are only estimates.

**Mr. S. Satyamurti :** Have the Government of India applied their mind to these figures, and are they satisfied that they are approximately correct ?

**The Honourable Sir James Grigg :** I have no reason to believe that they are incorrect. The accuracy of some of these figures will arise in connection with the institution of the new provinces.

#### EXCHANGE RESTRICTIONS AFFECTING INDIA.

680. **\*Seth Govind Das :** Will Government be pleased to state :

- (a) whether the export trade of this country has been reduced as a result of the exchange restrictions ;
- (b) to what countries the export trade from India has been adversely affected and to what extent ;
- (c) what action they contemplate taking in the matter ; and
- (d) what are the countries that have imposed restrictions on Indian trade in their countries ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (c) and (d). The attention of the Honourable Member is invited to the reply given by me to part (b) of Mr. Mudaliar's starred question No. 186 and to parts (a) and (e) of Mr. Avinashilingam Chettiar's starred question No. 6.

(b) The Honourable Member is referred to the Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1935, which show the principal variations in the export trade of India in the past three years. The Government of India are not in a position to offer an opinion as to the extent to which these variations are due to exchange restrictions.

#### ISSUE OF ONE RUPEE NOTES.

681. **\*Seth Govind Das :** Will Government be pleased to state :

- (a) whether they contemplate issuing one rupee notes again ;
- (b) if so, their specific reasons for it ; and
- (c) when they are going to issue the one rupee notes ?

**The Honourable Sir James Grigg :** I can see nothing in the present situation which makes necessary or even desirable the issue of one rupee notes.

**Mr. Sri Prakasa :** Are these one rupee notes still exchangeable or not ? I happen to have one.

**The Honourable Sir James Grigg :** I have not seen one for a good many years. Some are still in existence as museum specimens.

**Prof. N. G. Ranga :** Why is it that the Government of India do not bring these one rupee notes into circulation ?

**The Honourable Sir James Grigg :** I said that I can see nothing in the present situation which makes necessary or even desirable the issue of one rupee notes. There is not a Douglas Government in existence in India yet !

#### DEFINITIONS TO BE FOLLOWED BY THE BOARD OF FILM CENSORS IN INDIA.

682. **\*Seth Govind Das :** Will Government be pleased to state :

- (a) whether they have laid one definition to be followed by all the Boards of Film Censors in India ;
- (b) whether there have been differences in the definitions of the different Boards ;
- (c) if so, in what respects ;
- (d) the reasons for those differences ;
- (e) whether Government laid definitions as to what constitutes an educational film ;
- (f) if so, what the definition is ;
- (g) whether the definitions of the educational and other general films in this country differ from those of the other countries of the British Commonwealth ; if so, why ?

**The Honourable Sir James Grigg :** (a)—(d). I would refer the Honourable Member to the canons of censorship set out in Appendix G to the Indian Cinematograph Committee's report and to the observations in paragraphs 241 and 252 of that report on the practice of the Censorship Boards. The Committee found that all the Boards were applying very similar, if not identical, canons. The application of these canons to individual films is largely a matter of opinion and some difference between the Boards must necessarily be expected occasionally in a vast country like India where local conditions vary greatly.

(e)—(g). No rigid definition of educational films has yet been prescribed in India. I would however invite the Honourable Member's attention to paragraph 158 and 201 of the Cinematograph Committee's report and to Article I of the League of Nations Convention for facilitating the international circulation of films of an educational character. As India has ratified this Convention, the definition of an educational film contained in that Article, a copy of which is laid on the table, may be taken as that which has been adopted by this country.

#### ARTICLE I.

The present Convention shall apply to films which based on didactic methods have eminently international educational aims and fall within one of the five following categories :

- (a) Films designed to supply information with regard to the work and aims of the League of Nations and other international organisations which are generally recognised by the High Contracting Parties ;
- (b) Films intended for use in education of all grades ;

- (c) Films intended for vocational training and guidance, including technical films relating to industry and films relating to scientific management ;
- (d) Films dealing with scientific or technical research or designed to spread scientific knowledge ;
- (e) Films dealing with health questions, physical training, social welfare and relief.

**Babu Baijnath Bajoria :** Is it a fact that the Board of Film Censors mainly scrutinise the films from a political point of view and utterly neglect the moral view point as a result of which several films of low moral tones are exhibited to the detriment of the morality of the people, specially of young boys and girls ?

**The Honourable Sir James Grigg :** I do not think that arises out of this question.

**Pandit Lakshmi Kanta Maitra :** How do the Government of India exercise their control over the Board of Censors ?

**The Honourable Sir James Grigg :** The Honourable Member had better put down a question.

#### NOMINATION OF INDIANS TO THE BOARD OF FILM CENSORS IN INDIA.

683. \***Seth Govind Das :** (a) Will Government please state whether they are prepared to see that more than sixty per cent. of the members nominated to the Boards of Film Censors in India are Indians ?

(b) Are Government prepared to see that at least 30 per cent. of the members are taken from the Indian industrial interests ? If so, when ? If not, why not ?

**The Honourable Sir James Grigg :** (a) and (b). The constitution of the Boards of Film Censors in India is a matter primarily for the Local Governments of the Provinces in which such Boards have been established and I am sure that the Governments concerned give full consideration to the various interests which should be represented on the Boards. I will, however, send a copy of the Honourable Member's question and of my reply to Local Governments for their information.

**Prof. N. G. Ranga :** What about the representation of the users of these films ?

**The Honourable Sir James Grigg :** The Honourable Member's supplementary question will also go to the Local Governments.

**Babu Baijnath Bajoria :** Is it not a fact that there is a vast difference between the views of Europeans and Indians generally as to what are objectionable films from a moral point of view.

**The Honourable Sir James Grigg :** I do not think that arises out of this question.

#### LICENSED COOLIES ON RAILWAY STATIONS.

684. \***Seth Govind Das :** Will Government be pleased to state :

- (a) whether the licensed coolies of the railways fall within the category of railway servants ;

- (b) if so, whether they get any of, or all, the facilities of a railway servant, such as medical assistance, housing facilities, etc. ; if so, where and to what extent ; if not, why not ;
- (c) whether the licensed porters have to pay anything to get their licence ;
- (d) how much they have to pay and to whom ;
- (e) whether they have to render any free service to the railway in the form of loading parcels and unloading them from trains ;
- (f) if so, whether they are paid anything for these free services ; if not, why not ;
- (g) whether this rendering of free service to the railway, over and above the payment of licence fee, is a condition of their agreement of engagement ;
- (h) whether Government are aware that they have to render free service for the officials of the railways ;
- (i) if so, why they are not paid for such services by the officials concerned ;
- (j) whether Government propose to enquire into the matter and regulate against this evil ;
- (k) whether Government propose to see that they are paid for services they render to the railways in loading and unloading parcels, etc., to and from trains ;
- (l) whether the cost of loading and unloading parcels and luggage is included in the charge of booking (freight) ; and
- (m) if so, why the coolies are not paid for their labour ?

**Mr. P. R. Rau :** (a) No.

(b) Does not arise.

(c) The practice in this respect is not uniform.

(d) to (m). I have called for information from railway administrations and will lay a reply on the table in due course.

#### TRANSPORTATION, COMMERCIAL AND TRAFFIC INSPECTORS ON THE GREAT INDIAN PENINSULA RAILWAY.

685. \***Seth Govind Das :** Will Government be pleased to state :

- (a) the number of (i) Transportation, (ii) Commercial, and (iii) Traffic Inspectors on the Great Indian Peninsula Railway ;
- (b) their respective grades of salary ;
- (c) the percentage of Indians in each of the above groups as against Europeans and Anglo-Indians ;
- (d) the number of Indians out of the three groups in each case who are temporary ;
- (e) the number of Indians appointed or promoted to these services during the last decade since the Indianisation programme has been introduced ;

(f) the number of Europeans and Anglo-Indians who have been appointed or promoted from lower services during this period ; and

(g) the reason for this discriminative treatment ?

**Mr. P. R. Rau :** With your permission, Sir, I propose to reply to questions Nos. 685, 687 and 688 together. The available information is contained in the Great Indian Peninsula Railway Classified List of subordinate staff on pay of Rs. 250 and above and in Appendix F to Volume I of the Railway Board's Administration Report on Indian Railways, copies of which are in the Library of the House.

#### STATION MASTERS ON THE GREAT INDIAN PENINSULA RAILWAY.

686. \***Seth Govind Das :** Will Government be pleased to state :

- (a) the number of Station Masters on the Great Indian Peninsula Railway in the A grade (395—450) ;
- (b) the number of Indians as against Europeans and Anglo-Indians separately ;
- (c) whether the salary of an Indian Station Master of the A grade differs from that of an European or Anglo-Indian of the same grade ;
- (d) whether the same case is applicable to the B grade Station Masters also ;
- (e) whether, for instance, the salary of an Indian Station Master at Katni Junction varies from that of an European or Anglo-Indian Station Master ;
- (f) if so, the reason for this discrimination ; and
- (g) why it is not applicable to Cabinet Ministers ?

**Mr. P. R. Rau :** (a) and (b). There are two station masters in the grades of Rs. 425—25—450. Neither of them is an Indian.

(c) to (f). Government understand there is no racial discrimination and that an Indian station master in any grade is eligible for the same rate of pay as a European or Anglo-Indian in the same grade.

(g) Does not arise.

#### FUEL INSPECTORS ON THE GREAT INDIAN PENINSULA RAILWAY.

†687. \***Seth Govind Das :** Will Government be pleased to state :

- (a) the number of Fuel Inspectors on the Great Indian Peninsula Railway ;
- (b) the number of Indians amongst them ;
- (c) the salaries they draw in each case ; and
- (d) the number of Indians on temporary service ?

#### LOCO. INSPECTORS ON THE GREAT INDIAN PENINSULA RAILWAY.

†688. \***Seth Govind Das :** Will Government be pleased to state :

- (a) the number of Locomotive Inspectors on the Great Indian Peninsula Railway ;

†For answer to this question, see answer to question No. 685.

(b) the number of Indians amongst them ; and

(c) their salaries in each case, along with that of the Europeans and Anglo-Indians ?

#### NOMINATIONS OF MEMBERS TO THE INDUSTRIAL RESEARCH BUREAU.

689. \***Babu Baijnath Bajoria :** (a) Is it a fact that an Industrial Research Bureau has been opened by the Government of India ?

(b) Is it a fact that a meeting of the Advisory Council for the industrial research and intelligence was held in July last ?

(c) Will Government be pleased to state whether the members of this Advisory Council were nominated by Government and, if so, were they nominated on the recommendations of the different Industrial Associations ?

(d) Will Government be pleased to state whether any member of the Bengal Industries Association was nominated to this Bureau? If not, why not ?

(e) Will Government be pleased to state the names of the different industrial organisations or the Chambers of Commerce whose members were represented on this Advisory Council ?

(f) Will Government be pleased to state the items of research that have been entrusted to the new Industrial Intelligence and Research Bureau ?

**Mr. A. G. Clow :** (a) and (b). Yes.

(c), (d) and (e). The members were selected in the manner recommended by the Industries Conference. They were not nominated by Chambers of Commerce or other organizations.

(f) The items for immediate investigation relate to paints, the suitability of vegetable oils for certain purposes, Portland cement, lime and cement concretes, dry cells, sands and feldspars, and the production of glass suitable for the manufacture of bangles on a cottage industry basis.

**Prof. N. G. Ranga :** Are Government aware that the handloom weavers number ten millions of people in this country, and yet they are not represented on this Industries Conference, and, therefore, they have had no chance of getting themselves represented on this Research Bureau ?

**Mr. A. G. Clow :** I do not see any particular reason why they should be represented in the Research Bureau.

**Prof. N. G. Ranga :** Is it not a fact that various interests are represented on this Industrial Conference and on the Research Bureau ?

**Mr. A. G. Clow :** We do not give representation to "interests" on either of these bodies ; the persons sent are sent to put forward the views of Governments mainly, and a few persons are selected for their expert knowledge of particular questions or subjects likely to come up.

**Babu Baijnath Bajoria :** Is it one of the duties of the Research Bureau to advise prospective industrialists with a view to enabling them to start industries ?

**Mr. A. G. Clow :** The Bureau will also deal with industrial intelligence.

#### REPRESENTATIVES TO THE INDUSTRIES CONFERENCE.

690. **\*Babu Baijnath Bajoria :** (a) Is it a fact that the provinces and the States have been asked to send representatives for participating in the seventh Industries Conference ?

(b) Will Government be pleased to state whether the representatives of the different small industrial organisations will also be invited to this Conference ? If not, why not ?

**Mr. A. G. Clow :** (a) Yes : most of the provinces and certain States have been invited to send representatives to the Seventh Industries Conference.

(b) No : because the Conference is convened for the purpose of enabling the various Governments to discuss matters of common interest to them and is already as large as is convenient.

**U Thein Maung :** Has invitation been extended to the Government of Burma ?

**Mr. A. G. Clow :** I think there is no Industries Department in Burma. As far as I recollect, they did not attend the previous Conference, but it was certainly open to them to do so.

**U Thein Maung :** Have they been invited to send any representative to this conference at all ?

**Mr. A. G. Clow :** Speaking from memory, I think they were, at any rate to the previous Conference, and they were given information of this.

#### CLASSIFICATION OF PAPER.

691. **\*Babu Baijnath Bajoria :** (a) Has the attention of Government been drawn to the article headed " Paper import and Tariff Board ", " classification ", " Calcutta Associations representations ", published in the *Amrita Bazar Patrika*, dated the 7th July, 1935 ? If so, will Government be pleased to state whether the representation has been given due consideration ?

(b) Will Government be pleased to state the decisions arrived at by them on that representation and the reasons for coming to their final conclusions ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). The representation in question is understood to have been addressed to the Tariff Board in connection with the enquiry into the question of the classification of paper for tariff purposes. The Report of the Board on the subject was received last week and no decision has yet been arrived at.

#### TENDERS FOR THE CONSTRUCTION OF THE HOWRAH BRIDGE.

692. **\*Babu Baijnath Bajoria :** Has the attention of Government been drawn to the editorial headed " The two crore Derby " published on page 2 of the *Amrita Bazar Patrika*, dated the 7th July, 1935 ?

(b) If so, will Government be pleased to state what steps have been taken to represent Indian interests in the acceptance of tenders for the construction and supply of materials for the proposed construction of Howrah Bridge under the Port Commissioners of Calcutta ?

(c) Is it a fact that Government gave an assurance that Indian industrial interests will be safeguarded when tenders will be accepted ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) and (c). The matter is statutorily within the competence of the Howrah Bridge Commissioners and the Government of Bengal, on both of which bodies Indian interests are directly represented. The Government of India have no further information on the points raised by the Honourable Member.

**Babu Baijnath Bajoria :** Are the Port Commissioners of Calcutta negotiating with a German firm to give this contract to them on the basis that the firm will purchase an equivalent amount of Indian goods ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government have no information.

#### EXHIBITION OF OBJECTIONABLE CINEMA FILMS.

693. **\*Babu Baijnath Bajoria :** (a) Are Government aware that there is a strong public feeling in India against the exhibition of objectionable cinema films and dissemination of vulgar advertisements of such films ? If not, has the attention of Government been drawn to the editorial comments published in column 4, paragraph 2, page 8 of the *Amrita Bazar Patrika*, dated the 7th July, 1935, regarding this subject ?

(b) Do Government propose to take proper steps to stop the exhibition of such films ? If not, why not ?

**The Honourable Sir James Grigg :** (a) and (b). My Honourable colleague has seen the Press report to which the Honourable Member refers. As he is aware, a Bill providing for the censorship of cinematograph posters and other forms of film advertisement is now under reference to a Select Committee of this House. In regard to the exhibition of objectionable films, I would invite the attention of the Honourable Member to the observations contained in paragraphs 241—248, 251 and 252 of the Indian Cinematograph Committee's report. While the Committee observed that it is largely a matter of opinion as to what constitutes an objectionable film and that it is possible that such films are occasionally passed for exhibition, they are generally satisfied with the standards applied by the Board of Censors and by the manner in which these Boards were discharging their difficult duties. The Act provides power whereby the certificate granted in respect of a certified film may be suspended by a Local Government. The remedy is, therefore, for objectionable films to be brought to the notice of Local Governments.

#### HINDUS AND THE RAILWAY SERVICES.

694. **\*Babu Baijnath Bajoria :** Has the attention of Government been drawn to the article headed " Hindus let down in the Services ", " Punjab Hindu submit memorial to the Secretary of State ", " Discrimination in the Railway services ", published in the *Amrita Bazar Patrika*, dated the 6th July, 1935 ?

(b) If so, will Government be pleased to state whether any reference has been received on this subject by them from the Secretary of State? If so, will they be pleased to lay the correspondence on the subject on the table of the House? If not, why not?

**Mr. P. R. Rau :** (a) Government have seen the article referred to.

(b) No such reference has been received.

#### MAXIMUM ASSESSED RENT FOR GOVERNMENT QUARTERS IN SIMLA.

695. **\*Babu Baijnath Bajoria :** With reference to the reply to part (c) of starred question No. 462, in this House on the 7th August, 1934, will Government be pleased to state the reasons why a maximum assessed rent is fixed for all Government quarters on the basis of capital outlay on such buildings? Is the renting of Government quarters administrative and not commercial?

**Mr. A. G. Clow :** The fair rent of the accommodation is fixed, and the occupant pays that rent or ten per cent. of his pay whichever is less. Administrative considerations certainly enter into the arrangements for renting Government quarters.

#### MONEY INVESTED IN THE BUILDING OF QUARTERS IN SIMLA AND DELHI AND INTEREST PAID FOR SUCH DEBTS.

696. **\*Babu Baijnath Bajoria :** Will Government be pleased to state, separately for Simla and Delhi, the total amount of public money invested in the building of quarters which are rented to Government servants and the total interest paid for such public debts out of the revenues of India every year?

**Mr. A. G. Clow :** A statement giving the information required is laid on the table.

#### *Expenditure on residential buildings for Government servants.*

Place.

Rs. lakhs

(to end of 1933-34).

|                            |       |
|----------------------------|-------|
| (1) Simla .. .. .          | 74.00 |
| (2) Delhi Province .. .. . | 3.6   |
| (3) Delhi .. .. .          | 22.95 |
| (4) New Delhi .. .. .      | 183.0 |

Items (1) and (4) include the cost of residences for Members of the Indian Legislature. Final figures for additional outlay during the year 1934-35 are not yet available. The addition for that year in respect of items (1) to (3) is inconsiderable, but the addition for New Delhi amounts to nearly Rs. 51 lakhs, bringing the total of item (4) to the end of 1934-35 to Rs. 234 lakhs.

#### 2. Interest charges.

The outlay on items (1) to (3) was charged to revenue and no interest is payable upon it. The interest charges on item (4) varied every year according to the rate of interest in force and the expenditure incurred up to the end of the year. Interest charges are not separately adjusted in the accounts, and their determination on a *pro forma* basis for each year would involve very great labour. Adopting the average rate of interest for the years 1917-18 to 1934-35, namely 5.2 per cent., the interest charges at present on Rs. 234 lakhs amount approximately to Rs. 12.17 lakhs per annum.

#### BASIS OF RENT FOR MEMBERS' QUARTERS.

697. **\*Babu Baijnath Bajoria :** (a) Will Government be pleased to state the reasons why the rent for members' quarters are on the basis of assessed rent? Is the Central Public Works Department not run on commercial lines?

(b) Do Government propose to run the Central Public Works Department residential buildings on commercial basis? If not, why not?

**Mr. A. G. Clow :** (a) Members of the Indian Legislature are charged rent assessed under Fundamental Rule 45-A. This is the concessional rent payable by Government servants. The operations of the Central Public Works Department are governed by rules and are not commercial.

(b) No. To do so would very largely defeat the objects with which residential accommodation is provided.

#### ALLOTMENT OF GOVERNMENT QUARTERS IN SIMLA.

698. **\*Babu Baijnath Bajoria :** (a) Is it a fact that several men occupying 'A' type unorthodox quarters in Summer Hill have been forced to vacate such quarters on the ground that their pay is more than Rs. 600? If so, why have men, drawing more than Rs. 600 but occupying 'A' type orthodox clerks quarters in Simla, been allowed to stay in such quarters in spite of the statement made by Government in reply to starred question No. 419, dated the 7th August, 1934 in this House that 'A' class orthodox clerks' quarters in Simla are meant for men drawing pay above Rs. 300 but below Rs. 600?

(b) Are Government aware that this benefits only a few Superintendents of the Public Works Branch of the Department of Industries and Labour? If not, do Government propose to enquire into the matter? If not, why not?

**Mr. A. G. Clow :** (a) Four officials have recently become ineligible for "A" class quarters at Summer Hill. As regards the second part, the position is explained in the reply given on the 23rd September, 1935, to part (a) of starred question No. 597 by Mr. Muhammad Azhar Ali.

(b) The allegation is unfounded and Government do not propose to take any action in the matter.

**Babu Baijnath Bajoria :** Is it a fact that European officers are given preference in the allotment of Summer Hill quarters over Indian officers?

**Mr. A. G. Clow :** No, Sir; I understand there is no discrimination at all. The rules apply equally to all officers.

**Mr. Lalchand Navalrai :** May I know if any preference is given to Members of the Legislative Assembly for whom these quarters are intended?

**Mr. A. G. Clow :** Certain quarters are reserved for Members of both Houses of the Legislature.



## ALLOTMENT OF GOVERNMENT QUARTERS IN SIMLA.

699. \***Babu Baijnath Bajoria** : (a) Is it a fact that 'A' class accommodation is being allotted to Europeans of the Army Headquarters, who are paying a maximum of Rs. 400 as house rent for such quarters and, if so, is it a fact that the unorthodox Indians of the Secretariat Departments who are foregoing a house rent allowance of Rs. 400 to Rs. 450 are being refused the same accommodation ?

(b) Do Government propose to remove this discrimination by allotting such 'A' class accommodations to persons of the Secretariat Departments who will be foregoing a house rent allowance of not less than Rs. 400 a year ? If not, why not ?

**Mr. A. G. Clow** : (a) "A" class unorthodox accommodation at Simla is intended for Government servants whose emoluments exceed Rs. 450 but are less than Rs. 600 per mensem. No distinction is made between Europeans and Indians. It is evident that under the 10 per cent. rule the rent recoverable from a junior officer entitled to "A" class accommodation may be considerably less than Rs. 400 for seven months' occupation. House rent allowance at the new rates is graded according to pay and all officers entitled to "B" class unorthodox accommodation are eligible for an allowance of Rs. 400 or Rs. 450 for the Simla season. They draw this allowance only when they are not provided with Government accommodation and up to the amount of the rent actually paid by them for private accommodation. The maximum allowance is intended to cover payment of rent for private accommodation not merely for the Simla season but for the whole year.

(b) As I have already indicated there is no discrimination. The allotments are made on the basis of emoluments, and the rent payable by rent-paying tenants is not comparable with the amount of the Simla house allowance.

## ALLOTMENT OF GOVERNMENT QUARTERS IN SIMLA.

700. \***Babu Baijnath Bajoria** : (a) With reference to the reply to starred question No. 419, dated the 7th August, 1934, in this House, will Government be pleased to state why men drawing Rs. 600 and above have been allowed to retain 'A' class orthodox clerks' quarters in Simla ?

(b) Do Government propose to remove all such men from the Phagli quarters and allot those quarters to men who are entitled to such quarters, in accordance with the reply quoted above ?

**Mr. A. G. Clow** : The attention of the Honourable Member is invited to the reply just given to starred question No. 698.

## ALLOTMENT OF GOVERNMENT QUARTERS IN SIMLA.

701. \***Babu Baijnath Bajoria** : (a) With reference to the reply to part (g) of starred question No. 419, dated the 7th August, 1934, in this House, will Government be pleased to state when the Imperial Secretariat Association was consulted ?

(b) Is it a fact that the said Association was consulted when the Summer Hill quarters used to be classed as "European quarters" and when European employees of the Civil Offices elected the old rates of

house rent ? If so, do Government propose to consult the said Association now that the classification of European quarters has since been changed into "unorthodox quarters" ? If not, why not ?

**Mr. A. G. Clow** : (a) In 1925.

(b) When the Imperial Secretariat Association were consulted in 1925, the distinction between European and Indian Clerk's quarters was in force. This distinction was removed in 1931, and the draft of the rules now in force, which were issued in 1933 and embodied the revised designations of the quarters concerned, was referred to the Imperial Secretariat Association in May, 1932. In the circumstances, Government do not consider that further consultation with the Association is required.

## SHORT NOTICE QUESTIONS AND ANSWERS.

## GERMAN GOVERNMENT'S OFFER WITH REGARD TO THE CONTRACT FOR THE HOWRAH BRIDGE.

**Mr. Abdul Matin Chaudhury** : (a) Is it a fact that the German Consul-General at Calcutta, acting on behalf his

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Government, had an interview with the Chairman of the Bridge Commissioners in charge of the contract for the new Howrah Bridge, and made an offer that, in case the contract for the bridge is given to a German firm, his Government would spend an amount equal to the contract money in the purchase of commodities from India ?

(b) If the answer to part (a) be in the negative, will Government be pleased to state whether any offer of any sort has been made by the German Government either to the Government of India or to the Bridge Commissioners with regard to the contract for the Howrah Bridge ?

(c) Will Government be pleased to state what steps, if any, they have taken or propose to take to insure that this large contract is retained in India ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) As was pointed out by me on the 23rd instant in reply to question No. 618 by the Honourable Member, Mr. Satyamurti, the power to dispose of this matter is vested by statute in the Howrah Bridge Commissioners subject to the approval of the Local Government. The Honourable Member's question is presumably based on statements made in the Press. As the Bridge Commissioners are now engaged in the consideration of the tenders for this work, Government think it would be extremely undesirable at this stage to make any inquiry or inquiries of this description from the Commissioners as to the accuracy or otherwise of statements which have appeared in the Press.

(b) No communication on the subject has been received from the German Consul-General by the Government of India. As regards the Bridge Commissioners the position is as stated in my reply to part (a).

(c) The Honourable Member is referred to my replies on the 23rd instant to Mr. Satyamurti's question No. 618 and to the supplementary questions arising therefrom.

**Pandit Lakshmi Kanta Maitra :** Did I understand the Honourable Member to say that the Government of India have absolutely nothing to do with this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have on several occasions explained the position that this matter lies entirely within the competence of the Howrah Bridge Commissioners subject to the approval of the Bengal Government.

**Mr. Abdul Matin Chaudhury :** Are Government aware that the Tariff Board recommended :

“ At the same time we consider it a matter of the utmost importance that when a large public undertaking of this description is under consideration, every effort should be made to utilise to the fullest extent the material resources and manufacturing capacity available in India ” ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am prepared to take it from the Honourable Member.

**Mr. Abdul Matin Chaudhury :** In view of this recommendation of the Tariff Board, do the Government of India propose to take any action in this matter, drawing the attention of the Bridge Commissioners to this report of the Tariff Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have no reason to assume that the Bridge Commissioners are not aware of this portion of the Tariff Board's report.

**Mr. Lalchand Navalrai :** May I ask if the Government think it expedient or not to give advice to the Local Government and the other authorities concerned not to take any contract from outside ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Mr. Lalchand Navalrai :** Why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** For the simple reason that the matter does not lie within the competence of the Government of India.

**Mr. S. Satyamurti :** Has any correspondence in this matter at any time recently passed between the Port Commissioners of Calcutta or the Local Government of Bengal or both and the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Government as the result of questions received from certain Honourable Members of this House did make inquiries as to where the matter stood and the information received has already been supplied to the House in answer to questions previously put.

**DELAY IN THE DECLARATION OF RESULTS OF REGISTERED ACCOUNTANTS' DEGREE EXAMINATIONS.**

**Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have received a telegram from the Honorary Secretary of the Indian Society of Accountants and Auditors, Bombay, protesting against the procrastination in declaring the results of the Final Examination for the

Registered Accountants' degree, held by Government in the beginning of April, last ;

(b) what the reason for the postponement of the publication of these results is ; and

(c) whether they propose to publish the results of the Examination immediately, and if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes. The examination was, however, held from 26th to 29th April, and not in the beginning of April.

(b) Delay has occurred owing to the fact (a) that certain of the candidates in neglect of the examination instructions answered questions on the wrong answer-books thus involving needless interchanges of answer-books between the various examiners, and (b) that the results of the examination were such as to necessitate their very careful re-consideration by the examiners and ultimately by the Public Service Commission.

(c) Yes.

**Mr. S. Satyamurti :** It is immediate.

**The Honourable Sir Muhammad Zafrullah Khan :** Yes.

**Mr. S. Satyamurti :** May I know what was the nature of the results, and where do the Public Service Commission come in in assessing the results of the examination ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not prepared to disclose the nature of the results, but the Public Service Commission might well come in for the purpose of consultations as to the action proposed to be taken by the Department before the publication of the results.

**Mr. S. Satyamurti :** Do I understand the Honourable the Commerce Member to say that the Public Service Commission can direct the examiners to increase or decrease the marks ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have not said that.

**Mr. S. Satyamurti :** Then, what is the inference or the advice or the suggestion which the Public Service Commission can make to the examiners ?

**The Honourable Sir Muhammad Zafrullah Khan :** Not to the examiners, but to the Department.

**Mr. S. Satyamurti :** Where does the Department come in in publishing the results of the examination ?

**The Honourable Sir Muhammad Zafrullah Khan :** The examination was held under the supervision and the superintendence of the Department.

**Mr. S. Satyamurti :** Has the Department any jurisdiction apart from publishing the results sent up to them by the examiners ? Does the Department interfere with the results of the examination ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir. If any advice had been received from the Public Service Commission which necessitated another reference back to the examiners, that might or might not have been done.

**Mr. S. Satyamurti :** I am asking for some light. I am asking, Mr. President, whether the Department or the Public Service Commission did interfere, by way of advice or suggestion, with the declaration of the results of the examination? I presume, examinations are by means of papers and the word of the examiners is final. May I ask if their word was final, or was there some communal readjustment?

**The Honourable Sir Muhammad Zafrullah Khan :** There was not the slightest idea of any communal or other readjustment of that character.

**Mr. S. Satyamurti :** What is the nature of the advice which the Department or the Public Service Commission can give in this matter?

**The Honourable Sir Muhammad Zafrullah Khan :** All bodies like Universities and other bodies, which hold examinations, do scrutinise the results when they are received from the examiners, and the body that finally scrutinises those results may come to the conclusion that a reference back on certain matters may or may not be desirable to the examiners. That is the kind of consultation to which I have referred.

**Mr. S. Satyamurti :** Is the position this that the Department can ask the examiners to revise the results?

**The Honourable Sir Muhammad Zafrullah Khan :** The Department cannot ask them to revise the results.

**Mr. S. Satyamurti :** Then, what can they do?

**The Honourable Sir Muhammad Zafrullah Khan :** They can ask them to re-value the papers from a certain point of view.

**Mr. S. Satyamurti :** Only to increase the passes?

**The Honourable Sir Muhammad Zafrullah Khan :** If the Honourable Member thinks that in this particular case the examiners were asked to increase the number of passes or the Department forced them to pass a larger number of people, that is not so.

**Mr. S. Satyamurti :** Then, what is it?

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member has now perhaps sufficiently explained the position.

#### 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 the Legislative Assembly that the following motion was passed in the Council of State at its meeting held on Tuesday, the 24th September, 1935, and to request the concurrence of the Legislative Assembly in the said motion :

"That this Council do recommend to the Legislative Assembly that the Bill to provide for the better administration and governance of Hindu Temples in the city of Madras and the endowments attached thereto be referred to a Joint Committee of the Council and of the Legislative Assembly and that the Joint Committee do consist of 12 members."

#### REPORT ON THE WORKING OF THE SCHEME OF PREFERENCES RESULTING FROM THE OTTAWA TRADE AGREEMENT.

**The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) :** Sir, I lay on the table the report\* on the working of the scheme of preferences resulting from the *Ottawa Trade Agreement* for the year 1934-35.

#### THE JUBBULPORE AND CHHATTISGARH DIVISIONS (DIVORCE PROCEEDINGS VALIDATION) BILL—*contd.*

**Mr. President (The Honourable Sir Abdur Rahim) :** The House will now proceed with the further consideration of the Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad.

**The Honourable Sir Nripendra Sircar (Leader of the House) :** Sir, on the last occasion the matter was almost finished, and you were good enough to give me time to consider whether I should not put in an amendment by way of extra caution as a result of the suggestion which came from my Honourable friend, the Leader of the Opposition.

**Mr. President (The Honourable Sir Abdur Rahim) :** Somebody else must move the amendment, and not the Honourable Member.

**The Honourable Sir Nripendra Sircar :** My Honourable friend, Sir Lancelot Graham, will move it.

What I am saying now is that we want to move an amendment which will make it perfectly clear that somebody may not raise the question that today we are giving jurisdiction and, therefore, affecting the jurisdiction of the Central Provinces Court and it may be said that both the courts are having concurrent jurisdiction. We are, therefore, simply putting a word only to make the position perfectly clear.

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

"That clause 2 stand part of the Bill."

**Sir Lancelot Graham (Secretary : Legislative Department) :** Sir, I move :

"That in clause 2 of the Bill, before the words 'has had', and before the words 'shall have' the word 'alone' be inserted in each case."

Honourable Members who have heard the Honourable Member in charge of the Bill will realise the purpose of this amendment which is of the nature of drafting amendment introduced *ex majori cantela* to prevent a possible claim to exercise jurisdiction in these matters in the Allahabad High Court. We think, Sir, the contingency is altogether remote, but there is just that possibility and this amendment is introduced to stop that little gap. We have to thank the Honourable the Leader of the Opposition for the suggestion which has resulted in this amendment. Sir, I move.

\*Not included in these debates, but copies have been circulated to Honourable Members and are also available in the Library.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That in clause 2 of the Bill, before the words ‘ has had ’, and before the words ‘ shall have ’ the word ‘ alone ’ be inserted in each case.”

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 2, as amended, stand part of the Bill.”

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Title and the Preamble stand part of the Bill.”

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muham-madan Rural) : Sir, my only desire in giving notice of this amendment\* was that in the Bill some word or words should be inserted somewhere to show that this Legislature was not prepared to condone any action of any court of law that goes beyond the powers vested in that court.

**Sir Lancelot Graham** : On a point of order, Sir. Is not the Honourable Member merely reflecting on the conduct of the High Court ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Isn't that so ?

**Mr. Sri Prakasa** : I remember your ruling, Sir, very well. My Honourable friend, Sir Lancelot Graham, need have no anxiety about that. I was just going to say that—and that will satisfy my fastidious friend over there—that in view of the fact that the word “ alone ” has been inserted in the right place, I feel that my purpose has been fulfilled, because it is clear that before this the Central Provinces Court alone had the right to do what the High Court of Allahabad wrongly did. When the word “ alone ” has been inserted, my purpose has been fulfilled, and I, therefore, do not propose to move my amendment.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Title and the Preamble stand part of the Bill.”

The motion was adopted.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Nripendra Sircar** : I move :

“ That the Bill, as amended, be passed.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill, as amended, be passed.”

The motion was adopted.

“ That in the second paragraph of the Preamble to the Bill, after the word ‘ also ’ the word ‘ unfortunately ’ and after the word ‘ taken ’ the words ‘ without authority ’ be inserted.”

**Mr. G. R. F. Tottenham** (Army Secretary) : Sir, I move :

“ That the Bill further to amend the Cantonments Act, 1924, for certain purposes, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon.”

Sir, when I originally moved for reference of this Bill to a Select Committee last April, I gave an undertaking that we would consult the all-India Cantonments Association and obtain their opinion on the Bill and lay it before Honourable Members of the Select Committee before they were called upon to meet and discuss the Bill. That, Sir, was done. The all-India Cantonments Association, or perhaps I should say one or two of the younger and more enthusiastic Members of that Association, who possibly will grow wiser as they grow older, were pleased to take up a destructive attitude towards this Bill. I am all the more glad that the Select Committee did not follow that lead. They preferred to take up a constructive rather than a destructive attitude ; and the result has been, by a judicious mixture of youth at the prow (as represented by the all-India Cantonments Association) and wisdom at the helm (as supplied by the Select Committee), that the Bill has escaped ship-wreck and has, I am glad to say, its way into calm waters.

Now, Sir, I do not wish to take up the time of the House by a detailed exposition of the provisions of the Bill and the alterations that the Select Committee have made in it. The House will have an opportunity of discussing details more fully at a later date. All I need say is this, that a large number of clauses in the original Bill, to which the Government at no time attached any very great importance, have been omitted. The clauses in the original Bill to which the Government did attach considerable importance have been retained, but their drafting has been very considerably altered in favour of, what I might call, the popular point of view. For instance, the principle has been accepted of replacing military executive officers by civilian executive officers, but it has been agreed that the Cantonment fund should not pay the whole of the salary of these civilian executive officers, but that the Government should pay half. Similarly with the clauses about water-supply and building. The general principles of these clauses have been retained, but provisions have been inserted which I hope will adequately safeguard the interests of the civil population in these matters. But, Sir, the Select Committee have gone a great deal further than that. They have introduced two entirely new principles which I think are of great importance to the civil population in Cantonments. In the first place, they have recommended that elected representatives of the people should normally have a voice in the administration of all Cantonments, not only in the administration of a limited number as at present ; and, secondly, that the elected representatives of the people should have a predominating voice in the administration of the purely civil areas in Cantonments. The first of these involves the abolition of all nominated Boards and also of that form of one-man-rule which is now known as ‘ corporation sole ’. The second involves the statutory appointment of a Bazar Committee consisting of the elected members of the Board which I hope will be entrusted with the detailed administration of bazar areas in future. These, Sir, are two very large and far-reaching changes of great importance.

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LEGISLATIVE ASSEMBLY.

[25TH SEP.]

[Mr. G. R. F. Tottenham.]

There are, I know, certain other matters with regard to which the Select Committee very properly realised that it was impossible to make a statutory provision in the Act, but with reference to which I gave certain undertakings on behalf of Government that I would do my best by means of executive instructions to improve matters, so as to avoid the constant disputes which are now apt to mar the administration of cantonment areas. I do not think I need go into the details of these undertakings at the present moment. The only two points that I wish to make now are, firstly, that by a spirit of reasonable compromise we have succeeded in revising the Bill in a way which I hope will satisfy the aspirations of the civil population in cantonments without prejudicing military interests therein; and, secondly, that in doing so we have so altered the character of this Bill that it would not be fair to ask the House to pass it now until we have received the opinions of the Local Governments and the military authorities thereon. I very much hope that both the Local Government and the military authorities will be able to accept the proposals that we have made and that the Bill will eventually come before this House at the beginning of the next Delhi Session in substantially its present form.

Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved.

"That the Bill further to amend the Cantonments Act, 1924, for certain purposes as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon."

**Mr. N. V. Gadgil** (Bombay Central Division : Non-Muhammads Rural) : Sir, I am very glad to note that the Army Secretary was glad to be able to pay a compliment to the reasonable attitude taken by the non-official members of the Select Committee. I can assure him that we are on this side always for a reasonable compromise. It was a rare occasion for me to see that many of the points that we pressed in the Select Committee were accepted by the Army Secretary. And if the same atmosphere of wishing to have a reasonable compromise prevails when public opinion is ascertained after this republication and circulation, I am sure there will be nothing like opposition from this side. I agree with the Honourable Member that the Bill has been radically changed. I do not say that we have carried all that we wanted to carry. There are certain matters which we wanted to be incorporated in the Bill, but we were assured by the Chairman and also the Army Secretary that constitutionally those things could not be incorporated in the Bill. I am glad, however, that he has made a statement here, that those matters will be incorporated in executive instructions or instruments of instructions, if he is so pleased to call them. The real bone of contention is about disputes in regard to lands in what is called the residential area. The lands are in the possession of the civil population for many long years and nobody can say whether they own the land or Government owns it. I think it is not really a question of title but it is really a question of possession; and if they are left undisturbed in their possession and if Government in a generous mood of compromise makes a generous offer of long lease at a nominal rent and on reasonable conditions, I am sure the cantonment problem, so far as the administration is concerned, will be solved and solved for good. I am also glad that

with regard to the one intention we had in the Select Committee, namely, to bring the cantonment administration in line with the administration available in the near municipal area, we have succeeded. The statutory sub-committee to manage practically all municipal matters is a good advance, and I am sure that a provision will be made in the Bill that whatever the sub-committee decides will not be normally disturbed by the Officer Commanding or by the Board as such. Such a provision, if it is possible to incorporate it, should be incorporated; otherwise, as the Honourable Member stated, it should be done in the instrument of instructions. Sir, there are also other matters but this is not the occasion when I should take the time of the House. I am sure, however, that we can carry our points, given the necessary atmosphere which is promised here. Therefore, I support the motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That the Bill further to amend the Cantonments Act, 1924, for certain purposes, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

#### DEMANDS FOR SUPPLEMENTARY GRANTS.

##### EXPENDITURE ON THE DEVELOPMENT OF CIVIL AVIATION MET FROM THE FUND.

**The Honourable Sir James Grigg** (Finance Member) : Sir, I move :

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1936, in respect of 'Expenditure on the Development of Civil Aviation met from the Fund'."

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1936, in respect of 'Expenditure on the Development of Civil Aviation met from the Fund'."

**Mr. Asaf Ali** has given notice of an amendment which proposes to discuss the question of principle which cannot be discussed at this stage. Greater economy in preparing increasing landing grounds.

**Mr. M. Asaf Ali** (Delhi : General) : In that case, I shall have to oppose this grant.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member wishes by this motion to urge the matter of adequate and effective provision for training of Indians as Aircraft Inspectors, Assistant Aircraft Inspectors and higher class Ground Engineers; and also greater economy in making and increasing landing grounds. These are questions which cannot be discussed on this motion.

**Mr. A. G. Clow** (Secretary, Department of Industries and Labour) : Sir, may I offer an observation? I do not wish to raise any objection on the ground of short notice though I only received this half an hour ago, because I recognise the difficulties under which Honourable Members

[Mr. A. G. Clow.]

have been labouring. But I would submit for your consideration that of the two points that my Honourable friend has put down, the first is not in order because this grant which we are now considering does not relate in any way to the appointment of inspecting staff. It relates entirely to works.

The second point, I quite agree, is entirely in order and I shall be ready to reply as best as I can to any observations which the Honourable Member has to offer. But I would ask you to request the Honourable Member to confine himself to the second of the two points which he has set down.

**Mr. President** (The Honourable Sir Abdur Rahim) : Yes, that is a question which can be discussed.

**Mr. M. Asaf Ali** : Sir, I move that this demand be reduced by Rs. 101, and I wish to urge greater economy in making and increasing landing grounds. I should like to make it perfectly clear at the outset that I should be the very last person to oppose the development of civil aviation in India. I should like to see my country well equipped in all matters which may be considered the necessities of modern life ; and I consider that civil aviation is certainly becoming very rapidly a necessity of modern life. It is no longer a luxury. But at the same time I must say.....

**Mr. President** (The Honourable Sir Abdur Rahim) : Is the Honourable Member only referring to the question of economy ?

**Mr. M. Asaf Ali** : I am confining myself to the question of the construction of aerodromes, landing grounds and matters of that description. I must say that the amount that is being expended on the preparation of landing grounds, aerodromes and other connected works is wholly incommensurate with the results which I find reported. For instance, we find that there are about 17 aerodromes throughout India ; and on these 17 aerodromes, so far, the Government have spent something like 69 lakhs—they propose to spend a good deal more money now. I think they have spent Rs. 69 lakhs since 1930, and their receipts in 1933-34 amounted to Rs. 45,000 all told : in 1935-36 they amounted to about Rs. 88,000 and odd, which included fees for licences, certificates ; and allowances were made for customs duties and various other things : of course I am excluding petrol tax : including petrol tax this amount would be larger. My point is that these landing grounds and aerodromes are being largely used now by services which may be called trans-India services, that is to say, by the K. L. M. company, by Air France, by the Imperial Airways and by the Trans-Continental Airways—they are being mostly used by these services which are hardly of any use to India. In other words, we are spending all this money on aerodromes and landing grounds which are not primarily for the use of India and which do not, in any way, benefit us even indirectly ; because, even the petrol tax which you realise does not in any way repay the Government for the amount invested in the construction of these landing grounds and aerodromes. I may also add here that the additional constructions, which the Civil Aviation Directorate is about to undertake, will necessitate the employment of a large number of highly paid staff, including Aircraft Inspectors,

tors, technical officers, aerodrome officers, assistant aerodrome officers, ground engineers and others. That also means an indirect burden on the tax-payer for no rhyme or reason ; particularly when we bear in mind the fact that in 1927 a promise was definitely vouchsafed to this Assembly that Indians would be sent out for training. Ten Indians were to have been sent out for training in 1927 : we do not know what has happened to them, how many of them have come back and whether these trainees are employed anywhere or they are not. Moreover we were told that it takes about three years to train Indians abroad : I believe the cost of the training of about two persons for three years abroad would not exceed Rs. 34,000 .....

**Mr. A. G. Clow** : I am very reluctant to interrupt the Honourable Member ; but I suggest that under cover of his second point on the notice paper he is really bringing in what he wanted to say on the first point : this is hardly a matter coming under greater economy in making and increasing landing grounds.

**Mr. M. Asaf Ali** : I am only trying to show that the construction of these landing grounds will mean employment of so many more people and we are not sure of what use they can possibly be to us, because no Indians are likely to be employed in spite of the fact that we have spent so much money. I believe I am entitled to make that point .....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member's point is that, if Indians are employed, there will be less expenditure.

**Mr. M. Asaf Ali** : Exactly, Sir : that is my point. Now, I was suggesting that about 34,000 rupees are required for the training of two Indians abroad for three years. In 1932, the Standing Finance Committee definitely asked that Indians should be sent abroad for training. A scheme was prepared for sending out four Indians and in 1932, for reasons of economy and financial stringency, that very scheme was dropped. This is how this Assembly is treated and this is how the Standing Finance Committee is treated and in spite of that we are now asked to allow the Civil Aviation Directorate to undertake very large works amounting to about Rs. 20 lakhs : and all this 20 lakhs is going to be spent on the construction of landing grounds. Even as regards these landing grounds—to which I come back to please my Honourable friend, Mr. Clow—I have had some little experience, not exactly of preparing them but of examining the accounts of some private companies who have prepared landing grounds, for instance, the Himalaya Transport Company. They have prepared landing grounds somewhere near Kalka and various other places, which have not required more than Rs. 45,000 ; whereas we find here that on the maintenance of landing grounds alone, thousands of rupees are going to be spent. These 17 landing grounds that exist in India today include aerodromes and require an expenditure of as much as 95,000 a year for maintenance. That is wholly incommensurate with the results. I think instead of its being a remunerative concern, it is really becoming a losing concern. Under these circumstances.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member cannot go into the question of policy now : he can only discuss economy in the expenditure which it is proposed to incur.



**Mr. M. Asaf Ali :** I am only trying to point out the fact that whereas according to private enterprise only Rs. 45,000 to Rs. 50,000 is more than enough to prepare the whole ground including the aerodrome, here we find as much as Rs. 180,000 and Rs. 120,000 and even Rs. five lakhs in one place. This is absolutely extravagant : in fact I am prepared to say.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The demand is only for Rs. 1,000.

**Mr. M. Asaf Ali :** It is a token demand.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can only ask Government to reduce within those limits.

**Mr. M. Asaf Ali :** I am simply asking the Government to exercise greater economy and closer control over this expenditure.....

**Mr. President** (The Honourable Sir Abdur Rahim) : It ought to have been discussed when that grant was before the House.

**Mr. M. Asaf Ali :** I am afraid it was not at the time.

**Mr. President** (The Honourable Sir Abdur Rahim) : Surely this is not a new service ?

**Mr. M. Asaf Ali :** I am not suggesting that it is : I am only just trying to prove that greater economy is possible and ought to be exercised. To my mind the expenditure is preposterously lavish : in fact I think it is reckless ; I do not want to detain the House longer ; it is on this ground that I oppose this grant.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member should formally move his amendment.

**Mr. M. Asaf Ali :** Yes, Sir ; I formally move :

“ That the demand for a supplementary grant for a sum not exceeding Rs. 1,000 in respect of ‘ Expenditure on the Development of Civil Aviation met from the Fund ’, be reduced by Rs. 101.”

Before concluding, Sir, I should like to say one word. If the necessary and satisfactory assurances are forthcoming from the other side, I don't think I shall press it.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the demand for a supplementary grant for a sum not exceeding Rs. 1,000 in respect of ‘ Expenditure on the Development of Civil Aviation met from the Fund ’, be reduced by Rs. 101.”

**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadan Rural) : May I ask for some information, Sir ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Yes.

**Prof. N. G. Ranga :** Sir, I find at page 3 of this blue pamphlet that the Government of India have spent about Rs. 7,000 for the establishment of a landing ground in Cuddappah. I should like to know whether this is the total sum that is proposed to be spent on the establishment of the landing ground, or whether much more money would have to be spent in future on such things as the improvement of landing ground and so on, because I find in some cases the cost of improvements to landing

grounds comes to as much as a lakh of rupees. I want to know if this sum of Rs. 7,000 is being provided only as a beginning.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The demand is only for Rs. 1,000.

**Prof. N. G. Ranga :** I am referring to the total. I would like to know whether this sum of Rs. 7,000 is being provided for a landing ground at Cuddappah only as a beginning, and if so, how much more the Government of India propose to spend for that particular purpose, and whether also they hope to construct buildings and other structures for the staff who may have to be stationed there. I should be much obliged if the Honourable Member will give us information on these points.

**Mr. A. G. Clow :** Sir, I have listened with considerable interest to the observations offered by my friend, Mr. Asaf Ali. If I followed him correctly, the main part raised in the first part of his speech was that this expenditure was being incurred very largely for the benefit or at least the use of foreign companies travelling across India, and the benefit to India was comparatively small. To a certain extent, that is true of one of the routes, that is the main route across India from Karachi *via* Calcutta to Rangoon. But even that route, I would remind my Honourable friend, is of substantial assistance both to Indian aviators and to Indian traffic. There are also, of course, two other rather important routes in operation, that running from Karachi *via* Madras to Colombo, and the other running from Karachi to Lahore, the former being operated by Tatas and the other by the Indian National Airways, and if the House will refer to the Explanation of details at page 3 of this little pamphlet, they will find that the expenditure is distributed over different lines. I admit that the expenditure on these big aerodromes is not at present a commercial proposition, in the sense that we do not get a return in the form of tangible and visible assets corresponding to our outlay. But I think the Honourable Member will recognise that we are dealing here with a form of enterprise which, as he will undoubtedly agree, is in its infancy, and I am sure that, on reflection he will also agree that it is important that this should be undertaken at this stage by the State. Honourable Members opposite, I think, are for the most part strongly in favour of the policy of having the Railways run by the State, and certain Railways have had to be purchased in recent years.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Reserve Bank also.

**Mr. A. G. Clow :** If we were to neglect our duties on this very important route, not merely an Indian route but really a world route, for India is going to occupy a central position in aviation in certain respects, I think there would be a tendency for private enterprise to fill the gap, and we would later find ourselves faced with vested interests, in some cases foreign interests. I think he will agree that the policy we have adopted of seeing that we have a satisfactory basis of aviation in India, entirely under State control, is one which looks to the future and one which is in the circumstances wise.

As regards the actual details and his suggestion that economy was possible in landing grounds, I do not doubt that under the vigilant eye of the Honourable the Finance Member and others, every economy that



[Mr. A. G. Clow.]

is possible now will be secured. I agree that there is a very big difference between the cost of different landing grounds. I remember a case where a Collector told me that he had made a landing ground at a cost of eight annas. He was in a district where there was a lot of what we, in the United Provinces, call *usar* which, as my friend knows, is flat land practically devoid of all kind of vegetation, and he persuaded an enthusiastic Zemindar, for whom it had no commercial value at all, to allow it to be demarcated. I do not know if it is still a landing ground. It is also true that some landing grounds can be prepared comparatively cheaply. It depends very largely on the use and the regularity of use to which you are going to put your landing ground. For example, I think the Himalaya Air Transport Company are developing small landing grounds in one or two places at probably rather a small cost.

**Mr. M. Asaf Ali :** What about army landing grounds ?

**Mr. A. G. Clow :** The Honourable Member did not refer to that in his speech, but they cannot be used for regular services. They can be used by private aviators from time to time, and we are actually considering the conditions on which they will be available for civil aviation, but what we are really dealing with is mainly the big routes to be used mainly for commercial flying. An example of a cheap landing ground is the one to which my friend, Mr. Ranga, referred, the one at Cuddappah. The amount entered here for that landing ground is Rs. 7,000, and I understand that that is very nearly the whole cost. It will cost probably about Rs. 8,000 before it is finished. That is, of course, not a landing ground at present in regular use by a commercial line. But if you are to have regular landing grounds on main commercial line, you must have a far higher quality, you will have to use them at all seasons, and particularly in the monsoon when we have difficulties in India that are probably considerably greater than in most other countries where flying has developed. We have, for example, to provide runways, which is a fairly large item among the details which have been furnished to Honourable Members. We are going to provide in places for night flying, and that is an expensive item. You will find, in the items here, about Rs. three lakhs on the lighting of aerodromes on certain routes, and that, of course, is only a part of the ultimate expenditure that will be involved. You have to provide buildings for the aerodrome officers, and for hangars. Thus there is a very big difference between providing a really first class aerodrome properly equipped and worthy of the country on a regular commercial route, and providing an occasional aerodrome where an ordinary amateur or a man travelling occasionally on business can safely land, provided the weather conditions are satisfactory. I hope that I have said enough to satisfy my Honourable friend that we will bear in mind the desirability of avoiding every possible case of extravagant expenditure. Aviation is admittedly an expensive matter, at the present day, but as it develops, as we hope it will develop, India will reap in various ways, tangible and intangible, great harvests in years to come. (Applause.)

**Mr. M. S. Aney** (Berar Representative) : May I know what is the idea of lighting the air routes and whether lighting in air routes exists in any part of the world ?

**Mr. A. G. Clow :** Lighting is absolutely essential if you are going to have night flying. We have already a little lighting in, for example, Karachi, but the route is not really equipped for night flying as yet. The work is in progress.

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : Will the Honourable Member kindly tell me whether there is any scheme for training and employment of Indians in the technical departments of civil aviation ? It was promised last time and in this scheme it might have been included.

**Mr. A. G. Clow :** This is a scheme of works. The provision for inspection and employment comes out of different funds altogether. This is a fund for developing certain works. The expenditure on hangars, for example, is giving very considerable employment to Indians. All the hangars are being made of Tata's tested steel on all the big aerodromes.

**Seth Haji Abdoola Haroon** (Sind : Muhammadan Rural) : Is it a fact that instead of having a landing ground at Jacobabad some people have urged that the landing ground should be at Shikarpur or Sukkur ?

**Mr. A. G. Clow :** Sukkur was certainly considered, but Jacobabad was regarded as more suitable for certain reasons, particularly because of its greater suitability in certain seasons. It means a very small addition to the length of the route.

**Seth Haji Abdoola Haroon :** Is the Honourable Member aware that the commercial people are mostly living in Shikarpur and they have asked that the landing ground should be changed from Jacobabad to Shikarpur ?

**Mr. A. G. Clow :** I am afraid I cannot say off-hand whether Shikarpur was considered, but I know the rival claims of Sukkur and Jacobabad were considered. This is the first time I have heard of Shikarpur's claim but I am willing to take it from the Honourable Member that the people of Shikarpur have a natural anxiety that it should pass through their own place.

**Mr. M. Asaf Ali :** I have heard my Honourable friend, Mr. Clow....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has no right of reply.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : I want information on a point which I have not been able to understand. At page 3, I find a provision is made for a portable hangar at Lahore at a cost of Rs. 5,000. Down below, under the heading "General", "Construction of hangars at Karachi, Rangoon, Calcutta, Allahabad, Delhi, Lahore, Bombay, Akyab and Madras", Rs. five lakhs. Here is Lahore again in this sum of Rs. five lakhs. Why are there two provisions for a hangar at the same place ? Again, I want to know how many of these are new works and if there is a scheme for purchase of aeroplanes by the State in order that they may be used for civil aviation purposes.

**Mr. A. G. Clow :** As far as the first question is concerned, the answer is that they relate to different matters. A portable hangar is a very different thing from permanent hangars and it is a much less expensive item. The hangar accommodation at Lahore has proved somewhat in-

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adequate for the needs, and this portable hangar is a very small item—Rs. 5,000—, and it is complete in itself. The hangar is under erection. As regards the second point, the answer is that this contains no provision whatever for the purchase of aeroplanes. This is a works programme and not one for the purchase of machines.

**Mr. M. Ananthasayanam Ayyangar :** Is it part of the general scheme to purchase aeroplanes and keep them on behalf of the State so that they may be used for aviation purposes? In view of the analogy that the Honourable Member drew from the State Railways in his speech just now, is there an intention of purchasing aeroplanes on behalf of the State in order to run them in the interests of aviation?

**Mr. A. G. Clow :** That is not really relevant, I suggest, to the present point. We are considering certain works. The Honourable Member is perfectly entitled to raise that question when the regular aviation grant comes up next Session.

**Babu Baijnath Bajoria** (Marwari Association : Indian Commerce) : On a point of information, Sir. Will the aerodrome at Dum Dum be developed or a new aerodrome be erected on the Budge Budge road?

**Mr. A. G. Clow :** I believe that question is under consideration. I am not able to give an answer now.

(Mr. M. Asaf Ali rose in his seat.)

**Mr. President** (The Honourable Sir Abdur Rahim) : If the Honourable Member wishes leave of the House to withdraw the motion, he cannot make a speech.

**Mr. M. Asaf Ali :** I do not want to make a speech. I only wanted to say, after hearing my Honourable friend, Mr. Clow, that while I am not prepared to accept his assurance on the point of the use of the army landing grounds, because I think the Government ought to be able to make it possible for civil aviators to use the army landing grounds...

**Mr. A. G. Clow :** I am sorry to interrupt the Honourable Member. I explained that they are doing that,—that that question is under active consideration, and that arrangements will be made by which, under certain conditions, army landing grounds will be available to civil aviation. What I said was that we obviously could not use the army landing grounds as regular aerodromes on a big commercial route where there is constant traffic.

**Mr. M. Asaf Ali :** In those circumstances, I do not think I shall press this motion to a division. I beg leave of the House to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

✓ **Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : I desire to speak on the main motion. The Honourable the Finance Member is sometimes orthodox, and sometimes unorthodox in his financial canons. I find myself somewhat in a difficult position, to understand exactly the scope of this supplemental demand, but I am sure he will throw light upon it. At page 2 of this green book, there is a note at the bottom which reads like this :

“ A sum of Rs. 20,09,000 is required in the current year to meet expenditure in connection with the development of civil aviation for which a special fund of ✓

Rs. 92,57,000 was constituted with the approval of the Legislative Assembly in March last. The details of this expenditure are as follows.”

They are given on page 3. Then on page 4 there is another note :

“ As the whole of this expenditure will be met from the special fund mentioned in paragraph 1 the net amount required in this Demand is nil ; but a token demand is presented in accordance with the undertaking that detailed schemes met from the Fund will be brought to the notice of the Assembly.”

I take it the meaning of these two notes and of the present motion made by the Honourable the Finance Member is that, although by a vote of this House this sum of Rs. 92,57,000 has been set apart out of the revenue surplus for this expenditure, the detailed heads of expenditure, as and when money is required for them, will come before this Honourable House for its approval. Otherwise, I do not see the purpose of this motion made by the Honourable the Finance Member ; and the token demand of one thousand is put in, in order to enable the House to discuss the particular items of expenditure proposed and make comments thereon with a view to influence, if possible, the decision of the Government, either by speech or by a vote, if necessary. From that point of view, you will notice that this demand itself was passed in this House last year by your casting vote. I am not making any comment on that. I am merely stating that the motion was by the Honourable Sir James Grigg on the 28th March, 1935, that a supplementary sum not exceeding Rs. 92,57,000 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, 1935, in respect of the Transfer to the Fund for the Development of Civil Aviation, and the Honourable the Finance Member explained that really it was a case of accounting, although, I would remind him, that he has stated before the House once that he was not very happy over charging to capital, schemes which cannot be proved to be remunerative, but anyhow it has been done, and today the motion of the Honourable the Finance Member, as I understand it, is to seek the approval of this House for these various items on page 3. I want to know what these round figures are based on. They are all good round figures. What are these estimates? Who submitted these estimates? It is all one lakh, two lakhs, one lakh and 80 thousand, three lakhs, five lakhs and so on. Where do they get these figures from? It seems to me that these estimates are more often made, in order to get much more than they require, so that they may not have to come for a supplementary demand to us. They are not based on such information as this House is entitled to have. I do not know if the Standing Finance Committee had details of the estimates. Perhaps if they had, the Government will give those details to us. Otherwise, it seems to me that these figures are..... ✓

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member wants all the details?

**Mr. S. Satyamurti :** Not at all. I want to know on what basis this five lakhs is wanted.

**The Honourable Sir James Grigg :** Those five lakhs are the amount expected to be spent on this programme under that particular head in the current financial year.

✓ **Mr. S. Satyamurti :** I want to know who is the expert engineer or aviator who has put down these figures? What is the basis of these ✓

[Mr. S. Satyamurti.]

figures? These figures must mean something, and cannot be rough estimates. I want this House to know, before it is asked to vote 18,57,000 who are the authorities whose expert knowledge was invited for this purpose. They come along and simply shove these figures at us. I want to know what is the basis? That is the first point.

**Mr. President** (The Honourable Sir Abdur Rahim): It is not the practice to give detailed figures on these estimates, but the Honourable Member in charge should explain how these estimates have been arrived at.

**Mr. S. Satyamurti**: I do not want any detailed estimates covering many pages. All I want is some intelligible guide in order to see that we are not asked to vote blind-folded. I have some experience of these estimates in the Public Accounts Committee, and I can tell you that these figures often err on the wrong side. Then, Sir, take the items. One lakh is wanted to improve the existing landing ground at Chittagong and then a lakh and 80,000 is wanted for the construction of administration block of building in New Delhi. Are we dealing with a poor country or the richest country in the world? Why do you want 1,80,000 for administrative buildings in New Delhi for running civil aviation? We have never heard of it. The Government of India have notions of economy which are not known to any civilised Government, or a Government which is responsible to the people. They simply ask for monies, as if it were nobody's property. Then you ask for three lakhs for the lighting of Karachi-Calcutta, Akyab-Rangoon and Bombay-Madras air routes. What is the basis of these estimates? Then, I want to raise this point—how much of this money is going to be spent in this country for buying Indian-made articles? I think this House has expressed more than once its very definite opinion that, to the extent to which money on any works of the Government can be spent in this country, it ought to be spent in this country; and, I believe, the House has gone even to the extent of saying that there should be a price preference, I do not know the exact percentage, I believe it is ten per cent., for Indian-made articles as opposed to foreign articles. I have a hazy recollection that, recently this department started a scheme for lighting these aerodromes, and they bought the machinery from outside the country. There was a great deal of adverse criticism in the Press on that matter; and I should like to have an assurance from the Government that, to the extent to which it is possible, this money will be spent in this country for the purchase of Indian-made articles. That is a point on which I am sure that every section of the House will be with me—that this money ought to be spent in this country. I want to know again whether all this work is going to be done by inviting rupee tenders, or by arranging private contracts. That again is a matter which involves public funds and I should like to have an assurance that, wherever it is not impossible, the work will be done by inviting rupee tenders in this country, and to the extent to which they make any purchases they will use the excellent machinery of the Indian Stores Department. I do not know if Honourable Members have read the appendix to the Public Accounts Committee's report which sets out the advantages the State and other purchasing departments get from making their purchases through the Indian Stores Department. I should like to have a categorical assurance that, so far as any purchases are made, they will be made through the agency of the

Indian Stores Department. I also want to know, whether they are going to invite tenders for both materials and construction together or they are going to separate them—buy the materials and supply them to the contractors for merely doing the construction work.

There is also on page 4 an item 'Pay of officers' and so on. On this matter, I want to raise a point which I have raised more than once. If, for the present, we are not able to get Indians competent enough to be in charge of these departments, and if we are to employ non-Indians, I think it ought to be made part of the terms of the contract that they ought to train competent Indians to take their place at the earliest possible moment. I refuse to be a party to this continued employment of foreigners, without even a hope that as soon as possible my countrymen will be in charge of these great and expanding departments. These are all the points on which I should like to have an assurance either from the Honourable the Finance Member or the Honourable Mr. Clow, in order that this House may know that this money is really required and is not asked for in the careless way, which I have found characterises the estimates of Government departments usually in such matters. Secondly, I should like to have an assurance that this money will be spent in this country, as much as possible, on buying Indian materials; and, last but not least, the non-Indian officers who are appointed will have, as part of the conditions of their appointment, to train Indians to take their place at the earliest possible moment.

**Mr. A. G. Clow**: Sir, I can only wish that my Honourable friend, Mr. Satyamurti, had extended to me the courtesy that my Honourable friend, Mr. Asaf Ali, did of informing me beforehand of the detailed points which he proposed to raise.

**Mr. S. Satyamurti**: On a point of personal explanation, Sir, as the word "courtesy" has been used, I expect Honourable Members on the opposite side to extend to us also the courtesy of being prepared to meet all these obvious points.

**Mr. A. G. Clow**: I venture to say, Sir, that, with the possible exception of Mr. Satyamurti about whom I am not able to say anything, there is no Member of this House who can carry in his head the kind of encyclopaedia that would be required to answer off-hand all the detailed questions that he put. I will, however, try and do my best briefly to deal with the more important points that arise out of his speech. Dealing first with the general question of the estimates, these are prepared by a special staff which has been engaged for the purpose. We have instituted five works divisions under the charge of a Superintending Engineer. They are responsible, in the first instance, for the preparation of the estimates but, naturally, before they are passed, they come under the scrutiny, and normally the very close scrutiny, of financial experts.

**Mr. S. Satyamurti**: Who are they?

**Mr. A. G. Clow**: The staff, naturally, under the charge of my Honourable friend, the Finance Member. I cannot say who is the particular officer in every case; I do not suppose he has always been the same one.

Then as regards the use of Indian materials and the employment of the agency of the Indian Stores Department, the policy which my

[Mr. A. G. Clow.]

Honourable friend desires is, as far as possible, being followed. I mentioned in reply to a previous inquiry that we were completing these hangars out of Tata's steel, and I would like just to mention that the Stores Department came in very useful there. The tenders were put out to contract—I think that is one of the points my Honourable friend asked—and the firm that contracted for the aerodrome in Rangoon proposed to use foreign steel. They were approached at the instance of the Indian Stores Department and they agreed to use Tata's steel for the purpose. (Hear, hear.)

As regards the expenditure in Delhi, my Honourable friend referred to the construction of an administrative block of buildings, now actually under construction, at a cost of Rs. 1,80,000. I cannot now give him all the particulars of the detailed buildings under construction in Delhi; I suggest my Honourable friend might pay a short visit to them either on his way through Delhi or during the next cold weather and see the progress that is being made himself. But when you have a big aerodrome you naturally want substantial buildings. You want, for example, some kind of shelter for your passengers, where they can wait in bad weather; you want some sort of building for mails where they can be securely kept; you want a control office of some kind. Then, the companies want offices, and I may say when we put up offices for the companies, the policy normally is that they should be our property and the companies should pay rent for them, rather than that the companies should be able to put up at our aerodromes their own private offices which would be their own property and their own possessions. Then you want office accommodation for meteorology, and the wireless staff, with a view to the warning of pilots of the conditions which they are likely to meet, and so on, and you want some kind of restaurant for pilots; you may want a restaurant of some kind if the aerodrome develops. (Laughter.)

**Mr. S. Satyamurti :** A lakh and eighty thousand ?

**Mr. A. G. Clow :** This will I hope be one of the very biggest aerodromes in India, and that is not by means an excessive charge. Then, I think he referred to the electric lighting at Karachi. That of course is not just ordinary electric lighting; it is lighting that is wanted for night-flying, for marking and for guiding pilots on to the aerodrome, and that is naturally an expensive form of lighting and an expensive item of expenditure. But if you are going to have night-flying, at all, it is essential that your pilots should be able to fly with confidence, and with safety.

I hope I have dealt with the details of the more important points my Honourable friend referred to. As regards the training of Indian staff, I would again repeat that that is a point to be more suitably raised when the demands for grants for officers come up. If my Honourable friend will look up the establishment grant on page 4 of this pamphlet, he will find that it relates only to a few meteorological observers, stenographers and others, and no question of the employment of British or other personnel arises in this case. I suggest my Honourable friend might defer his suggestions or criticisms on that, until an opportunity will arise when the regular demand for civil aviation appears. Sir, I may perhaps add one word at the risk of being irrelevant; that it is a point, I know, that exercises constantly the minds of those in charge of this Department.

particularly Mr. Tymms, who has put in so much labour on this work. (Hear, hear.)

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1936, in respect of ‘ Expenditure on the Development of Civil Aviation met from the Fund ’.”

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 Abdur Rahim) in the Chair.

#### EXPENDITURE ON THE DEVELOPMENT OF BROADCASTING MET FROM THE FUND.

The Honourable Sir James Grigg : Sir, I beg to move :

“ That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1936, in respect of ‘ Expenditure on the Development of Broadcasting met from the Fund ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1936, in respect of ‘ Expenditure on the Development of Broadcasting met from the Fund ’.”

The Honourable Member, Mr. Satyamurti, has given notice of an amendment by which he really wishes to discuss a question of principle which cannot be done under a Supplementary Grant.

✓ *Broadcasting should be made available for Political Propaganda under Reasonable Condition.* ✓

✓ **Mr. S. Satyamurti :** Sir, the only question I want to discuss by this, I have mentioned in my notice of motion, that is to say, to urge that Broadcasting should be made available for political propaganda under reasonable conditions. I may mention, Mr. President, that this supplementary grant which is asked for by the Honourable the Finance Member includes *inter alia* building work on the Delhi broadcasting station including the mast foundations and also equipment for the whole Delhi broadcasting station, the total coming to 3 lakhs 38 thousand. I want, Sir, that, when this House is asked to vote this sum of over 2½ lakhs, this House should have an opportunity of stating and getting the vote of the House if necessary, on the policy covered by the actual supplementary demand before the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : This matter of broadcasting has already been discussed in the Delhi Session. The whole principle as to what purpose broadcasting was to be used for was

[Mr. President.]

then discussed, and, according to the practice and the rulings that have been laid down on Supplementary Demands, the Honourable Member cannot go into a broad question of that character.

**Mr. S. Satyamurti** : I speak, subject to correction, Sir, but, I think I am right in saying, that this kind of lump grant of 92 lakhs, of 72 lakhs or 20 lakhs to a particular fund to be assigned *in toto*, without any details being given at that time merely as a fund to be spent by the Government, as and when the need arises, is almost unprecedented in this House...

**Mr. President** (The Honourable Sir Abdur Rahim) : That is another matter, but the Honourable Member cannot now discuss the question of a general principle.

**Mr. S. Satyamurti** : I may point out, Sir, that the practice to which you referred applies to original demands which contain full details and which are voted by this House.

**Mr. President** (The Honourable Sir Abdur Rahim) : If it were a new service. The Chair gave a ruling only at the last Delhi Session. The ruling was given on the 27th March, 1935, which runs thus :

“The Chair wishes to make it perfectly clear that as regards the demands that refer to schemes which have already been sanctioned by this House, there can be no question at all of discussing any question of principle or policy.”

**Mr. S. Satyamurti** : I entirely agree with that ruling. But here no scheme has been sanctioned. What this House has sanctioned is to put this money into the fund. No details were given at that time.

**Mr. President** (The Honourable Sir Abdur Rahim) : Is there no scheme given ?

**Mr. S. Satyamurti** : No, Sir. If you will kindly look into this book containing details of the supplementary grant, you will find that, for the first time, they are making definite proposals to spend this portion of the money. Originally, in Delhi, the Government wanted so much lump sum to be put in a fund, and the House sanctioned it. There were no schemes placed before the House at that time. I entirely agree that, if schemes had been put forward before the House then and the money was sanctioned, then I am out of court now to raise the point again. I cannot really raise any question of principle with regard to those schemes. My submission to you, Sir, is this ——— that this is one of those demands where the House was asked and where it did vote a lump sum to be put in a fund. The manner of spending it was never placed before the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : Did not the Honourable Member raise this point then ?

**Mr. S. Satyamurti** : I did raise it then, and you gave a ruling, Sir. May I remind you, Sir, that on a similar motion when I said that there was no new service, you said, “I will not allow it to be made a precedent, I rule this may be in order”. You ruled with regard to a similar demand for a transfer of a fund without any details of schemes being given after I elaborately argued.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member said that, since details were not given, they were not going to support it. That is another matter. Now, to discuss the question as to how this grant is to be utilised for the purpose of broadcasting is discussing a question of policy which ought to have been discussed at the time when the grant was made.

**Mr. S. Satyamurti** : There were no details, on which we could discuss them. There were no schemes placed before the House. I entirely agree with you, Sir, that if any details were placed before the House then and if we did not avail ourselves of that opportunity to discuss and allowed the grant to go by default on our part, then we cannot take advantage of the present opportunity to discuss the same. I cannot blame anybody for our own default. But the Government placed no schemes before the House then.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can throw out the grant now, but he cannot discuss questions of policy.

**Mr. S. Satyamurti** : I merely point out what the result will be. The result will be that this House in respect of such lump grants will have no opportunity of discussing schemes at all.

**Mr. President** (The Honourable Sir Abdur Rahim) : The House had the fullest opportunity of discussing it at that time.

**Mr. S. Satyamurti** : When there were no schemes placed before the House !

**Mr. President** (The Honourable Sir Abdur Rahim) : When this grant was voted, when the broadcasting scheme was sanctioned, the House had the fullest opportunity and Honourable Members were at perfect liberty to point out to the Government in what way the grant was to be applied and how the scheme was to be worked. The opportunity for discussing any such question was at that time, and not now.

**Mr. S. Satyamurti** : But you will find, Sir, there were no schemes at all then placed before the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : There was the broadcasting scheme.

**Mr. S. Satyamurti** : What could I discuss about that, Sir ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Broadcasting for what purpose, that was the question that ought to have been discussed at that time.

**Mr. S. Satyamurti** : If you look at it in that way, Sir, then I am helpless. I may submit to you then, that, so far as this particular grant is concerned, I oppose this grant and will ask the House not to vote for the Delhi broadcasting station this sum, unless it is going to be used for political propaganda. Will I then be in order, Sir ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can only raise the point that, since sufficient details are not given, he opposes it.

**Mr. S. Satyamurti** : But details are now given. My objection is this, that I do not want the House to vote for the Delhi broadcasting station, this sum of Rs. 2,58,000.

[Mr. President.]

then discussed, and, according to the practice and the rulings that have been laid down on Supplementary Demands, the Honourable Member cannot go into a broad question of that character.

**Mr. S. Satyamurti** : I speak, subject to correction, Sir, but, I think I am right in saying, that this kind of lump grant of 92 lakhs, of 72 lakhs or 20 lakhs to a particular fund to be assigned *in toto*, without any details being given at that time merely as a fund to be spent by the Government, as and when the need arises, is almost unprecedented in this House...

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**Mr. President** (The Honourable Sir Abdur Rahim) : Did not the Honourable Member raise this point then ?

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**Mr. S. Satyamurti** : There were no details on which we could discuss them. There were no schemes placed before the House. I entirely agree with you, Sir, that if any details were placed before the House then and if we did not avail ourselves of that opportunity to discuss, and allowed the grant to go by default on our part, then we cannot take advantage of the present opportunity to discuss the same. I cannot blame anybody for our own default. But the Government placed no schemes before the House then.

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spent out of this fund till after the supplementary demand has been approved by this House. It is not fair to this House to bring a supplementary demand for monies part of which is already spent. I should like to know the authority for it. Then they say :

" They will then be in a position to decide which of the various schemes should be proceeded with against the provisions available in the fund, and which should be held over until further provision is granted."

This is an eminent example of the nebulous way in which Government have placed this transfer to the fund before this House. They themselves have no programme in their own minds ; they themselves do not know what are all the schemes which will have to be brought for broadcasting in this country, nor do they know which of them should precede which. Then I want to know with regard to the statement in paragraph 4 on page 2, financial effect of the proposal :

" Total actual expenditure involved—

(i) non-recurrent—Rs. 16,500."

That Rs. 16,500 represents details of the cases of the Temporary Works Division of the Wireless Department, which will be asked to prepare an estimate for six months. But I find that the actual demand as printed in the green book is for Rs. 3,81,500 to be met from the fund. Although the Finance Member now moves for Rs. 1,000 as a token demand, is this House now being asked to vote for Rs. 16,500 for the Works Division to prepare estimates, or is this House being asked to vote for the entire sum of Rs. 3,81,500 ? I think we should have some explanation of that matter. Then, I ask the question which I asked under the Civil Aviation Grant—building work at the Delhi Broadcasting Station, including the mast foundations, Rs. 80,000 : Equipment Rs. 2,58,000 : what are the major details of these two items and what are the estimates based on ? Are these articles to be purchased in India or through the Indian Stores Department, and is the policy of Swadeshi going to be pursued ? I do not want a mere non-committal answer that the Government is committed to this policy : we know that : what I want to know is something more germane, nearer to the facts, as to what are these materials and whether Government have made up their minds to strive their best to obtain these materials in India. I think the House must have some information on that matter.

Then I raise this point that if there is to be a broadcasting station in Delhi, it should be available for political propaganda, subject to reasonable conditions. It is done by the British Broadcasting Corporation.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member need not discuss that : he may leave that subject.....

**Mr. S. Satyamurti** : They have said that they will not allow the broadcasting station to be used for political propaganda.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can make that a ground for opposing the motion.

**Mr. S. Satyamurti** : That is what I am doing. You have ruled my amendment out of order, and I have too much respect for the Chair to try to do indirectly, what I have been asked not to do directly. But

I am opposing this grant for the Delhi broadcasting station because, in answer to a supplementary question, some time ago, the Honourable Mr. Mitchell, the Member in charge, said " We are not going to allow this station to be used for such purposes ". The Controller of Broadcasting is a stranger who will come here with no notions of India, and he will decide for us what we ought to do. This Government decides most matters, mostly on the advice of people who are least competent to give them that advice ; and this is one of the cases where they are going to ask a stranger to India, a man who comes for the first time, to advise them as to whether they are going to allow this broadcasting station to be used for political propaganda. I may inform the House that the British Broadcasting Corporation allows politicians to use broadcasting apparatus under certain well-defined conditions. I believe, Sir, when you were recently in England as a member and leader of the Empire Parliamentary delegation, you were invited to broadcast on the British Broadcasting Station. If England can stand an Indian President of an Indian Assembly to use her broadcasting apparatus, it seems to me the heavens will not fall if my Honourable friend, the Leader of the Opposition, or the Leader of the House.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair thinks the Honourable Member is again trying to discuss broad questions of policy which has already been ruled out of order.

**Mr. S. Satyamurti** : You cannot rule this argument out of order. I feel very strongly on this matter.....

**Mr. President** (The Honourable Sir Abdur Rahim) : That the Chair can quite understand.

**Mr. S. Satyamurti** : I am not moving my cut motion at all. It is dead and buried : I am now stating what the House should do : it ought not to vote this sum for the Delhi broadcasting station, unless they are going to allow the apparatus to be used for the education of my people, on sound lines. I want to know the arguments of my Honourable friends on the other side as to why the Leader of the Opposition or the Leader of the House or the Leader of the European Group or the Leader of the Independent Party or the Leader of the Nationalist Party, should not also be allowed to propagate their views on the political future of this country ; and as my friend, the Chief Whip, reminds me, I am not pleading for any favour for this party or that party. If we get one chance, we will give equal chances to others : our propaganda is so sound and our doctrines are so irresistible, that we can meet any arguments that may be advanced. We ask for no favour, but mere justice. I merely put it to my Honourable friends in this House whether in this country where literacy is so poor, where the people cannot read newspapers, where the people cannot afford to buy newspapers, whether it is not much more necessary in India, than even in Great Britain, that this broadcasting should be made available for political propaganda.

Secondly, I do not know what are the various programmes they are going to broadcast ; but I do suggest that one important feature of this broadcasting programme should be to reach our villages, which are becoming drab, almost uninhabitable, and all this cry of back to the villages which we hear in convocation addresses, on platforms, and on ceremonial occasions is intended not to be acted upon, unless we make

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the villages, to which we want our people to go, worth living in ; and it seems to me that if by broadcasting we can reach our villages with news, with items of propaganda, not only on politics but on public health and on various other matters which are of vital interest to our villagers, we shall be doing something to make this expenditure, which is rather large in a poor country like India, on broadcasting, well worth our while. Moreover, according to the Lothian proposals, to give practical effect to which we shall have a supplementary demand presently, that is, the Hammond Committee, about 35 millions of our people are going to be enfranchised. Most of them are illiterate.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member ought not to cover that ground—that is really a question of principle which ought to have been discussed on the main grant. What ought to be done with broadcasting is a matter which ought to have been discussed on the original grant.

**Mr. S. Satyamurti** : I am opposing this whole grant.....

**An Honourable Member** : You are opposing broadcasting.

**Mr. S. Satyamurti** : I am opposing the Delhi broadcasting station.....

**Mr. President** (The Honourable Sir Abdur Rahim) : A scheme has been sanctioned ; and the time for raising all these issues was when the original grant was moved, and not now. This is a supplementary demand, and it is not open to Honourable Members to discuss broad questions like that : otherwise there will be no meaning in a supplementary grant. If this is a new service, the Honourable Member would be quite in order.

**Mr. S. Satyamurti** : If I cannot broadcast my views even here, then God help my countrymen ! I shall say nothing more ; but I feel that this country cannot afford the expenditure on this Delhi station, unless it is going to be allowed to us, to broadcast social and political programmes among our countrymen, so that our country can take her proper place among the nations of the world. I, therefore, feel that this amount should not be voted by the House, unless the Government gives an assurance that they will, in using this money for building this broadcasting station, allow the broadcasting apparatus to be used for propaganda which will appeal to the imagination of my people.

**Dr Ziauddin Ahmad** : On a point of order, may I just draw your attention to page 5 of these demands ? It is stated at the bottom of that page, in the note, that it is token demand only. It is not a real demand to meet this supplementary expenditure : and I think, since this is a token demand only, we are entitled to discuss the policy as in token cuts.

**Mr. President** (The Honourable Sir Abdur Rahim) : Token demand does not mean that. As the Chair understands it, it means that, for the purposes for which this supplementary demand is asked for, if the token demand is granted, the House shall be taken to assent that the amount which is mentioned here can be spent for that purpose.

**Mr. M. S. Aney** : May I ask, Sir, whether there is any precedent for a token demand being ever put in the form of a supplementary grant in this House ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Yes ; very often. Government put forward a small demand in order to make out a case for the main demand to be authorised by the House.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : May I point out in this connection that the House sanctioned a certain fund for broadcasting : but it did not sanction the method of expenditure. That is why a token cut has been brought forward and, Sir, we can discuss the policy of that.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair has explained that. The question ought to have been raised then. Honourable Members ought to have found out then what the Government were doing when they asked this money : for what purpose they were going to utilise this broadcasting fund. That was the time. The Chair takes it, when that question was not raised then, the principle was accepted that a broadcasting service should be instituted here at so much cost for which the money was granted, that is, broadcasting for the purposes which the Chair takes it the Government considered would be useful to the country.

**Mr. M. Ananthasayanam Ayyangar** : Sir, I want to say a few

3 P.M.

words in connection with this demand. Within the limits of your ruling, Sir, I will submit some inconveniences which arise from the manner in which the demand has been put. When the original demand was placed before the Assembly on the last occasion, the general principle of the demand was no doubt accepted. I am not now for one moment attempting to controvert that position and trying to take up the time of the House by saying that no money ought to be spent on broadcasting purposes. But a demand for a thousand rupees has been made, while the total sum required is Rs. three lakhs and odd, and the present demand is now made in the form of a token demand. Now, it is not open to me to submit that so much money ought to be spent on Delhi broadcasting and so much on any of the other ten stations that you have in this continental India. You have now more than ten broadcasting stations all over the country,—it is not open to me now to say that your expenditure under one item is in excess of the necessity, and that other stations than Delhi are far more important and so more money should be spent there. In that way, if the demand instead of being put for a thousand rupees had been put for three lakhs, 81 thousand, it would have been open to me to make a cut under this head or under that head, not in pursuance of a particular policy or in view of any objection to the policy of broadcasting itself in the whole country, but, with a view to draw the attention of the House and also of the Government to the importance of a particular station, and if a station is not taken up at all, that particular station ought to be taken up as a broadcasting centre. In that way objection can be taken to the amounts asked for. Now, as it is, with the sum of one thousand rupees, what is it that I can do ? A sum of two lakhs 58 thousand has been asked for equipment of Delhi broadcasting station. I find, for instance, that Madras, being at one end of India, is much more important in my province than even Delhi, and is it open to me now under this token demand to say that two lakhs 58

[Mr. M. Ananthasayanam Ayyangar.]

thousand ought not to be spent in Delhi because there will not be any sum left for Madras? If that position is not accepted, then it is open to the Government to tell me, coming as I do from the extreme corner of India, that I should be satisfied with what little the Government is prepared to spend upon my province. I would, therefore, submit, that in the allocation of funds for every station, the opinion of this House must be taken. It ought not to be said: "Oh, you have accepted the principle of spending so much money and you cannot say any more on it". You can as well say that you have sanctioned 88 crores for the maintenance of railways in India, 93 crores on the maintenance of administration, and since we have accepted all that, we ought to accept your sovereignty and keep quiet without scanning the budget. I would, therefore, submit, Sir, far from impeaching the principle on which the fund was created, the following suggestions.

(1) The total ought not to be spent on one station, and other stations which have not been kept in view should also be included in that programme. That will be a legitimate objection. How is it possible for me now to include the other stations in this token demand? If I reduce a thousand to a hundred rupees how much would Government be able to spend on each station? Is this the proportion on which they would spend three lakhs and 81 thousand and odd? If I reduce the thousand to a hundred, it will be one tenth of a thousand, then how much would they be able to spend on each?

Secondly, Sir, if you will kindly see at page 5, you will find that the Honourable the Finance Member made a mistake when he said.....

**The Honourable Sir James Grigg** : I did. If I might explain, that staff is entirely intended to work within the programme which has been sanctioned by the House.

**Mr. M. Ananthasayanam Ayyangar** : It is not what he said earlier. As the Finance Member said, let us confine ourselves to the improvement of the Delhi broadcasting station with respect to which details were already submitted to the Finance Committee and the House, but it is not so, as he now submits.....

**The Honourable Sir James Grigg** : I did not say that.

**Mr. M. Ananthasayanam Ayyangar** : Then what did you say?

**The Honourable Sir James Grigg** : I said that it has been submitted to the Standing Finance Committee.

**Mr. M. Ananthasayanam Ayyangar** : At page 5, under head III, sub-head A, Establishment charges Rs. 16,500.—now I find that this sum is to be spent upon an establishment which has come into existence for the purpose of drawing up a scheme, or a programme of work. Now, in what places these schemes will be undertaken, how much is going to be spent on each scheme at each particular station is not stated. This amount is not intended for Delhi broadcasting station alone. Is it now open to me to say that this sum of Rs. 16,500 is an additional unnecessary item of expenditure when you brought a gentleman all the way from England as an expert paying him Rs. 2,000 a month, and giving him a small establishment of one or two clerks? Is it now open to me to say that you should distribute this amount among all the other broadcasting

stations in various parts of India? Of course, it is open to the Government to say that there ought to be a separate establishment. That is a point on which there can be difference of opinion. In any case, I submit that Rs. 16,500 is too large an amount to be spent. A separate establishment is brought into existence and an expert is being brought out from six thousand miles away. I would ask under what head can you bring this objection? I am certainly within the four corners of your ruling if I say I am entitled to take objection, without impeaching the purpose for which the fund was created, that this huge amount need not be spent on establishments. That is the other objection which I cannot take under this token demand of one thousand rupees.

Thirdly, Sir, it is proposed to spend a large sum of money on buildings. For the time being you may have these buildings provided you allow the public to use them. Is it not now open to me, with respect to the Delhi station, to say that just as the telephone service, telegraph service, the posts service is used by the public, the Delhi broadcasting station should also be allowed to be used by the public on payment of a certain sum of money by private individuals subject to the condition that the subject which is broadcast is not objectionable. Of course the word 'objectionable' is undefined and indefinite as we see when it is applied to cinemas and other things, but if the subject is objectionable on political or moral grounds do not allow its use. But if, as my friend, Mr. Satyamurti, said, it must be thrown open to all political parties under certain limitations, I would submit it would be a dangerous thing to accept that proposition, but if his suggestion is that the Broadcasting station at Delhi ought to be made available to all, under certain restrictions or limitations, then the suggestion would be readily acceptable....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member seems to be going beyond the supplementary demand.

**Mr. M. Ananthasayanam Ayyangar** : Therefore, it is open to me now to say that this is the occasion to point out that the Delhi broadcasting station should be thrown open to the public, though not the other stations, on payment of certain fee. Under what head am I to bring it? Sir, even though I accept the principle and I am bound by the principle already accepted, it is still open to me to say that a sum of three lakhs and odd should not be spent, and if I don't object to it now, it will be open to the Government to say "Oh, we have spent away all the money on one important project, and you once again vote 20 lakhs for others". I would, therefore, request that you should, in the fitness of things, rule that this token demand should be withdrawn and a fresh demand for Rs. 3,81,000 should be placed before this House so that opportunity may be given to all Honourable Members to say, there must be a cut under this head, not a token cut on a matter of policy, but a substantial cut, to say that Rs. two lakhs need not be spent on buildings alone, that Rs. two or three lakhs need not be spent on the Delhi station alone, that Rs. 16,500 need not be spent on establishment, and so on.

With respect to other matters, I may make one or two submissions. Even at the time when this fund was created I had my own suspicions, however humble I may be. My suspicions have been confirmed since. My Honourable friend, Mr. Satyamurti, explained how through broadcasting so much of literature and literacy would be carried to the very doors of the villagers, but he forgot that it involves additional expenditure.

[Mr. M. Ananthasayanam Ayyangar.]

This is only for broadcasting, but for each receiving set which the villages will be provided with there will be an additional cost of Rs. 700 or 1,000, and there will be a recurring expenditure of Rs. 15 per month for each set. It requires so much of electric power and what will happen if the place is not a municipality or any station where electric current is not available. My friend forgets there will be an additional demand for nearly one or two crores of rupees, and that will fall upon the taxpayer who is starving for want of money and for want of food. A huge exhibition was held in England with broadcasting materials and other things, and evidently this is a fruitful source of dumping all those materials on India. I would, therefore, say, even with regard to the purchase of materials and accessories, if a foreign country produces those articles, India is made the dumping ground for all those materials. We can very well do without broadcasting for some time, but having accepted the principle in the last Assembly whether we knew the further implications of it or not, let us at best say, and I want to drive home that point, that out of the Rs. 20 lakhs that have been provided in this for the purpose of broadcasting, let some amount be applied for the purpose of encouraging the production of the materials of that industry. If I am not wrong, the exhibition in England was opened by His Majesty the King Emperor, the King of England, and the whole material was taken recently two or three months ago from England to Scotland for the purpose of exhibition, and it was said that it was one of the biggest exhibitions ever held with regard to broadcasting materials and receiving sets. That is their pride. But are we in a position to pride ourselves that in the near future or in the remote future we are producing broadcasting materials and receiving sets? Let our money not be wasted upon purchasing materials from foreign countries and let us not look to the foreign country for the purchase of those materials. If a man purchases a motor car or a receiving set, or even if a present is made of a receiving set to him it means that subsequently he sells himself to the foreign country for purchasing additional materials from time to time. That is our experience. Therefore, I beseech, that a sum of rupees should be set apart from this fund for the purpose of encouraging the production of those materials in this country. Again, in answer to a question put to the Government by an Honourable Member of this House as to whether the expert who was engaged for five years under a contract or agreement is prepared to train a certain number of Indians before his term of office expires, we were told that no such agreement was entered into. I say that such an agreement ought to have been entered into and it must be a condition of his employment that he must train up people here so that they may take his place by the time his service expires and it may not be said that he must be continued for another period of five years because there are no men available to take his place. Let a small school be attached to give instruction in the art of broadcasting so that no additional expenditure may entail upon us in the future. Then I understand there is no definite scheme relating to the entire grant of Rs. 20 lakhs; it is a piecemeal scheme that the Government brings before us. I want information with respect to one matter. The Madras Broadcasting Station is sought to be improved and the Bombay Broadcasting Station is sought to be improved. Who are the owners of the present broadcasting station at Madras? What will become of the apparatus now in existence? Is it by way of subsidy

to that station? What is the range? 20 kilometres I am told is the power. In the white paper that was circulated the last time when the fund was created, I found that the ultimate range was only 200 miles, and it is only in the dead of night that one could be able to hear the programme. I do not know how many people will go on sitting till 12 o'clock at night, if it is really to be useful, to catch murmuring sounds, and if there is some atmospheric disturbance even those murmurs could not be heard. It must be seven o'clock or evening if the programme has got to be heard. There must be a sufficiently broad range. When my Honourable friend, Mr. Mitchell, was asked a supplementary question, he said that he was not aware of the range. Even now we have not been supplied with the details. It is said that the power of the broadcasting set is 20 kilowatts or something of the kind, but the range is not given. But I require information as to whether if a programme is got before the Delhi Broadcasting Station at a convenient hour of the day it will be possible for anybody with a receiving set in Cape Comorin to hear it. And if not, let not good money be wasted after had over such a broadcasting station. Therefore, I would say that the entire manner in which this demand has been placed before the House is not a proper one—not that I am impeaching the very purpose of it, but accepting the purpose, there are still a number of objections that could be raised, a number of suggestions that could be made as to how this Rs. 20 lakhs could be spent instead of being wasted. Therefore, I would ask you to rule that this demand should be withdrawn and a definite and more clear demand should be placed before this House, in order to give Honourable Members an opportunity of making cuts or giving suggestions by means of amendments with respect to each item.

**Mr. M. S. Aney :** Sir, I feel some difficulty, and I rise to explain that difficulty, in understanding a token demand like this. I am told, and you have explained it, Sir, that this token demand of Rs. 1,000 is really meant to secure the sanction of this House to a sum which the department requires, namely, Rs. 3,81,000, in the current year to meet expenditure on certain schemes. Though it is a formal or token demand made before us, if that demand is accepted by this House, it means that it is giving its sanction to the expenditure of Rs. 3,81,000 which the department proposes to spend in the manner detailed at page 5 of the Book. Now, the difficulty is this. Some of my Honourable friends have already pointed it out, but I want to emphasise this. Supposing we want to discuss this scheme in detail and we want to suggest that any particular items of expenditure in the scheme, which is going to cost us, in total, a sum of Rs. 3,81,000,—or that any particular part of that scheme is useless or is not wanted, or is wrong, and, therefore, that expenditure should go or be reduced what is the way in which we can make that suggestion before the House now? The only remedy is to throw out this demand *in toto* or move a token cut of Rs. 10 as my Honourable friend, Mr. Joshi, suggests, and that amount of Rs. 10 is to be understood to mean a sum amounting to even one lakh or more which we may want to cut out of the total expenditure for the scheme. A token cut to a token demand—the whole thing looks so very fictitious. Is it not better for the department to come forward with a demand for the real amount which it wants for the year? The provisions relating to supplementary grants which are mentioned in rule 49 are meant to require the Government to place for sanction actual esti-



[Mr. M. S. Aney.]

mates before this House. It is true that in law the Government have got the right to bring a token demand if they can get that amount by reappropriation from the money already sanctioned. We have sanctioned Rs. 20 lakhs to create a special fund. Therefore Government think that they have got money already on which they can draw to any extent they like and it is not necessary for them to come forward with a demand for the actual amount that is required to be spent during the year as the purpose could be served by a token demand. But when the House demanded an undertaking from the Government before sanctioning the sum of 20 lakhs for the special fund it wanted to be informed of the whole scheme and the entire expenditure to be placed before it for its sanction and to have an opportunity of expressing its opinion, if necessary, on every detail of the scheme. That purpose is defeated to a great extent by the Government by moving a token demand like this. My Honourable friend, Mr. Joshi, suggests that a token cut can be moved. I doubt whether a token cut can serve this purpose effectively. We are giving the Government actual money in hard cash, and why should we then have token demands and token cuts? Let the actual demand be placed before us and let us have a real opportunity of discussing the merits of the scheme and showing that the actual demand is fictitious or extravagant to some extent and can be, therefore, reduced or diminished if necessary. Although in law they have a right to do so, I think it is unfair to this House that the Government should come forward with a token demand like this for a grant which amounts to Rs. 3,81,000. The procedure may be technically legal, but I protest that it is certainly not equitable and fair to this House.

**Prof. N. G. Ranga :** I find that I am not quite competent to argue to your satisfaction about the point of order raised by my Honourable friend, Mr. Satyamurti, in regard to this supplementary demand, although I am in complete agreement with what he has said in maintaining that it was most unfair on the part of this Government to have come forward once for the sanction of this House for a particular fund, then having got that money to come again whenever they like from time to time with various supplementary demands for various schemes of their own. At the same time, I would like to take up this particular Delhi broadcasting station. As far as this Delhi station is concerned, we are not told what sort of staff they are going to have, for how many years they have contracted with foreigners that they have imported into this country to help them run this station and we do not know for what particular purpose this station is going to be utilised. My Honourable friend, Mr. Satyamurti, is anxious that it should be used for political purposes also. I would certainly have agreed with him if we were enjoying swaraj in this country.

**An Honourable Member :** Political education.

**Prof. N. G. Ranga :** Unfortunately we know how this Government uses every opportunity that it gets in the way of educating the people.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member cannot make a political speech.

**Prof. N. G. Ranga :** I am not encroaching on your ruling. At the same time I must take the House into my confidence. We were told the other day how the speech of the Honourable the Leader of the House, in connection with Mr. Das' Bill, was circularised all over India.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member must confine himself to the supplementary demand.

**Prof. N. G. Ranga :** Knowing already how Government will use all the opportunities they get, we are afraid that Government will also misuse this broadcasting station for so-called political education against the Congress and against every progressive movement in the country. I should, therefore, like to know for what particular purpose this broadcasting station in Delhi is going to be utilised.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member ought to have put that question when the grant was asked for.

**Prof. N. G. Ranga :** Unfortunately I am allowed to talk only about this particular broadcasting station. We are asked to grant this money to the Delhi broadcasting station for the first time and I must say a few things about this, however unpalatable it may be to the Treasury Benches on the other side. One particular officer is supposed to be brought out.....

**Mr. President (The Honourable Sir Abdur Rahim) :** The Honourable Member cannot go into the purposes of broadcasting. That is a general question which cannot be discussed.

**Prof. N. G. Ranga :** Here is an item of Rs. 27,000. We are not told how this sum is going to be spent. I take it that it is going to be spent on establishment also, including the pay of the particular officer who has been brought out from England or who is going to be brought out. I really wonder where is the necessity for any such officer, because, after all, the Delhi broadcasting station is expected to broadcast in the vernacular such as Hindi and Urdu and this officer should be a man who knows the vernaculars and not an Englishman.

**Mr. A. G. Clow :** I do not want to stop the flow of eloquence of the Honourable Member but the pay of the officer has nothing to do with the amount under discussion.

**Mr. President (The Honourable Sir Abdur Rahim) :** The Chair should have expected the Honourable Member in charge to explain what this demand is meant for, in which case all these difficulties could have been obviated.

**Prof. N. G. Ranga :** If any officer is brought out from England, he should be brought out only on one condition, that he should train his substitute, so that we may have a broadcasting station run by an Indian and not by a foreigner. Then again take the question of equipment, Rs. 2,58,000. How much of this is going to be spent in India, on Indians and Indian materials and how much is going to be spent abroad and on foreign materials. We ought to have an assurance that the largest portion of this amount is going to be spent in India, for the benefit of Indians and the advancement of Indian industries.

**Mr. A. G. Clow :** Sir, we have had a long series of disquisitions partly on constitutional and partly on financial questions. I cannot



[Mr. A. G. Clow.]

claim expert knowledge of any of the issues elaborated by Mr. Ayyangar and Mr. Aney but I would suggest to the latter that he was a little hard in suggesting that we have done anything unfair. Actually this Assembly voted a sum to Government of 20 lakhs. At the time, I think the Honourable the Finance Member was asked whether and in what form there would be any control over the detailed expenditure. Speaking from memory, I think, he gave an undertaking that when it was proposed to meet charges from the amount, they would be placed before the Standing Finance Committee. All the items now shown as adjuncts to this token grant have been so placed. As regards the suggestion that we should withdraw the token demand and ask the Assembly to vote three lakhs, assuming that the Assembly concurred in the suggestion, that would be putting three lakhs into our pocket, because you have already been good enough to give us Rs. 20 lakhs and we should have another three lakhs as the result of the vote.

I would like, therefore, to come to what is more within my province. Some questions were raised by various Honourable Members regarding this Delhi station. The Honourable Mr. Satyamurti started off by suggesting that we were embarking on a Rs. 30 lakhs scheme and that the Assembly would later find itself committed to ten lakhs more than it has voted. Now there is a little misapprehension about this. There is a possible comprehensive scheme which would include various items ; it would include, for example, as a very pressing and important part, the provision of 20 kilowatt medium-wave stations at Delhi and Madras and of 20 kilowatt medium-wave transmitters for the existing stations at Bombay, and Calcutta. Then there would be four receivers for the four medium-wave stations, and it would be possible to provide four short-wave transmitters. That is what our experts advise as a complete framework for a broadcasting organization. At a very rough estimate they calculated that that would probably come to a sum of about Rs. 30 lakhs. That does not mean, however, that either we or the Assembly are committed to any such comprehensive scheme. And as we believe in proceeding cautiously and seeing that we do not outrun any funds that may be given, the whole position is being reviewed, and there will be no expenditure until after the schemes have been submitted to the Standing Finance Committee. The Assembly may therefore rest assured that the Standing Finance Committee—which, if I may say so, is a place where we can go into much greater detail than the floor of this House—is in a position to exercise a very thorough scrutiny over these matters.

As regards the staff for the station, I tried to interrupt my Honourable friend, Professor Ranga, but his flow of words was so profuse that I was unsuccessful. What I wanted to say was that, so far as I am aware, there is no European employed in this station at all. The officer in charge at present is an Indian, and the engineer is an Indian. I think my friend was confusing the control of the station with the headship of the department, for which an officer has recently been imported with experience from the British Broadcasting Corporation.

**Babu Baijnath Bajoria :** Does the Government intend to run broadcasting on commercial lines like the Posts and Telegraphs Department ?

**Mr. A. G. Clow :** That question was raised by my Honourable friend, Mr. Ananthasayanam Ayyangar. He suggested that we should have a station where anybody could come in and pay a few rupees and be allowed to transmit his thoughts and ideas over the ether.

**Mr. M. Ananthasayanam Ayyangar :** Provided they are not objectionable.

**Mr. A. G. Clow :** Sir, there is a good deal of that in the United States, where you can, I understand, listen to the latest dance music, interspersed with advertisements for baby food and all sorts of advertising matter. But my own conviction is that the British have followed the sounder method, and that with limited possibilities of transmission, limited hours, and limited wave lengths and especially in a country of this kind, broadcasting should be utilized only for cultural and entertainment purposes. I do not think the advertising system is by any means a happy one, and I think we must look for the return from broadcasting in what may be described as “uplift” rather than in the rupees that my Honourable friend wishes to see coming in. At the same time, as my Honourable friend is probably aware, we are only indirectly financing broadcasting services now ; we are at present balancing those services from the import tax on broadcasting apparatus.

Then my Honourable friend, Mr. Satyamurti, came finally to the question whether we should use this particular station for political purposes. Sir, that is a difficult and important question. I think he was given part of his answer by Professor Ranga, though I did not agree entirely with the terms in which he put it. I should have thought that if we had come forward with a proposition that the station should be used for political purposes,—and remember that this is a station which, unlike the British system which is under a corporation, is under direct Government control,—if we had come forward with a proposition that it should be used for political purposes, Honourable Members might have felt a little diffident about any station where Government would be able not only to say who is going to speak but would also be able to say what they are going to say. (Hear, hear.) Personally, Sir, I regard the Government's present proposals more in the nature of a self-denying ordinance. (Laughter.) I think Honourable Members opposite will agree that they have many megaphones, and that the voice of Government is apt to be a small and occasionally a still voice. (Laughter.) I do not think Government would suffer from the presentation of their case but I do not expect that all Honourable Members would agree entirely with me on that point. There really are fundamental and important difficulties. If there is to be political propaganda, and if you are to choose who are to be the speakers, that is in itself a most difficult task. I do not think my Honourable friend, Mr. Satyamurti, himself would feel very happy, even if his own party selected him. If, for instance, two or three speakers were wanted to speak and if my friend, Mr. Satyamurti, were to allow a certain man or some few men to speak, he might be a most unpopular man with 37 or 38 members of his own party. Similarly, if I were to choose from this distinguished House a few persons who were to broadcast their political views, I think I would find myself extremely unpopular after the decision had been made.

Now, Sir, there is a far more difficult question than the choosing of speakers, and that is deciding what they are going to say, because you

[Mr. A. G. Clow.]

Obviously cannot put up a speaker and let him say anything he likes. The question of pre-censorship involves great difficulties. I would suggest that even in England this question has not been entirely free from objections, and these objections, I may remind the House, have tended to come from persons in opposition to Government rather than from persons in agreement with Government. In England, it has also to be remembered, their political differences do not go so deep as ours unfortunately do in this country : there is a much larger common basis of what I may call "accepted conceptions". And it is, therefore, easier there than it would be in this country, where you have people with diametrically opposite views, often rather bitterly expressed.

**Mr. S. Satyamurti :** Have you heard of Churchill ?

**Mr. A. G. Clow :** I have heard of Churchill. Finally, we are starting off with a new organization, and it would, so to speak, queer the pitch enormously if, at the start, we were entrusted with the task of directing and controlling political propaganda either for or against the Government. It was suggested that we were dependent entirely on the views of a gentleman who had recently arrived from England. That is not at all the position. This matter was very carefully considered a few years ago and what I regard as a self-denying ordinance was the conclusion reached by Government for the time being. I suggest to my Honourable friend, Mr. Satyamurti, that that is not a necessarily permanent decision for all time. I am very far from saying that wisdom will die with the present generation, with the present Government or with the present people in this House. And if conditions, as they developed, made it desirable to reconsider it, it would always be possible to do that. I am firmly convinced for the present that it is sound that at the very inception of our broadcasting programme we should, as far as possible, keep off grounds which are controversial and which, therefore, must give some offence to some people. (Loud and Prolonged Cheers.)

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is :

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1936, in respect of 'Expenditure on the Development of Broadcasting met from the Fund'."

The motion was adopted. ✓

#### MISCELLANEOUS.

**The Honourable Sir James Grigg :** Sir, I move :

"That a supplementary sum not exceeding Rs. 1,83,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1936, in respect of 'Miscellaneous'."

Sir, it is quite obvious from the List of Supplementary Demands what this particular Grant means, but perhaps I should say a few words in further explanation. This grant is required to cover three special inquiries which are to begin this cold weather. One is the Delimitation Committee, to be presided over by Sir Laurie Hammond, the second is the Secretariat Procedure Committee, to be presided over by Sir Henry Wheeler, and the third is a special financial inquiry to be con-

ducted by Sir Otto Niemeyer. Press Communiqués have been issued about all these, and the facts of each of them are well-known to Honourable Members of this House, but I thought I would just like to explain that the money is required for the voted portion of the expenses of these three inquiries. Sir, I move.

**Mr. President (The Honourable Sir Abdur Rahim) :** Motion moved :

"That a supplementary sum not exceeding Rs. 1,83,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1936, in respect of 'Miscellaneous'."

#### Delimitation Committee—General Policy.

**Mr. S. Satyamurti :** Sir, I beg to move :

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,83,000 in respect of 'Miscellaneous' be reduced by Rs. 100."

I move this amendment to discuss the general policy concerning the Delimitation Committee. Honourable Members will find details of it at page 6 of this green book, where the voted grant asked for now is Rs. 86,000. Now, Sir, this Delimitation Committee was appointed by His Majesty's Government and the announcement was made on 31st July last. Thanks to the courtesy of the Honourable the Law Member, I have with me a copy of the terms of reference to this Committee. I am not suggesting by my own motion that this Committee ought not to have been appointed, nor have I anything to say against the personnel of this Committee as such. The franchise proposals for the Provincial and Federal Legislatures under the Government of India Act have got to be worked out by some committee or other, and this Committee may be as good as any other committee. My point is that the manner in which the material is being prepared for this Committee, the manner in which certain questions are being disposed of by the various Provincial Governments in consultation with the Provincial Delimitation Committees which they have set up, and the answers which I have received from the Honourable the Leader of the House, on more than one occasion to my original and supplementary questions as to the possibility of this House not being consulted at any time before these proposals are given statutory effect by the British Parliament, these are the points which I want to raise by means of this own motion of mine. This Committee, Sir, is entrusted by His Majesty's Government with the task of preparing a complete scheme of delimitation for territorial constituencies, together with the proposals for the nature of the allocation of special constituencies, to use a compendious phrase. Now, Sir, the provisions of the Government of India Act governing these matters are naturally very elementary. They have left the most important question to be decided on the recommendation of the Delimitation Committee later by the British Parliament. Section 18 of the Government of India Act, sub-section (3), prescribes merely this, that "the representatives of the Council of State shall be chosen in accordance with the provisions in this behalf contained in the first Schedule to this Act", and then, when we turn to the Schedule, we find that the proposals are hereafter to be prescribed. They simply say that of these 156 seats to be filled by representatives of British India, 150 seats shall be allocated to the Governor's Provinces, Chief Commissioners' Provinces, etc. ; and according to rule 5, there will be territorial constituencies and they have got to prescribe hereafter all these various qualifications. Curiously enough, at a very late stage, in the House of Lords, Lord Zetland accepted the method of direct

[Mr. S. Satyamurti.]

election for the Council of State or the Federal Upper House as it is called. I shall be obliged to the Honourable the Law Member if he can give us information, if he is in a position to do so, with regard to the points which His Majesty's Government stated will be decided before this Committee started investigation. Sir, this is what they say :

"Lists of castes and tribes, including the scheduled castes in the various Provinces and the qualifications of voters for the Council of State and the Provincial Upper House have yet to be determined ; while unfortunately the detailed investigation required in connection with franchise will involve some further delay, His Majesty's Government hope that before your investigation commences, it will be in a position to inform you of the recommendations which they propose to publish for the information of Parliament on all these matters and they desire that your investigations should provisionally proceed on the basis of these recommendations."

**The Honourable Sir Nripendra Sircar** (Law Member) : As regards those informations, I am afraid I am not in a position to give any further information. My Honourable friend was good enough to write to me yesterday giving me three points which we shall discuss here for which I am very much obliged to my Honourable friend. I am quite prepared to deal with these three points. In fact, if I may say so with great respect, they are quite substantial points. I am sorry I have no further information in my possession.

**Mr. S. Satyamurti** : I do not find fault with the Honourable the Law Member for that. I simply asked a question and if he can give me further information, I shall be much obliged. If not, I shall take a suitable opportunity to get that information. Then, Sir, with regard to the Federal Assembly, all the qualifications have been prescribed with regard to electors, and seats have been allotted to the various Provinces, but these constituencies have yet to be delimited for all these electorates. What has happened now is this. In various Provinces, and certainly in my Province of Madras, the Local Governments have appointed what are called Consultative or Advisory Committees for making recommendations for the Provincial franchise and constituencies and the members for these committees have been selected mostly from the Legislative Councils. I want to remind the House of a fact which they all know, that in most Provinces and certainly in mine, these Councils have over-stayed their time by nearly three years. They were elected about six years ago. They should have ceased to hold office three years after that. They are now merely nominated Members of the Governors of those various Provinces. They are no longer there in any representative capacity, and yet the Provincial Governments, for reasons best known to themselves, have chosen mostly Members from those Provincial Legislatures who represent nobody but themselves ; and in my Province they have chosen for the Chairmanship of that Committee a gentleman whom we had the honour of defeating at the polls about six years ago. Somehow or other, this Government seems to feel that whoever is defeated at the polls is peculiarly competent to give them advice on fundamental matters. It is a thing which no democrat can understand, but it is only this Government which can understand it. The other day, I referred to Diwan Bahadur Ramaswami Mudaliar whom I had the honour of defeating in the name of the Congress ; and when I asked why he was appointed on the Tariff Board, my Honourable friend the Commerce Member said that he was a very excellent man. Very well, he may be,

but I take it that these gentlemen are appointed, not because they are geniuses in electoral problems or because they are great authorities on democratic constitutions and how they work, but because they are presumed to represent the opinions of the people of this country.

**The Honourable Sir Nripendra Sircar** : Was not Gladstone or Balfour defeated ?

**Mr. S. Satyamurti** : I think the Honourable the Leader of the House, even by a flight of imagination, cannot compare either himself or me to the distinguished members of the British Parliament. Gladstone and Balfour defeated each other on fundamental issues for the benefit of their country. We defeat the other candidates, because we consider them to be enemies of the country. They in England are all friends of their country, but differ only on programmes and not on betraying or serving their country. We defeat those men who betray our country.

**The Honourable Sir Nripendra Sircar** : The defeated say, you are misleading and betraying the country.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member need not pursue that matter.

**Mr. S. Satyamurti** : Yes, Sir, I will not proceed with the point ; but I suggest that to appoint to a provincial committee to make proposals on these fundamental problems men whom the electorates have rejected is certainly not getting at public opinion. Then, Sir, what happened is this. These provincial committees make proposals and they are accepted by the Government with or without modifications, and this unfortunate committee,—I say nothing against the personnel,—which starts work in October is compelled by His Majesty's Government to report early in January. I will read that paragraph :

"His Majesty's Government desire me in conclusion to impress upon you the great importance of completing your investigations at as early a date as possible. As you are aware, it will be necessary for His Majesty's Government, in the light of the recommendations of your Committee, to submit detailed proposals for consideration by both Houses of Parliament, and until Parliament has taken a decision on those recommendations it will not be possible to proceed with the first requisite for the introduction of the new provincial constitution, namely, the preparation of electoral rules. It is thus of great importance that no avoidable delay should occur in making available to His Majesty's Government the recommendations of your Committee. They fully recognise the arduous character of the task which your Committee will be required to perform and the short space of time into which those inquiries must be compressed. But, as you are aware, much preparatory work of the greatest value has already been performed by the Provincial Governments and by the committees which they have associated with their provisional investigations. The results of those investigations will be available to you and His Majesty's Government feel no doubt that you will find them not only of much value in themselves but of such a character as materially to lighten your labours."

That alarms me. This Committee is sent out, and I know they will be here for about three months, and they have got to deal with eleven provinces, and I think in about seven or nine of them, there are going to be bi-cameral Legislatures, and there will be two Legislatures here ; and they have got to make proposals for all these constituencies, delimitation, and also the manner of voting, labour representation, women's representation, commerce, landholders, university, and so on and so forth. What will happen is that these reports of the various provincial committees will be thrust upon them ; but I hope

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they will be able to see through them and make proposals which will satisfy the general requirements of a genuine democratic electorate. But I am afraid from the way in which these Provincial committees are being set up and are working and the Provincial Governments are agreeing with them and publishing their proposals, that they may stampede these people.

Now, Sir, I am not familiar with the proposals in other provinces, but I know just two or three features of the proposals made by the Madras provincial committee and accepted by the Madras Provincial Government. They have recommended a system called the single non-transferable vote in plural constituencies. The Madras scheme is that they are going to have a certain number of single-member constituencies and no question of double voting arises there. Then, they are going to have two sets of double-member constituencies, some of which are for representing the *Harijans* under the Poona Pact. They get in the province about 30 seats, and for them there will be 30 constituencies provided. So far so good. But then they have ingeniously recommended what is called the single non-transferable vote. I speak, subject to correction, but I think that in no country with whose constitution I am familiar, there is this device of what is called the single non-transferable vote. Except the country of Spain, where I am told this occurs, but which has lost its democracy, I think that in the British Empire, confining myself to the British Empire, now, there is no such thing as this. Moreover, I think in a country like India, where for the first time millions of people are being enfranchised, most of them illiterate, a simple system of voting, with which they have been familiar all these years, is much better than all these fancy devices. Even with regard to the much better scheme of proportional representation by means of the single transferable vote, the Lothian Committee rejected that scheme.

**Mr. President** (The Honourable Sir Abdur Rahim): Does the Honourable Member really want to discuss these questions? This is a much wider issue and can hardly be discussed on a motion like this.

**Mr. S. Satyamurti**: We are dealing with elections and constituencies.

**Mr. President** (The Honourable Sir Abdur Rahim): But this Committee will deal with the delimitation of constituencies.

**Mr. S. Satyamurti**: No, Sir, with voting also. I will read the sentence:

"The point is however one which your Committee will no doubt consider in the light of local conditions and of the views expressed by the various provinces concerned. His Majesty's Government would however be glad if in any case in which you think it desirable to recommend the establishment of a multi-member constituency you will consider the use of the single non-transferable vote, a question which, as you are aware, has attracted considerable attention in discussions in Parliament on the Government of India Bill."

That is one of the terms of reference of this Hammond Committee. They are asked to recommend, *inter alia*, what system of voting should prevail in what are known as multi-member constituencies; and I am

submitting to you and to this House that, even with regard to the much better known device of the single transferable vote in a system of proportionate representation, the Lothian Committee on the whole expressed themselves against it:

"It has many forms, from that of the single transferable vote in constituencies returning three to five members (or alternatively of the single non-transferable vote) to the system of cumulative voting. Public opinion throughout the world has not as yet come to any clear conclusion on the matter, for both systems are in operation in different countries. But, broadly, it may be said that the single member system tends to provide stable party majorities in the legislatures, and to be more convenient for voter and candidate as the constituencies are smaller, while the proportional system gives a fairer representation of opinion but multiplies parties and magnifies the size of constituencies", etc.

Then, Sir, with regard to the cumulative vote they have recommended that in all multi-member constituencies and for this reason:

"Under this system every voter will have the right to use as many votes as there are candidates. He may use these votes as he desires, 'plumping' them all for one candidate or distributing them. This method can be adopted whether the 'coloured box' system is used or not."

My submission is this. The system of voting now prevalent in Madras for all elections, including the local bodies, the local Legislature and to this House is what is known as the distributive system. Each voter has as many votes as there are seats to be filled up by candidates. He is free to give his votes to the maximum of the seats which have to be filled up, or he may give one or two, if the seats are "three". But the Lothian Committee recommend the system now prevailing in the city of Bombay, namely, a voter can give two votes to one candidate if there are two seats to be filled up. Therefore, the Lothian Committee recommends the principle that every voter must have as many votes as there are seats to be filled up, whereas the single non-transferable vote means that each voter has only one vote; and it is worse in the case of the single non-transferable vote: because, in the case of the single transferable vote if the candidate for whom he has given his first vote is either elected by the required quota, or is eliminated by getting less than the minimum, the second and third votes automatically get transferred to others. Even that is absent in the case of the single non-transferable vote. But, apart from the undemocratic nature of this device, my most serious objection to this is that it violates the spirit, if not the letter, of the Poona Pact, on which Mahatma Gandhi staked his life, and to which His Majesty's Government is a consenting party. Even the Joint Parliamentary Committee, which went into this question, although it expressed some doubts about the superiority of the Poona Pact to the Communal Award, ultimately recommended acceptance of the Poona Pact under the then existing circumstances, although they expressed a hope that, so far as Bengal is concerned some settlement might be possible. So far as the Poona Pact is concerned, the essence of that Pact is this: that Hindus and the so-called depressed classes should vote together in the same constituencies, that the caste Hindu must go to the so-called depressed classes and the so-called depressed classes should go to the caste Hindu for their vote, so that in course of time, to the extent to which political education can do it, these distinctions may be wiped out or at least forgotten, and the Hindu community may develop solidarity among itself. In the case of

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the single non-transferable vote, what will happen is this : that each voter will be sued only by his own castemen, be he caste Hindu or depressed class man, for his vote. He has only one vote, and, therefore, the whole spirit of the Poona Pact will be destroyed. I gladly recognise that this is not the last word on the subject ; but I do plead with the House and with the Honourable the Law Member that, if the Poona Pact is to be observed, not only in letter but in spirit, this single non-transferable vote must go. It serves no purpose whatever, and will accentuate differences between the caste Hindus and the so-called depressed classes. They are really recreating separate electorates for the depressed classes.

My next point, which I have also given to my Honourable friend, the Law Member, is about the representation proposed for universities in the provincial Legislatures. Sir, personally, I feel that the ideal system of representation ought to be one man one vote, that all special constituencies for landlords, for commercial magnates, and for various other classes including universities, ought to go. But that is not in our power just now. The Government of India Act contemplates all this representation. The present system prevalent in Madras is this : that all registered graduates, that is to say graduates of seven years' standing, those who have graduated seven years before the date of the election, get the right to elect their representatives to the Madras Legislative Council. But the provincial committee have recommended and the Provincial Government have accepted a curious proposal, by which all these graduates will be disfranchised hereafter, and the franchise will be confined to the senates of the three universities, Madras, Annamalai, and Andhra. These three senates between them comprise about 400 to 500 names : today, the constituency is 15,000 to 20,000 in number ; and while, in every other direction the franchise proposals contemplate extension of the franchise, in this case only, it is intended to restrict the franchise from 15,000 to 20,000 to 400 or 500 people....

**Mr. N. V. Gadgil** (Bombay Central Division : Non-Muhammadan Rural) : Because you were returned from that constituency.

**Mr. S. Satyamurti** : .... a third of whom happen to be nominated by the Governor of the province. It does seem to me that it is certainly going backward. My Honourable friend, Mr. Gadgil, reminds me that that constituency committed the mortal sin of returning me. Yes. They returned me, once by an overwhelming majority, and again unopposed ; but I plead, in extenuation of that, that while undoubtedly I plead guilty to the charge of being a Congress politician, I happened and still happen to belong to the Universities of both Madras and Annamalai, as a member of the Senate, Syndicate, and of the Academic Council, of both the Universities ; and I claim to be a University man, just as much as any other man can claim to be a University man. My predecessors were my friend, Mr. C. R. Reddy, whom the Government appointed as the Vice-Chancellor of the Andhra University, and Mr. S. Srinivasa Iyengar who was a distinguished member of the Senate of the Madras University. Therefore, the argument that the graduates all have returned non-university politicians does not stand any examination. The real reason is this : "hope springs eternal in the human

breast", as some one said the other day : and my friends of one political party in my province, afraid of facing large electorates, want to create at least one pocket borough for themselves ; and, therefore, they make this extraordinary proposal that we should have a constituency of 400 or 500 people in the place of something between 15,000 and 20,000 people. I do plead that this kind of going back on the general extension of the franchise is not consistent with the entire scheme of the Lothian franchise.

I want to make only one more point. I think I asked the Honourable the Law Member, more than once, for some kind of undertaking that these proposals, after the Hammond Committee have evolved them, and before the Government forward them to His Majesty's Government with their recommendations, should be placed before this House. I could not get a very satisfactory answer. I want to urge one argument, if I may, as to why these proposals even for the provincial Legislatures should be placed before this House for their approval or for their expression of opinion. Apart from the interests of this House as representing all the provinces, this House is directly concerned with at least the franchise for the Provincial Lower House ; as you know, the Provincial Lower Houses are the electorates for the Federal Lower House. They are the people who are going to elect those who will succeed us on these Benches. Surely, this House has some interest in knowing how these electors of Members of this Honourable House are going to be elected in their turn by their own constituencies ; and, therefore, it does seem to me that this is a matter on which this House may ask to be consulted.

There are subsidiary problems concerning women's representation, labour representation, and other problems, with which I do not propose to deal because I have not given notice, but undoubtedly there are these three points : the need for giving this House an opportunity, at a suitable time, before the Government makes up its mind finally, to express its own opinion on the Hammond Committee's proposals, the proposal of the single non-transferable vote in multi-member constituencies returning *Harijan* and caste Hindu candidates which is against the spirit if not the letter of the Poona Pact, and the proposed restriction of the university franchise. These three are matters on which I think this House is entitled to a satisfactory answer from the Honourable the Law Member representing the Government. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : Amendment moved :

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,83,000 in respect of 'Miscellaneous' be reduced by Rs. 100."

There are several notices of amendments with respect to the other portions of the demand. There is one about Special Commissions of Inquiry, Special Financial Inquiry. This Delimitation question should perhaps be discussed first.

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : May I know, Sir, if this demand includes also the grant for Sir Otto Niemeyer's Committee ?

**The Honourable Sir Nripendra Sircar** : That comes later under this head.



**Mr. President** (The Honourable Sir Abdur Rahim) : The whole demand.....

**The Honourable Sir Nripendra Sircar** : Sir, I propose to deal with three points raised by my friend, Mr. Satyamurti, of which he gave us notice yesterday and which he has discussed today. As regards the point about the single non-transferable vote, that if that is accepted, it will be opposed to the spirit of the Poona Pact, and I am not in a position to entirely differ from him though expressing no opinion of my own. My reading of the situation is this. Under the Fifth Schedule of the Government of India Act, para. 6,—I need not read the section,—where a seat is reserved for scheduled castes, there must be at least one unreserved seat. That is the operation of section 6, and I tried to work it out by an example to see if my friend's point has substance, although I said I may not be in a position to entirely differ from him. I took the example of a constituency where there is one reserved and one unreserved seat, and I also, for purposes of working it out and having a clear idea, took as hypothesis that there are 50 scheduled caste votes and 50 caste Hindu votes. I started on the footing that the system is of single non-transferable vote. The position is that 50 scheduled caste voters must select at a primary election 4 candidates,—and I shall call them A, B, C and D. They are elected by the 50 scheduled caste voters. There is also unreserved seat and supposing there are two candidates, X and Y, for it the position seems to be this. The election proceeds simultaneously with regard to both these seats. Now, if each voter has a single non-transferable vote, of course there is nothing in the law and the Schedule to prevent a caste Hindu from voting for the scheduled castes or *vice versa*, but the probability is that a caste Hindu will vote for a caste Hindu X or Y, while a scheduled caste man will vote for his caste fellow. If that is the position, then the result will be,—I have worked it out again,—this. Supposing X has got 30 caste Hindu votes and Y has got 20 caste Hindu votes, 50 being split up between X and Y; and A, B, C and D, and assume for the sake of argument, they get 20, 10, 10 and 10 respectively. The result will be that X has been really elected solely by caste Hindu votes, and A, out of A, B, C and D has been elected wholly by scheduled caste votes. Therefore, there may be some force in the contention urged by some Honourable Members, that the result is as if there have been two separate electorates in the Hindu constituency. I said, Sir, to that extent I am not prepared to entirely differ from my friend. And I also worked it out, on the other footing—I will not tire the House by taking them through figures,—and find that if it were a transferable vote, then one section will be likely to influence the other section. To that extent, I may be able to agree with my friend. But my point is this. As my friend himself read out, this is one of the matters which has been specially referred to the Hammond Committee under section 6 of the terms of reference. Therefore, the position is that there is nothing to prevent anybody from making a representation to the Hammond Committee now urging the point which my friend opposite so lucidly argued in this House. All that we can do now,—I do not venture to give any advice,—but all that we can do now is to point out that it is open to anybody to urge these grounds before the Hammond Committee. But if my friend's real object is to draw attention to the fact that this single non-transferable vote will operate against the spirit of the Poona Pact, then

all his arguments here, I daresay, will be considered by the Hammond Committee either *suo motu* or somebody will place all these arguments and these proceedings before them. As Hammond Committee will judge, I need not express any considered opinion on this matter.

Then, Sir, a similar observation applies to the second point which he took, namely the restriction of franchise for the University seat. I express no personal opinion, because I really ought not to express any personal opinion in this House, in a matter, which has been referred to Hammond Committee, but the point is there. My friend points out that the graduates' franchise of a seven years' standing is gone and it is now limited or restricted. Again, I say, Sir, this is a matter which ought to be considered, and I am sure, it will be considered by the Hammond Committee, and it is open to those who are interested in getting the views of the Local Government upset by the Hammond Committee, to influence that Committee by their arguments and by representations and achieve the result desired by them.

As regards the third point as to whether this House will have an opportunity to discuss this question, I did make a clear statement, but that is not satisfactory to my friend. What I did say was that, if I may use the colloquial expression, so far as the federal part of the thing was concerned, that would be placed before this House for discussion. There was a clear undertaking or promise that this House would be given an opportunity for discussing those portions. What my friend is dissatisfied with is, that I could not give an undertaking as regards the provincial part. As regards provincial part, I was not in a position to give a definite undertaking that it will come up before this House for discussion, and if I am not even now in a position to give any definite assurance that that will be done, some of my reasons are these. I do not for one moment suggest that this House is not at all interested in the provincial portion. I am not taking up that attitude, but I must say that it is not a matter of primary concern to this House. I am not taking my stand entirely on that. Another of the objections will be that if we undertake to have this discussed in the Central Legislature, to say nothing of the time that may be taken here, we have got to remember that as regards the federal portion there is no such great hurry as regards the provincial portion, and our fear, apart from other reasons, which I indicated in answer to supplementary questions—our fear, if we give an undertaking, is that it may result in the inauguration of the provincial autonomy being delayed, because there will be discussion in this House, later on that has got to be considered, then it has got to be sent up before any final action could be taken. That is one of my reasons, in addition to the reasons which I gave before, for my inability to give an undertaking to this House that the provincial part will be discussed. But the undertaking which I gave before, I do not want to go back upon and that still remains—that the discussion of the federal portion will be placed before this House. I have nothing more to add. I once more beg to draw the attention of Honourable Members that the Hammond Committee is just arriving and all these arguments should really be placed forcibly before them by those who are interested in the matter.

**Dr. P. N. Banerjee** (Calcutta Suburbs : Non-Muhammadan Urban) : In rising to support this amendment I wish to say a few words about

[Dr. P. N. Banerjea.]

Bengal. In that province a delimitation committee was appointed some time ago and the Government of Bengal made certain additions and alterations in the report submitted by that committee. Both the report of the committee and the additions and alterations which were made by the Government of Bengal have been found to be very unsatisfactory. One of the most unsatisfactory features of the proposals of the Government of Bengal relates to the University franchise in Bengal. At the present moment this franchise extends to a membership of over 10,000 persons. The Government of Bengal proposes that in future the franchise should be restricted only to the members of the Senate and to those registered graduates who have paid their subscriptions at the rate of Rs. ten a year for the last two years. The result of the acceptance of this proposal will be that the franchise will be restricted to about 300 persons. Is it justifiable to reduce the number of voters from 10,000 to 300? People in Bengal say that this is an attempt to create a pocket borough and I believe there is a great deal of truth in this statement. Then, Sir, there are certain inconveniences which the voters in the different parts of the country, particularly in the mofussil of Bengal, will have to suffer. In order that these defects may be removed, it would be right and proper that the report of the Hammond Committee should be considered by this House. The Honourable the Law Member pointed out the difficulty of the Assembly being consulted in a matter of this kind. It will involve delay, he says. But, even if there be some delay, this matter is of such great importance that this House should not be deprived of an opportunity of being consulted. There is another consideration which urges me to make this suggestion. The Bengal Legislative Council has been in existence for over six years. This is the seventh year of its existence; and we all know that in 1930 nearly one-third of the number of members of that Council resigned their seats and these seats were filled by persons who belong to a particular school of political thought. That House has, therefore, ceased to be representative, and it is not right and proper that the question of franchise in Bengal should be considered by the Bengal Legislative Council as it is at present constituted. For these reasons I suggest that the report of the Hammond Committee in all its aspects should be considered by the Assembly.

**Srijut N. C. Bardaloi** (Assam Valley : Non-Muhammadan) : I also want to join my voice to that of Dr. Banerjea regarding one matter which concerns Assam. A delimitation committee was set up to consider about the franchise in Assam and it decided how the four labour seats should be distributed. Now, we all know that in Assam there are labourers in tea gardens and labourers in the factories. There are also labourers who go and work in the tea gardens from outside. The delimitation committee has come to the conclusion that labourers who live inside the tea gardens would select a *mukhi* (representative) from among them. In each tea garden the labourers will select a *mukhi*, and from a group of tea gardens several *mukhis* will come together and select one man. The effect will be that the labourer who will be selected will be directly under the planters. Any one, who has got any idea of what tea plantations in Assam are, knows that the tea gardens are a sort of kingdom by themselves. Without the permission of the manager or the sub-manager nobody can get into the

tea garden; not to say of the labourers, the *mohurrirs*, the clerks, etc., are also just under the thumb of the manager. In such circumstances these four seats will be a sort of a present to the planters. The planters—Europeans and others—have already got too much representation. This outstanding fact that the labourers are not being represented by their own men or that they will not be able to do anything freely is patent on the face of it. As a matter of fact, the labourers who work in the factories outside tea gardens are not included among the voters. The labourers who remain outside the tea gardens but go and work inside the tea gardens as day labourers are not included, but only the labourers who live inside the tea gardens would be able to select. Under these circumstances it is a great wrong done. As my Honourable friend, Dr. Banerjea, has said, the Council which is sitting now is an old Council sitting for about six years. Many of the members of that Council resigned some time back and the present Council is not considered to be representative of the opinion of the people. So, I hope that the report of the Hammond Committee will be discussed in this House in all its aspects and in that way only justice may be done.

**Pandit Nilakantha Das** : I cannot claim here that I have got any provincial Council. Perhaps after next January or April we shall not share even in the Bihar and Orissa Council as it is at present constituted. We have got ten members in all in the Bihar and Orissa Council, out of whom one is a zemindar and one is nominated. The only eight members were elected, as in all other provincial Councils, six years ago.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

In other provinces, there are Councils, be they nominal or substantial, where this delimitation and other associated questions will be discussed as has been just said by the Honourable the Law Member but I do not know how provinces like Orissa and Sind will get an opportunity for considering the report of the Delimitation Committee. We are given to understand that a small Council of these ten members will be formed in Orissa from the beginning of the next year, i.e., even before the new Constitution is introduced. And these members, who will be *de facto* nominated members so to say, should not be considered competent for obvious reasons to consider at all the delimitation question in Orissa. I believe that is also the case with Sind. So, as two new provinces are going to be formed and they have no Councils, nominal or substantial, where this question can be discussed, I press particularly that the Hammond Committee should be made to take note of this important aspect of the question, and that an opportunity ultimately should be given to this House to consider the report of the Delimitation Committee. With these few words, I support the motion.

**Prof. N. G. Ranga** : Some of the proposals of the Madras Delimitation Committee had been criticised adequately and rightly by my Honourable friend, Mr. Satyamurti, but there are certain other aspects of the recommendations of not only that Committee, but also of the Committees in various other provinces, which I would like to touch upon in the few minutes at my disposal. I find that the urban classes have been given too much weightage and too much representation in the Constitution that we have had till now and also the Constitution which we are going to get.



[Prof. N. G. Ranga.]

I can understand if the citizens of a few towns are given some separate representation for themselves, but, Sir, it is impossible for any one to justify the kind of double representation that they get by, first of all, having some members to be elected by themselves, and, then, again, having the right to take part in the election for the whole of the district in which they also can vote. In that way, they are able to vote twice, once for their own candidate for their own town, and a second time for the candidates that stand for the whole of the district of which their town happens to be a part. This is a great injustice to the rural classes, and I hope that the Central Delimitation Committee will take note of it and will see that these urban classes are either merged in the masses in the country or kept separate in their own separate constituencies and are not given any special weightage and votes to be exercised in the general constituencies also.

Secondly, coming to the question of women, I find that the Lothian Committee had recommended that the wives of property owners, who are voters, should also be given votes, that is, the able bodied women and the women of proper age; but the Madras Government as well as the Delimitation Committee have concluded that such women need not have any votes at all, and, in that way, they propose to restrict the right of women to gain votes even to the extent that was permitted and granted by the Lothian Committee. Then, again, the women of the whole of the Madras Presidency are to have only six seats, but I find from the recommendations of the Madras Delimitation Committee that the urban classes of two towns in one district, Coconada and Rajahmundry alone, are to have the privilege of electing two women, and the rest of the Presidency, men and women taken together, are to elect only four women. Sir, this really curtails the privilege of women and also makes it impossible for the women of the rest of the province to enjoy even this little bit of a privilege that has been offered to them by the Joint Parliamentary Committee as well as by Parliament. Sir, I suspect that this is proposed, because the Madras Delimitation Committee does not want women who represent progressive opinions and who stand for progressive causes, who have had the courage to go to jail, who have had the courage of standing for the country, and, therefore, have won the praise and the love of the masses. They want to restrict the choice of these two women to these two towns where they hope that their own loyalists would have some chance, and, incidentally, by fixing these two seats for women from these two towns, the importance of towns in Madras is brought out, and it is made too much of, because the Madras Ministry as well as the Madras Government seem to be more fond of the urban classes than of the rural classes.

Coming to the question of labour representation, I find myself unfortunately in disagreement with some of my labour friends and leaders in the country. Unfortunately for us, the leaders of labour who represented labour at the Round Table Conference have not paid much attention to unorganised labour, especially the labour which is not employed in factories. Government have been under the impression till now, and, wrongly so, that only those who are employed in organised factories, especially those factories which have been brought under the operation of the Factories Act, are to be considered to be labourers, and others need not be recognised at all as labourers and may as well be ignored. This

has resulted in these unfortunate millions and millions of labourers not being recognised by this Constitution and finding no place at all in any of the Provincial Councils. I want to know what is to happen to all these handloom weavers whom, I am sure, my labour friends as well as the Government of India will accept to be workers. According to Government records, they number more than ten millions in this country. What is to happen to them? Where do they come in? They are not to have any seat at all in any of these Provincial Councils, and how are they to be represented, Sir? As things now are, because there are certain seats in every province which are thrown open for nomination, the Local Governments have tried, in some provinces at least, to give some representation to the handloom weavers, but, tomorrow, when you get this "provincial autonomy", you will find that the Provincial Governments will not have any choice at all in nominating any of these handloom weavers to the local Assemblies, and, what is more, they would not be able to have votes or to have their own representatives in the Legislatures. Sir, I know that the special representation that has been granted for labour in this country is really too inadequate, and I would certainly like that it should be doubled, if not trebled, but unfortunately I know also that this Government is not amenable to reason, and this Government has already made up its mind, and once this Government has made up its mind, it is as obstinate as the Himalayas. (Hear, hear.) Therefore, Sir, I would like the Government to bring to the attention of the Delimitation Committee the necessity for granting some representation for all these millions of workers who are unorganized, who have not got many friends to speak for them, either in the Central Legislature or in the Provincial Legislatures, and who are not able to look after themselves, who are not even able to approach the provincial Delimitation Committees with their needs and demands and to ask that they are given some representation from out of the special representation that is set apart for labour, even if this Government cannot make up its mind to allot some more seats to labour as a whole.

Then, Sir, even in regard to the so-called organized labour, the Government is playing ducks and drakes. The Madras Delimitation Committee is hard put to it to see that the real leaders of organized labour do not get into the future provincial Legislative Assembly. All these Committees are doing their very best to see that labour is divided against itself, and that the real leaders are flouted by everybody, and that the so-called leaders of labour, who are simply those who declare themselves to be leaders basking in the sunshine of official favour and favouritism, get every chance of getting admission to these Councils. (Hear, hear.) Sir, there is a distinguished friend of mine who had the honour of representing organized labour at the Round Table Conference along with my Honourable friends, Mr. Joshi and Mr. Giri. That is Mr. Shiva Rao, who sent in his memorandum to the Madras Delimitation Committee, but somehow it has so happened that his memorandum has been mislaid, and one of the members of that Committee, a Knight of this British Empire, has given out to the Press a wrong statement, supposed to be the views of my friend, Mr. Shiva Rao, according to which only the self-styled and ministry-made leaders of labour can get into the Legislative Assembly of the Madras Presidency, and not the real leaders of labour. I, therefore, Sir, would suggest that the Central Delimitation Committee should be

[Prof. N. G. Ranga.]

asked to go in detail and very carefully into the recommendations as well as the materials gathered by these provincial Delimitation Committees, and see that no injustice is done to any section of the people of this country and also try to realize justice to the fullest degree that they can really achieve it, in trying to secure proper representation for labour in the future Central as well as Provincial Legislatures.

Sir, I sincerely hope that the Central Delimitation Committee will be given a *carte blanche* for investigating into these problems, and I may express the hope that they are expected patiently to hear the representations of various classes of people and that they are also expected to present their report, not only to this Government, but also to this Legislature, so that the Central Legislature can have a final say in regard to its own proposals. Sir, it is most essential that this Legislature should be given every possible opportunity and every assistance in discharging its functions and responsibilities to the masses who have sent the Honourable Members here, so that it would be possible for this Legislature to assure itself that no injustice, even within the terms of this unsatisfactory Constitution Act that we have, is caused either to the millions of handloom weavers and other cottage workers numbering millions in this country or to the voiceless organized and unorganized labour, drawn from men, women and children and from all over India. (Loud Applause.)

**Several Honourable Members :** I move that the question be now put.

**Babu Baijnath Bajoria :** Sir, under the new Federal Assembly, one seat only has been reserved for Indian commerce in Bengal, which, I submit, is totally inadequate to represent the diverse and in fact considerable interests of Indian commerce in Bengal. Sir, the Bengal Delimitation Committee has recommended that an electoral college of fifteen persons should be formed consisting of :

- six members elected by the Bengal National Chamber of Commerce,
- three members elected by the Bengal Mahajan Sabha,
- three members elected by our Marwari Association, and
- three members elected by the Muslim Chamber of Commerce.

And they have proposed that these persons should elect one member for the Federal Assembly. So it will be seen that if members of the Bengal National Chamber of Commerce and the Bengal Mahajan Sabha combine together, then there is no chance whatsoever for a member of the Marwari Association or the Muslim Chamber ever being elected to the Federal Assembly of the future. Sir, I think this is a very impossible and unfair position, and we cannot possibly tolerate this, Sir. Sir, the community to which I belong, the Marwari community, has very large commercial interests at stake in Bengal—much more in fact than those represented by any of the other Chambers of Commerce, *viz.*, either the Bengal National Chamber, or the Bengal Mahajan Sabha, or the Muslim Chamber of Commerce. Sir, at the present moment the practice obtaining is this, that the Bengal National Chamber of Commerce, the Bengal Mahajan Sabha and our Association send one representative here, by rotation. I think that this wholesome practice should be retained,

because thus only will each association have a chance of sending its representative here. Otherwise, Sir, there will be no chance for the Marwari Association or the Muslim Chamber to send a representative here.

**Several Honourable Members :** I move that the question be now put.

[At this stage, Pandit Govind Ballabh Pant rose to speak.]

**Mr. Deputy President (Mr. Akhil Chandra Datta) :** As there are only a few minutes left, and, after all, we cannot conclude this debate today, the Chair does not think it is necessary to accept the closure. Pandit Govind Ballabh Pant.

**Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) :** Sir, I have risen to make a few remarks lest my silence should be misunderstood. I presume that these proceedings will attract the notice of the President and members of the Hammond Committee, and that is why I consider it necessary to intervene in this debate. Sir, we of the Congress are interested in the matter as the Congress has practically decided to capture the Legislatures. What use we will make of them has not yet been determined or decided. Anyway, Honourable Members opposite need not worry about that ; that is more or less a domestic question for us to decide. But we would like the constituencies to be formed in a reasonable manner. Sir, I regret to say that, so far as my Province is concerned, I am convinced, and so are many others, that there is a deliberate design to so de-limit the constituencies as to keep out every person who is suspected of holding an advanced or progressive thought or opinion in the Province. (Hear, hear.) There is a systematic conspiracy to this end and it is countenanced by the high and the mighty, if not initiated by them with a view to have only tame Legislatures and docile Cabinets even under the farcical scheme of reforms which finds place in the Government of India Act. As a prelude to that constituencies are being sought to be so formed that any man possessed of advanced views and real stamina may be kept out to the extent it is possible for those who are managing and manœuvring the affairs today to so arrange things. The Delimitation conference was so shamelessly packed that Mr. C. Y. Chintamani had to ask the Government to be excused from serving on that committee. Every effort is being made to form pocket boroughs so that zamindars may make full use of their position and influence with their dependent tenantry and so far as possible their return may be facilitated and ensured. In fact I have been told that the candidates, whom those in power want to be returned, have been either finally selected or approved tentatively and now the constituencies are being so formed as to facilitate things for all and for each of them. That, Sir, is the report and from what I have seen and heard I am inclined to believe it. I submit, Sir, that is not the spirit in which I presume the Government in England wants the scheme to be worked. We have been repeatedly told by the Secretary of State that he is anxious to see goodwill restored. Well, political opinions and political controversies apart, there are certain fundamental principles of conduct and elementary canons of decency and honesty which should not be departed from by people in any walk of life. Even Governments, however much they may be addicted to machinations, are expected to adopt a minimum standard of integrity.

## LEGISLATIVE ASSEMBLY.

*Thursday, 26th September, 1935.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

### QUESTIONS AND ANSWERS.

#### ACCOMMODATION IN "B" TYPE QUARTERS IN SIMLA.

702. \*Babu Baijnath Bajoria : (a) With reference to the reply to starred question No. 419, dated the 7th August, 1934, in the Legislative Assembly, will Government be pleased to state the reasons for holding the view that unorthodox accommodation is on the whole better than orthodox accommodation in the face of the comparative statement below :

| B Class—Orthodox.                                                                      | B Class—Unorthodox.                                                                                                        |
|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| 3 living rooms, 1 servant's room, 1 store, 1 kitchen, 1 W. C., 1 bath and 2 verandahs. | 3 living rooms, 1 servant's godown, 1 kitchen, <i>no store room, no verandahs</i> and <i>one W. C. and bath combined</i> ! |

(b) Is the above comparative statement correct, and if so, do Government propose to give the same accommodation to the men drawing the same salary, irrespective as to whether they belong to orthodox group or to the unorthodox group ? If not, why not ?

Mr. A. G. Clow : (a) and (b). The statement made by the Honourable Member is not quite correct. The 'B' class unorthodox quarters at Summer Hill have a store room ; and the living rooms are more spacious than those in the orthodox quarters of the same class.

#### FREE CONVEYANCE BY RAIL BETWEEN SUMMER HILL AND SIMLA AND ALLOWANCES OF ARMY HEADQUARTERS STAFF.

703. \*Babu Baijnath Bajoria : (a) Is it a fact that men living in Summer Hill unorthodox quarters and belonging to the civil offices are to pay railway fare from their own pockets and also for their school going children, whereas the men belonging to the Army Headquarters and their school going children are given free conveyance by rail from Summer Hill to Simla ? If so, what are the reasons for this differential treatment between the two classes of Government servants ?

(b) Is it a fact that Government in the past justified this differential treatment on the ground that men belonging to civil

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(b) Is it a fact that Government in the past justified this differential treatment on the ground that men belonging to civil

departments are entitled to house rent allowance from Government, whereas men of the Army Headquarters do not get it? If so, will Government be pleased to state whether the Army Headquarters staff, when moving down to Delhi, receive a local allowance during their stay in Delhi? Is it a fact that this allowance on an average comes to about Rs. 400 every year, and is not received by men of the Secretariat and other civil offices?

(c) Will Government be pleased to state the rates at which this local allowance is allowed to the men of the Army Headquarters and other attached offices?

(d) Is it a fact that the staff of the Army Headquarters remaining in Simla during winter also draw a coal allowance? If so, will Government be pleased to state the average coal allowance drawn by the clerical staff of the Army Headquarters during the year 1934-35?

**Mr. G. R. F. Tottenham :** (a) Army Headquarters personnel have received free conveyance from Summer Hill for many years because their conditions of service are different from those of the personnel of Civil Departments.

(b) The answer to the first part is in the negative, to the second part in the affirmative and to the last part in the negative.

(c) A statement is laid on the table.

(d) The coal, or winter allowance as it is technically called, is admissible on a sliding scale to certain clerks employed in civil as well as military offices during the winter season, if they are stationed in Simla. The collection of the information asked for in the concluding part of the question would involve an expenditure of labour incommensurate with the result to be achieved.

*Statement.*

ARMY AND ROYAL AIR FORCE HEADQUARTERS.

For assistance and clerks drawing salary—

|              |                   |    |    | Delhi moving allowance. |           |
|--------------|-------------------|----|----|-------------------------|-----------|
| Up to Rs. 50 | per mensem        | .. | .. | Rs.                     | Rs. a. p. |
| Above Rs. 50 | but not exceeding | .. | .. | 16                      | 10 8      |
| " " 80       | " " "             | .. | .. | 80                      | 20 0 0    |
| " " 120      | " " "             | .. | .. | 120                     | 33 5 4    |
| " " 180      | " " "             | .. | .. | 180                     | 40 0 0    |
| " " 200      | " " "             | .. | .. | 200                     | 50 0 0    |
| " " 300      | " " "             | .. | .. | 300                     | 60 0 0    |
| " " 350      | " " "             | .. | .. | 350                     | 66 10 8   |
| " " 500      | " " "             | .. | .. | 500                     | 83 5 4    |
|              |                   |    |    | 500                     | 100 0 0   |

*Attached Offices.*

For assistants and clerks drawing salary—

†Delhi Camp allowance.

|              |                   |    |    | Rs. | Rs. a. p. |
|--------------|-------------------|----|----|-----|-----------|
| Up to Rs. 50 | Per mensem        | .. | .. | 16  | 10 8      |
| Above Rs. 50 | but not exceeding | .. | .. | 75  | 20 0 0    |
| " " 75       | " " "             | .. | .. | 100 | 26 10 8   |
| " " 100      | " " "             | .. | .. | 150 | 40 0 0    |
| " " 150      | " " "             | .. | .. | 200 | 50 0 0    |
| " " 200      | " " "             | .. | .. | 250 | 53 5 4    |
| " " 250      | " " "             | .. | .. | ..  | 56 10 8   |

ALLOTMENT OF SUMMER HILL QUARTERS, SIMLA.

704. **\*Babu Baijnath Bajoria :** (a) Is it a fact that there are 45 'A' class quarters in Summer Hill? If so, will Government be pleased to state how many of such quarters have been allotted to Members of the Indian Legislature in each of the years since 1932 and what is the total rent derived for such quarters during each of those years?

(b) Will Government be pleased to state the total amount of rent derived during each of those years from the rent of the rest of the 'A' class quarters?

(c) Is it a fact that for 1936-37 'A' class quarters are being allotted to junior most men of the attached offices in preference to senior men of the Secretariat, though the latter are foregoing a very heavy house rent allowance of Rs. 450?

(d) Will Government be pleased to state the total amount of rent to be realised from the tenants of 'A' class Summer Hill quarters which have been allotted to the Government of India employees in 1936-37?

(e) Is it a fact that if all these 'A' class quarters would have been allotted to men drawing a salary of Rs. 300 and above, according to seniority, Government would have realised at least about Rs. 16,000 for 40 quarters?

**Mr. A. G. Clow :** (a) Yes. Seven quarters were reserved for Members of the Indian Legislature in each of the years 1932, 1933 and 1934. The numbers of these quarters actually occupied in these years were 7, 6, and 5, respectively, and the rents recovered were Rs. 578-11-0, Rs. 585-1-0 and Rs. 670-1-0, respectively.

(b) The information is not readily available and is being collected. It will be laid on the table in due course.

(c) The surplus 'A' class quarters have been allotted to applicants in 'B' and 'C' classes for whom no quarters of these two classes are available, in accordance with the allotment rules.

†NOTE.—New entrants are not entitled to this allowance. They are, however, given house rent allowance in Simla and Delhi if not provided with Government quarters and in addition they receive a compensatory allowance during the Simla season.

(d) Rs. 3,000 approximately will be realised from the rent paying tenants and Rs. 5,500 will be withheld as house rent allowance from others who will be occupying the quarters rent free.

(e) I regret that I cannot express an opinion on the amount of the rent which might have been realised in the circumstances stated. Realisations depend on the actual pay of the tenants.

#### ALLOTMENT OF SUMMER HILL QUARTERS, SIMLA.

705. \*Babu Baijnath Bajoria : (a) Is it a fact that junior men getting Rs. 50 or 60 a month, are being allotted 'A' class quarters with two servants' godowns, whereas men drawing Rs. 300 to 449 are being allotted 'B' class quarters with less accommodation and with one servant's godown? If so, do Government propose to remove this anomaly in the present allotment rules? If not, why not?

(b) Are Government aware that junior men, allotted 'A' class accommodation, are making such allotments a source of income by subletting the houses and the godowns, whereas senior men with larger families are being refused this accommodation, though they are paying higher rent? If not, do they propose to enquire into the matter? If not, why not?

(c) Will Government be pleased to state the reasons which prevent them from allotting 'A' class quarters to men drawing Rs. 300 and above and allotting the 'B' class and 'C' class quarters which will fall vacant by this process to juniormost men, at present occupying 'A' class quarters, thereby removing such anomalies?

Mr. A. G. Clow : (a) and (c). I presume that the Honourable Member refers to the "A" class unorthodox quarters at Summer Hill. Some of these quarters are usually surplus to the demand of the officials entitled to them, and the surplus quarters are allotted first to "B" class officers who have failed to obtain "B" class accommodation and secondly to "C" class officers who have failed to obtain "C" class accommodation. If the number of "B" class officers who have failed to obtain accommodation in their own class is small an unduly large number of "A" class quarters goes to "C" class officers. The remedy is probably a reclassification of quarters and the possibility of this is being examined.

(b) No. Cases of unauthorised subletting when they are detected are visited with severe penalties. I do not consider that any special enquiry is necessary.

#### HOUSE RENT CHARGED FROM THE OFFICERS AND STAFF OF THE GOVERNMENT OF INDIA IN DELHI.

706. \*Babu Baijnath Bajoria : (a) Is it a fact that 10 per cent. of pay is charged from the staff of the Government of India as house rent in Delhi? If so, will Government be pleased to state the percentage rate at which the rents are charged from the superior officers occupying Government quarters?

(b) Will Government be pleased to state when this 10 per cent. of pay basis was fixed?

(c) Will Government be pleased to state whether any depreciation is allowed on the building every year in fixing the assessed rent of such houses? If not, why not?

Mr. A. G. Clow : (a) All Government servants in Delhi who are allotted Government accommodation pay the standard rent under Fundamental Rule 45A, or ten per cent. of their emoluments, whichever is less.

(b) The "10 per cent. rule" has been in force for well over 40 years. I regret that I cannot give the precise date on which the rule was made.

(c) No. The assessed rent includes elements for interest on capital cost, municipal and other taxes, and ordinary and special repairs. It is a fair assumption that if ordinary and special repairs are regularly carried out the depreciation is negligible, and the inclusion of an element for depreciation would lead to constant changes in rent and, therefore, to administrative difficulties.

Mr. Lalchand Navalrai : Does this ten per cent. apply to superior officials as well as the subordinates?

Mr. A. G. Clow : Yes ; it applies to both.

Mr. Lalchand Navalrai : Equally?

Mr. A. G. Clow : I think so.

#### RENT COLLECTED FROM THE OFFICERS AND STAFF OF THE GOVERNMENT OF INDIA IN DELHI AND COST OF MAINTENANCE, ETC., OF QUARTERS.

707. \*Babu Baijnath Bajoria : Will Government be pleased to state the total amount collected by way of rent from all the Government buildings rented to officers and staff of the Government of India both in Delhi and Simla during the last five years and the total cost of maintenance and repairs, including over-head charges during those years?

Mr. A. G. Clow : The exact information asked for by the Honourable Member is not readily available, and Government do not propose to collect it as the result would not justify the labour involved. The Accountant General, Central Revenues, has, however, included a review of the position in his reports on the Appropriation Accounts for the year 1931-32 and subsequent years. The particulars for New Delhi are given for 1929-30, 1932-33 and 1933-34 and the particulars for Simla for 1931-32 and 1933-34. Copies of the reports will be found in the Library of the House.

#### BRINGING OF IDLE SENTINEL COACHES FROM CERTAIN RAILWAYS TO THE KALKA SIMLA RAILWAY.

708. \*Babu Baijnath Bajoria : (a) Is it a fact that there are a few sentinel camel coaches of the same gauge as the Kalka-Simla Railway, lying idle on the Great Indian Peninsula Railway and the Kangra Valley Railway? If so, will Government be pleased to state the capacity of these coaches?

(b) Is it a fact that these coaches are run by diesel oil engines? If so, will Government be pleased to state the cost of running such coaches per mile per passenger?

(c) Do Government propose to bring those idle coaches on the Kalka Simla Railway and run them as a shuttle train between Summer Hill and Simla and *vice versa*? If not, why not?

(d) Will Government be pleased to state whether it is a fact that, if such coaches are not brought up on the Kalka-Simla Railway for running purposes, there is a proposal for treating these coaches as scrap iron?

**Mr. P. R. Rau :** (a) No.

(b) No.

(c) No. There are no idle coaches : even if there were, they could not be used on the Kalka-Simla Railway as they would infringe the running dimensions permissible on that Railway.

(d) Does not arise.

**Mr. Lalchand Navalrai :** May I know what are these camel coaches?

**Mr. P. R. Rau :** They are self-propelled vehicles containing small steam engines.

**Babu Baijnath Bajoria :** Is the Kalka Simla Railway being run at a loss owing to motor competition?

**Mr. P. R. Rau :** Certainly.

**Babu Baijnath Bajoria :** Do Government intend to reduce fares on the Kalka Simla Railway to attract more traffic?

**Mr. P. R. Rau :** Fares were reduced some time ago, but it was found that the reduction of fares was of no use.

**Mr. S. Satyamurti :** Why do Government send their postal mails by road motors, while the trains are running at a loss?

**Mr. G. V. Bewoor :** The mail is sent by rail as well as by road.

**Mr. S. Satyamurti :** Why should they not send it all by rail? Why are they sending a portion by road at all, when they are running this Kalka Simla Railway at a loss?

**Mr. G. V. Bewoor :** Because the timings of the trains do not suit.

#### PROMOTIONS TO ADMINISTRATIVE GRADES ON THE EAST INDIAN RAILWAY.

709. \***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government prepared to make a sifting enquiry into the cases of promotion to administrative grades, made since September, 1934, from officers of the Engineering Department on the East Indian Railway?

(b) How many cases of supersession occurred, and why?

**Mr. P. R. Rau :** I propose, Sir, with your permission, to reply to question No. 709 and question No. 738 which is in identical terms.

There were three cases in which officers of less seniority were preferred to certain officers senior to them for administrative posts, appointments to which are made by selection and not by seniority.

Government do not consider an enquiry necessary. The arrangements were made with their prior approval.

#### PROPOSED DIVERSION BY THE MADRAS GOVERNMENT OF THE GRANT FROM THE PETROL FUND TOWARDS RURAL RECONSTRUCTION.

710. \***Mr. M. Ananthasayanam Ayyangar :** (a) Is not the petrol tax entirely earmarked for road development?

(b) Is there a proposal by the Madras Government to divert the grant from the Petrol Fund towards rural reconstruction?

(c) If so, what action do Government of India propose to take thereon?

**Mr. A. G. Clow :** (a) No. Only 25 per cent. of the net receipts from customs and excise duties on motor spirit is allocated to the Road Account.

(b) The Government of India have seen no such proposal. All expenditure in British India from the Road Account is subject to their approval.

(c) Does not arise.

**Mr. S. Satyamurti :** Is there any part of this fund available for anything except road development?

**Mr. A. G. Clow :** A certain part of the fund is allocated for work in connection with the development of aviation.

**Mr. S. Satyamurti :** Apart from that, I take it, there is no part of this fund available for rural reconstruction?

**Mr. A. G. Clow :** No, Sir.

**Mr. Lalchand Navalrai :** Was it not the original intention that the petrol tax should be applied to the development of roads only?

**Mr. A. G. Clow :** I cannot remember the original intention. It is obviously equitable that that part of it, which is derived from the development of aviation, should be applied by analogy to improving facilities for aviation.

**Mr. Lalchand Navalrai :** Is it when the roads are bad, that it should be applied to other purposes?

**Mr. A. G. Clow :** No, Sir; where the roads are bad, it is obviously necessary to apply it to roads, but it is intended for new development.

**Mr. Lalchand Navalrai :** Does the Honourable Member know that, in the Bombay Presidency, so far as Sind is concerned, they have not been using this fund for roads?

**Mr. A. G. Clow :** Does the Honourable Member mean to suggest that it has been misapplied to other purposes?

**Mr. Lalchand Navalrai :** Not misapplied. What I mean to say is that the original intention was that this fund should be used for road development, and that it should not be diverted to other purposes.

**Mr. A. G. Clow :** As far as I am aware, Sir, it is not being diverted to other purposes.

**Mr. Lalchand Navalrai :** Will the Honourable Member make inquiries?

**Mr. A. G. Clow :** Not unless the Honourable Member gives particulars that it is being misapplied.



## UTILISATION OF THE PETROL FUND FOR THE DEVELOPMENT OF ROADS.

711. \*Mr. M. Ananthasayanam Ayyangar : (a) Is it a fact that the contributions from the Petrol Fund to the provinces are utilised only for schemes of road development costing Rs. 15,000 and above ?

(b) Are Government prepared to consider the advisability of insisting upon the road schemes undertaken from out of the petrol tax, being scrutinised by the Government, Public Works Department Engineers, with respect to the plans and estimates, as well as during the execution and the final check-measurement ?

Mr. A. G. Clow : (a) The Government of India have imposed no such condition.

(b) No. The Government of India are concerned only to approve projects as suitable to be financed from the Road Account and it is for Local Governments to see that works are executed efficiently.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that till recently there was a rule framed by the Madras Government that in cases where the Local Board Engineer and the District Board President did not agree in regard to the execution of a work from this fund, the matter should be referred to the Government, and recently it has been abrogated and made the President's opinion final leading to a lot of nepotism ?

Mr. A. G. Clow : No, Sir ; I am not aware of it.

Mr. M. Ananthasayanam Ayyangar : Will Government make inquiries, because, Sir, it is within my knowledge that a work costing nearly a lakh of rupees in which the Local Board Engineer and the District Board President had disagreed, and the District Board President had his own way and had the work done, in the name of, I cannot say contractors, but in his own relative's name which was soon found out ?

Mr. A. G. Clow : No, Sir ; the execution of these works is a matter for the Local Government. The Government of India cannot supervise the actual execution of the projects.

Mr. M. Ananthasayanam Ayyangar : With respect to the Local Government, why should it not be made a condition that the P. W. D. Engineer in the P. W. D. should exercise some control over it as in the case of all works over Rs. 10,000 undertaken by Local Boards and finally approved by the Executive Engineer in the P. W. D. ?

Mr. A. G. Clow : The Local Government obviously must exercise its own discretion as to the manner in which it should supervise the execution of the works. I am not aware that the ordinary methods in respect of expenditure on the road schemes differ from the methods that they use for the supervision of other engineering projects.

Mr. M. Ananthasayanam Ayyangar : When this matter is brought to the Honourable Member's notice, and, inasmuch as the fund is raised centrally and distributed to the provinces, will he consider the advisability of sending on this suggestion to the provinces so that much of this fund might not be diverted to other purposes or misapplied ?

Mr. A. G. Clow : I suggest that the Honourable Member should bring this matter to the notice of the Madras Government.

Mr. M. Ananthasayanam Ayyangar : I am sorry I am not a Member of the Madras Council.

## PROGRAMME FOR RURAL UPLIFT IN MADRAS.

712. \*Mr. M. Ananthasayanam Ayyangar : (a) Are Government aware that the Government of Madras propose to constitute an Economic Council with a ten-year programme of work for rural uplift ?

(b) Is there a proposal to use the contribution for the Rural Development Fund for the purposes of the aforesaid Economic Council ?

(c) Is there a proposal to grant a loan of five crores to the Madras Government for purposes of the Economic Council ? If so, on what terms and conditions and on what security ?

The Honourable Sir James Grigg : (a), (b) and (c). No.

Mr. S. Satyamurti : May I ask if this categorical answer of one word to all the three questions means that the Madras Government have not sent in any proposal to them, or the Government of India are not aware of any such proposal ?

The Honourable Sir James Grigg : Both, Sir.

Mr. S. Satyamurti : May I know if the Government of India are now contemplating financing any such schemes spread over many years, considering the very doubtful state of their finances ?

The Honourable Sir James Grigg : If they are, I have not heard of it.

Mr. M. Ananthasayanam Ayyangar : I want information, Sir ; it is a long time ago that I sent in these questions. What does the Honourable Member mean by saying that he is not aware of any such schemes contemplated by the Madras Government ? Does he mean he has no information or even when he has made inquiry he has found no answer forthcoming, or no inquiry has been made, if so, why has it not been made, otherwise what is the good of giving the answer to part (a) of the question as "No" ? Does the answer mean there is no such proposal ?

The Honourable Sir James Grigg : "No" means that the answer to the Honourable Member's question is "No".

Mr. M. Ananthasayanam Ayyangar : I am not able to follow the Honourable Member's reply, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : The answer is "No", the Government are not aware.

Mr. M. Ananthasayanam Ayyangar : Very well, then what is the purpose of giving notice of a question before ten days ? Did the Honourable Member make inquiries of my question from the Madras Government ?

The Honourable Sir James Grigg : No, Sir.

Mr. M. Ananthasayanam Ayyangar : Why not, Sir ?

The Honourable Sir James Grigg : Because it is their business, and not mine.

**Mr. M. Ananthasayanam Ayyangar :** Is there no proposal to finance the Local Government's proposal ?

**The Honourable Sir James Grigg :** I have answered that.

#### BIRTH CONTROL PROPAGANDA IN INDIA.

713. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Has the attention of Government been drawn to an article, styled "a letter from Berlin and Economierigour in Germany", appearing in the *Hindu* of the 12th August, 1935, setting out the measures proposed to be taken by the German authorities for increasing the population by offering inducements to peasants, handicraftsmen and middle class tradesmen by granting loans on condition that they should be repaid at the end of a term only, if sufficient growth in the family is not shown ?

(b) Are Government aware that a plan 'for more babies campaign' for encouraging bigger families and for impressing upon the public, the national importance of a high birth rate, has been evolved by the Government of Britain through its war office and other departments ?

(c) Is there a proposal to start birth control clinics in India ? If so, why ?

(d) Do Government propose to penalise birth control propaganda in India and direct that pensioned officers ought not to take part in such propaganda ?

**The Honourable Sir Girja Shankar Bajpai :** (a) Yes.

(b) No.

(c) No such proposal is under the consideration of Government.

(d) No.

**Mr. M. Ananthasayanam Ayyangar :** Was there no proposal with reference to the answer to part (c) of the question that birth control clinics should be established all over India in the district headquarters ?

**The Honourable Sir Girja Shankar Bajpai :** I have answered in the negative.

#### PROHIBITION IN ITALY OF THE IMPORT OF GOODS FROM INDIA AND OF INDIAN INSURANCE COMPANIES FROM CARRYING ON BUSINESS.

714. **\*Mr. M. Ananthasayanam Ayyangar :** Have any, and if so what, retaliatory measures been taken against the Italian Government for its action in prohibiting the import of goods from India and in prohibiting only Indian insurance companies from carrying on business there ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government are not aware that the Italian Government have prohibited the import of goods from India or that they have exercised any discrimination against Indian insurance companies.

**Mr. M. Ananthasayanam Ayyangar :** Is it not a fact, Sir, that the only Indian Insurance Company which was carrying on business in Italy has been banned or prohibited from doing its business there ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware that his predecessor in office.....

**Mr. President** (The Honourable Sir Abdur Rahim) : This question has been discussed very often.

**Mr. M. Ananthasayanam Ayyangar :** The information placed before the House by the Honourable Member's predecessor was that such restrictions.....

**Mr. President** (The Honourable Sir Abdur Rahim) : All right, the Honourable Member may put the question.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware that his predecessor admitted that there were such restrictions imposed on Indian companies doing business in Italy and that he was negotiating with the Italian Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** What I have replied to is not that there are no restrictions, but that there is no discrimination.

**Mr. T. S. Avinashilingam Chettiar :** Between Italian and Indian Companies ?

**The Honourable Sir Muhammad Zafrullah Khan :** Between Indian companies and any other non-Italian companies carrying on business.

**Mr. S. Satyamurti :** Are there any Italian companies doing business in India ?

**The Honourable Sir Muhammad Zafrullah Khan :** I would require notice of that, Sir.

**Mr. S. Satyamurti :** Will the Honourable Member inquire and find out if there are any such and discriminate against them in India ?

**The Honourable Sir Muhammad Zafrullah Khan :** As I have said, I have discovered no discrimination against Indian companies in Italy. As a matter of fact, after notice of this question was received, this matter was brought to the notice of the Indian Trade Commissioner in Milan, and he has investigated the question, and he informs us that he has not been able to discover any discrimination.

**Mr. M. Ananthasayanam Ayyangar :** If such restrictions have been imposed upon the carrying on of business by Indian companies in Italy, why should not similar restrictions be imposed on such of the Italian companies as are doing business in India ?

**The Honourable Sir Muhammad Zafrullah Khan :** Restrictions have been imposed on all insurance companies generally in Italy. They are not encouraging at the moment new insurance companies in Italy.

#### DEMOLITION OF A HINDU TEMPLE BY THE RANGOON DEVELOPMENT TRUST.

715. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that the Rangoon Development Trust recently demolished a Hindu temple of Sri Padmavati Awman, built about 60 years ago by, and for the worship by, Indian sepoys in the Rangoon cantonment area ?

(b) Is it true that the demolition was made so as to obtain more land for the extension of golf links ?

(c) Are Government aware that the image of the Goddess was unceremoniously carried away and is locked up in the 'Trusts' store room, in spite of the remonstrances by the sepoys and other worshipping public?

(d) Has a copy of the resolutions, passed at a public meeting held by the ex-Indian sepoys on 5th August, 1935, at Myenigon, been received by His Excellency the Commander-in-Chief, and if so, what action has been taken thereon?

**The Honourable Sir Henry Craik :** (a) The temple to which the Honourable Member refers has been removed by order of the Rangoon Development Trust in view of a scheme for the development of this part of Rangoon. I lay on the table a copy of the Press Communiqué issued by the Government of Burma on the 23rd July last, which explains the facts and from which it will be seen that the worshippers were consulted in the matter though they have no right to the site in question.

(b) No. The Rangoon Golf Club has applied for a lease of an area including the site of the temple but no orders have been passed on the application and the decision to develop the area was made on grounds wholly independent of the application.

(c) I understand that the Rangoon Development Trust was obliged to take charge of the image owing to the fact that the two parties interested in the temple were unable to agree as to which should take charge of it. It is still in the possession of the Trust but is treated with due respect to religious feeling and arrangements have been made for daily worship to be performed by a Brahmin. The parties concerned have been informed that the image will be handed over on a joint representation being made, but they are unable to compose their differences.

(d) Yes. The resolutions have been forwarded to the Government of Burma.

*Press Communiqué.*

Some dissatisfaction has been expressed at the action of the Rangoon Development Trust in removing the Hindu Temple on Upper Voyle Road to another site, and the Local Government thinks it desirable to explain the reasons for the removal. The land on which it stands was formerly part of Rangoon Cantonment, and the military authorities apparently permitted it to be used by the troops in the old Lascar Lines for a temple. Since the transfer of the troops to Mingaladon the temple which is built of temporary materials, has been mainly used by the inhabitants of Myenigon. The managers have no title of any kind to the site, which is vested in the Rangoon Development Trust, and during the present year, in view of the Trust's intention to develop and lay out the surrounding area, they were required to quit. The Trust entered into negotiations with two parties of the regular worshippers, both of whom held meetings and both of whom at first agreed to accept the Trust's offer of cash compensation and a free grant of a new site in Myenigon. The signatures of over 40 worshippers were appended to the letter in which one party signified their agreement. This letter expressed gratification that the new site was to be in East Myenigon. In May, however, after further meetings at which resolutions were passed protesting against the action of the Trust, the temple representatives withdrew their agreement; and they joined the Burma Provincial Hindu Sabha in an appeal to the Chairman against the Land Officer's order for the evacuation of the site, on the ground that the temple had existed for many years and that its removal to another place would be contrary to the Hindu religion. The Chairman's order dismissing the appeal pointed out that the Development Trust had removed a number of Hindu

temples to new sites from time to time by agreement with their managers, and that no religious objection had been raised. Moreover, if there had been any strength in the argument based on religious objection, the two bodies of worshippers would not have agreed to the exchange of sites in the first instance. The land is required for the improvement of the neighbourhood, and the new site, which it is proposed to allot free in Myenigon, will be more convenient for the worshippers and should thus help to benefit the temple funds.

23rd July, 1935.

**Mr. M. Ananthasayanam Ayyangar :** With reference to the answer to clause (b), is not a fact that the extension is used for the purposes of having golf links? Otherwise, what is the other purpose?

**The Honourable Sir Henry Craik :** No, the Rangoon Golf Club has applied for a lease of an area including the site of the temple, but no orders have been passed on the application, and the decision to develop the area was made on grounds wholly independent of the application.

**Mr. M. Ananthasayanam Ayyangar :** For what purpose is the development intended?

**The Honourable Sir Henry Craik :** I require notice of that.

RE-IMPOSITION OF EXCISE DUTY ON COTTON.

716. **Dr. T. S. S. Rajan :** (a) Have Government received any representation from Lancashire Cotton Committee, or other similar bodies in the United Kingdom, requesting them to levy a cotton excise duty in India? If so, will Government be pleased to lay on the table of this House a copy of the correspondence relating to this subject?

(b) Are Government contemplating the reimposition of the cotton excise duty on financial consideration, apart from the requisition from interested quarters?

**The Honourable Sir James Grigg :** (a) No.

(b) In matters of taxation Government do not announce their intentions in advance—whether those intentions are positive or negative.

**Mr. S. Satyamurti :** May I know if the Honourable the Finance Member is aware of the strong feeling against this excise duty when it was in existence, and that it should not be revived in any form or to any degree in this country?

**The Honourable Sir James Grigg :** The answer to the first part is "Yes". I did not hear the second part.

**Mr. S. Satyamurti :** Is the Honourable Member aware of the strong feeling that it should not be revived?

**The Honourable Sir James Grigg :** I am aware of that opinion.

**Prof. N. G. Ranga :** Is it not a fact that the handloom weavers did protest when this cotton excise duty was abolished, without showing them any compensatory benefit and that the handloom weavers even today are not so very much averse to the re-imposition of the excise duty provided of course that the interests of the Indian mill industry are not damaged?

**The Honourable Sir James Grigg :** I gather that opinion on this subject is not unanimous in the Party opposite.

**Mr. S. Satyamurti :** Are Government aware, quite apart from any communication, of any move on the part of the Lancashire Cotton Committee on the lines indicated in the first part of the question ?

**The Honourable Sir James Grigg :** I personally am not aware of any such thing.

#### BOMBAY-LANCASHIRE PACT.

717. **\*Dr. T. S. S. Rajan :** (a) Have Government given effect to the Bombay-Lancashire pact and if not, why not ?

(b) Are Government aware that Indian mercantile opinion is opposed to the Bombay-Lancashire pact ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). The Honourable Member's attention is directed to the Debates on the Indian Tariff (Textile Protection) Amendment Act, 1934.

**Mr. S. Satyamurti :** Are Government aware that the Indian mercantile community is opposed to this pact ?

**The Honourable Sir Muhammad Zafrullah Khan :** May I draw the Honourable Member's attention to the previous question and the supplementary questions on this subject answered on the 13th February, 1935 ?

**Mr. S. Satyamurti :** What is the position of Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** The position of Government has not changed. Exactly the same questions were put on that occasion.

#### INDO-BRITISH TRADE AGREEMENT.

718. **\*Dr. T. S. S. Rajan :** (a) Are Government aware of the decision of this House with regard to the Indo-British trade agreement which was supplementary to the Mody-Lees pact ?

(b) What action do Government propose to take on the decision of this House with regard to this question ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes.

(b) The Honourable Member's attention is invited to the replies given by Sir Joseph Bhore to the supplementary questions to question No. 206 by Mr. S. Satyamurti on the 13th February, 1935, to which I have just drawn attention.

**Mr. S. Satyamurti :** Have Government considered this question, at any time after the answer was given ?

**The Honourable Sir Muhammad Zafrullah Khan :** As a matter of fact all the relevant considerations and every question that could possibly be put on that occasion were fully discussed and Government gave full replies, even to the extent of answering a question as to whether the matter had been receiving the attention of the Executive Council or not.

**Mr. S. Satyamurti :** That question was answered six months ago. I am now asking whether Government have considered this matter any time after that date ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question was then directed to finding out whether Government had changed their mind and the Government gave their replies after considering the decision of the House. Government do not reconsider every question on every day of the year, with a view to coming to a different decision.

**Mr. S. Satyamurti :** I am glad that the Government are consistent. Did Government consider this matter before they appointed a Textile Tariff Board and invite British interests to give evidence ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government naturally considered the matter at the time of the appointment of the Board.

**Babu Baijnath Bajoria :** Have Government given six months notice for the termination of the Ottawa Agreement ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question does not relate to the Ottawa Agreement.

#### RECOGNITION OF HOMŒOPATHY AS A STATE MEDICAL SCIENCE.

719. **\*Pandit Sri Krishna Dutta Paliwal :** Will Government please state whether they intend to recognise Homœopathy as a state medical science ? If so, when ? If not, why not ?

**The Honourable Sir Girja Shankar Bajpai :** The practice of no species of medical "science" is prohibited and the question of recognition does not, therefore, arise.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if these homœopathic physicians are recognised by Government ?

**The Honourable Sir Girja Shankar Bajpai :** I have already informed the House that, inasmuch as the practice of no kind of medicine is prohibited, the question of recognition does not arise.

**Mr. Lalchand Navalrai :** In the case of allopathy, the sub-assistant surgeons are registered. Therefore, I want to know whether these men are also registered.

**The Honourable Sir Girja Shankar Bajpai :** My Honourable friend will be aware that registration is under Provincial Acts and not under Central Acts.

**Mr. Lalchand Navalrai :** Has the Honourable Member no information whether the homœopathic sub-assistants are registered or not ?

**The Honourable Sir Girja Shankar Bajpai :** I have not yet known a homœopathic sub-assistant !

**Mr. Lalchand Navalrai :** I am asking whether these homœopathic practitioners are registered ?

**The Honourable Sir Girja Shankar Bajpai :** They are not registered.

#### CASTE NAME OF JATAVA COMMUNITY.

720. **\*Pandit Sri Krishna Dutta Paliwal :** (a) Are Government aware that the community known in the United Provinces, Central India, Delhi Province, the Punjab, and Rajputana as Jatava, Jatuve, Jatuva desire to be designated by their real and correct name Jatava (Yadav) ?

(b) Have Government received any representation from the above community to that effect?

(c) Do Government intend to give official sanction to the caste name Jatava (Yadav) to the community mentioned above? If so, when? If not, why not?

(d) Do Government intend to instruct the Provincial Governments to the effect that the above caste name of the Jatava community be registered and used in public documents and the official papers?

**The Honourable Sir Henry Craik :** (a) I am aware that such claims were made at the last Census.

(b) I cannot reply positively to this question, as it has not been found possible to make a complete search among the records.

(c) and (d). I do not think it is the function of the Government of India to sanction a particular name for a community; and it can hardly be expected that the Government of India should issue a direction to a Provincial Government as to the name by which a community in that province should be called.

#### PERSONNEL AND REPORTS, ETC., OF THE TARIFF BOARD.

721. \***Pandit Govind Ballabh Pant :** Will Government lay on the table a statement showing :

- (a) the personnel of the Tariff Board as it was constituted from time to time; and
- (b) the questions referred to the Tariff Board, with the following particulars with reference to each question :
  - (i) the date of reference to the Board;
  - (ii) the recommendation of the Board with the dates of their report and of its publication; and
  - (iii) the decision of Government, with the dates when the decision was reached and when it was published?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) I would refer the Honourable Member to the statement laid on the table of the House in reply to Professor N. G. Ranga's question No. 479 on the 23rd February, 1935. Since then Messrs. G. Wiles and H. R. Batheja have been reverted to their respective Provinces.

(b) (i), (ii) and (iii). I lay on the table a statement showing the details asked for so far as they are available. The recommendations of the Tariff Board on each enquiry are set out in the Reports, copies of which are supplied, on publication, to every Member of the Legislature and are also placed in the Library of the House.

Statement showing the enquiries made by the Tariff Board with dates of reference to it, and the submission of reports and the decisions of the Government of India thereon.

| Subject of enquiry.                                                    | Number and date of the Resolution referring the enquiry to the Tariff Board. | Date of submission of the Report. | Resolutions issued with their dates; or legislative action undertaken by the Government of India.                                                                                                                                                                                |
|------------------------------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                                                                      | 2                                                                            | 3                                 | 4                                                                                                                                                                                                                                                                                |
| 1. Grant of protection to the Steel Industry (1924).                   | No. 3748, dated the 10th July, 1923.                                         | 15th March, 1924                  | Legislation was undertaken. The Steel Industry (Protection) Act, 1924.                                                                                                                                                                                                           |
| 2. Removal of the import duty on sulphur (1924).                       | No. 4954, dated the 5th October, 1923.                                       | 17th March, 1924                  | Resolutions, were moved in the Council of State and Legislative Assembly on the 4th and 6th June 1924 respectively and effect was given to the recommendations of the Tariff Board by the Finance Department (Central Revenues) Notification No. 2238, dated the 9th June, 1924. |
| 3. Increase of duties on Steel (1924)                                  | No. 280-T (15), dated the 8th October, 1924.                                 | 8th November, 1924                | Resolution No. 280-T. (15), dated the 27th November, 1924. A Resolution was also moved and adopted in the Legislative Assembly on the 26th January, 1925.                                                                                                                        |
| 4. Grant of protection to the Magnesium Chloride Industry (1925).      | No. 38-T., dated the 10th April, 1924.                                       | 26th February, 1925               | Resolution No. 5-T. (2), dated the 6th June, 1925.                                                                                                                                                                                                                               |
| 5. Grant of protection to the Printers' Ink Industry (1925).           | Ditto                                                                        | 26th February, 1925               | Legislation undertaken under the Indian Tariff (Amendment) Act, 1926.                                                                                                                                                                                                            |
| 6. Grant of protection to the Cement Industry (1925).                  | Ditto                                                                        | 26th February, 1925               | Resolution No. 16-T. (4), dated the 1st August, 1925.                                                                                                                                                                                                                            |
| 7. Grant of protection to the Paper and Paper Pulp Industries ((1925). | Ditto                                                                        | 5th May, 1925                     | Legislation undertaken under the Bamboo Paper Industry (Protection) Act, 1925.                                                                                                                                                                                                   |
| 8. Grant of Supplementary protection to the Steel Industry (1925).     | No. 280-T. (37), dated the 18th June, 1925.                                  | 13th August, 1925                 | A Resolution was moved and passed in the Legislative Assembly on 16th September, 1926.                                                                                                                                                                                           |

| Subject of enquiry.<br>1                                                                               | Number and date of the Resolution referring the enquiry to the Tariff Board.<br>2 | Date of submission of the Report.<br>3 | Resolutions issued with their dates ; or legislative action undertaken by the Government of India.<br>4                                                                                                              |
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| 9. Removal of the duty on Spelter and enhancement of the duty on imported galvanized hardware (1926).  | No. 38-T. (2), dated the 28th March, 1925.                                        | 14th April, 1926..                     | Resolution No. 267-T. (2), dated the 3rd July, 1926.                                                                                                                                                                 |
| 10. Grant of protection to the Wire and Nail Industry (1926).                                          | No. 260-T. (37), dated the 18th June, 1925.                                       | 14th April, 1926..                     | Resolution No. 362-T. (3), dated the 17th July, 1926.                                                                                                                                                                |
| 11. Grant of protection to the Coal Industry (1926).                                                   | No. 47-T. (49), dated the 30th September, 1925.                                   | 14th April, 1926..                     | Resolution No. 47-T. (78), dated the 17th July, 1926.                                                                                                                                                                |
| 12. Grant of protection to the Ship-building Industry (1926).                                          | No. 221-T., dated the 28th March, 1925.                                           | 14th April, 1926..                     | Resolution No. 221-T. (2), dated the 14th August, 1926.                                                                                                                                                              |
| 13. Continuance of protection to the Steel Industry (1927).                                            | No. 260-T. (64), dated the 3rd April, 1926.                                       | 14th December, 1926                    | Legislation was undertaken under the Steel Industry (Protection) Act, 1927.                                                                                                                                          |
| 14. Changes in the tariff entries relating to Printing Paper (1927).                                   | No. 202-T. (16), dated the 19th May, 1927.                                        | 13th July, 1927..                      | Legislation was undertaken under the Bamboo Paper Industry (Protection) Act, 1927.                                                                                                                                   |
| 15. Grant of protection to the Cotton Mill Industry (1927).                                            | No. 341-T. (9), dated the 10th June, 1926.                                        | 21st January, 1927                     | Resolution No. 341-T. (27), dated the 7th June, 1927. The Indian Tariff Cotton Yarn (Amendment) Act, 1927 and the Indian Tariff (Amendment) Act, 1927 to remove or reduce customs duty on machinery and mill stores. |
| 16. Tariff equality in respect of the manufacture of Camel hair, cotton and canvas ply belting (1927). | No. 38-T. (2), dated the 28th March, 1925.                                        | 28th October, 1927                     | Resolution No. 38-T. (4), dated the 10th February, 1928. Necessary changes included in the Indian Tariff (Amendment) Act, 1928.                                                                                      |
| 17. Grant of protection to the Plywood and Tea cheat Industry (1927).                                  | No. 483-T., dated the 26th May, 1927.                                             | 20th September, 1927                   | Resolution No. 483-T. (4), dated the 18th February, 1928.                                                                                                                                                            |

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| 18. Grant of protection to the manufacture of Railway wagons and under-frames, Component parts thereof, and Wire and Wire Nails (1927). | No. 260-T. (64), dated the 3rd April, 1926.       | 27th June, 1927    | Resolution No. 260-T. (92), dated the 25th February, 1928.<br>The Steel Industry (Protection) Act, 1928.                                                                                                                                                                                                                               |
| 19. Grant of protection to the Match Industry (1928).                                                                                   | No. 225-T. (14), dated the 2nd October, 1926.     | 9th April, 1928 .. | Resolution No. 235-T. (24), dated the 1st September, 1928.<br>The Match Industry (Protection) Act, 1928.                                                                                                                                                                                                                               |
| 20. Grant of protection to the Oil Industry (1928).                                                                                     | No. 141-T. (39), dated the 26th March, 1928.      | 23rd June, 1928    | Resolution No. 141-T. (48), dated the 12th September, 1928.                                                                                                                                                                                                                                                                            |
| 21. Tariff equality in respect of the manufacture of electric wires and cables (1928).                                                  | No. 38-T. (2), dated the 28th March, 1925.        | 16th August, 1928  | Legislation was undertaken under the Indian Tariff (Amendment) Act, 1929.                                                                                                                                                                                                                                                              |
| 22. Tariff equality in respect of the manufacture of Printing Type (1929).                                                              | Do.                                               | 4th January, 1929  | Legislation was undertaken under the Indian Tariff (Amendment) Act, 1929.                                                                                                                                                                                                                                                              |
| 23. Tariff equality in respect of the manufacture of Manila rope (1929).                                                                | Do.                                               | 4th January, 1929  | Resolution No. 38-T. (9), dated the 8th June, 1929.                                                                                                                                                                                                                                                                                    |
| 24. Salt Industry (1930) ..                                                                                                             | No. 601-T. (1), dated the 25th July, 1929.        | 7th June, 1930 ..  | Press Communiqué dated 13th September, 1930 issued by the Central Board of Revenue.                                                                                                                                                                                                                                                    |
| 25. Sugar Industry (1931) ..                                                                                                            | No. 127-T. (19), dated the 20th May, 1930.        | 29th January, 1931 | Resolution No. 127-T. (29), dated the 30th January, 1932.<br>Legislation was undertaken under the Sugar Industry (Protection) Act, 1932.                                                                                                                                                                                               |
| 26. Additional protection for Galvanised sheets (1930).                                                                                 | No. 260-T. (122), dated the 30th September, 1930. | 17th October, 1930 | Resolution No. 260-T. (127), dated the 30th December, 1930.<br>A Resolution was adopted in the Legislative Assembly on 28th January, 1931 and in the Council of State on 26th February, 1931 ; and effect was given by Executive action. Notifications No. 260-T. (127), dated 30th December, 1930 and 31st March, 1931, respectively. |

[26TH SEP. 1935.]

| Subject of enquiry.<br>1                             | Number and date of the Resolution referring the enquiry to the Tariff Board.<br>2 | Date of submission of the Report.<br>3 | Resolutions issued with their dates; or legislative action undertaken by the Government of India.<br>4                                            |
|------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| 27. Gold thread Industry (1930) ..                   | No. 180-T. (12), dated the 15th May, 1930.                                        | 8th October, 1930                      | Legislation was undertaken under the Gold Thread Industry (Protection) Act, 1931.                                                                 |
| 28. Certain Railway Materials made of steel (1930).  | No. 38-T. (16), dated the 15th May, 1930.                                         | 17th October, 1930                     | Legislation was undertaken under the steel Industry (Protection) Act, 1931.                                                                       |
| 29. Steel Rails (1931) ..                            | No. 260-T. (124), dated the 1st December, 1930.                                   | 3rd January, 1931                      | Resolution was moved in the Legislative Assembly on the 1st April, 1931, and effect was given to the Board's recommendations by executive action. |
| 30. Removal of the Revenue Duty on Pig Iron (1930).  | No. 38-T. (3), dated the 28th March, 1925.                                        | 8th August, 1929                       | Resolution No. 38-T. (14), dated the 13th June, 1931.                                                                                             |
| 31. Heavy Chemical Industry (1929) ..                | No. 199-T. (8), dated the 16th July, 1928.                                        | 24th May, 1929 ..                      | Resolution No. 199-T. (11), dated the 5th September, 1931. Heavy Chemical Industry (Protection) Act, 1931.                                        |
| 32. Magnesium Chloride Industry (1929) ..            | No. 199-T. (8), dated the 16th July, 1928.                                        | 3rd June, 1929 ..                      | Resolution No. 5-T. (6), dated the 5th September, 1931. Heavy Chemical Industry (Protection) Act, 1931.                                           |
| 33. Paper and Paper Pulp Industry (1931) ..          | No. 202-T. (26), dated the 26th March, 1931.                                      | 15th October, 1931                     | Resolution No. 202-T. (28), dated the 3rd February, 1932. Bamboo Paper Industry (Protection) Act, 1932.                                           |
| 34. Wire and Wire Nail Industry (1931) ..            | No. 362-T. (11), dated the 7th May, 1931.                                         | 15th October, 1931                     | Resolution No. 362-T. (16), dated the 3rd February, 1932. Wire and Wire Nail Industry (Protection) Act, 1932.                                     |
| 35. Manufacture of Electric Wires and Cables (1931). | No. 707-T. (1), dated the 11th May, 1931.                                         | 15th October, 1931                     | Resolution No. 707-T. (5), dated the 6th February, 1932.                                                                                          |

|                                                                                            |                                                |                     |                                                                                              |
|--------------------------------------------------------------------------------------------|------------------------------------------------|---------------------|----------------------------------------------------------------------------------------------|
| 36. Additional protection to the Cotton Textile Industry (1932).                           | No. 341-T. (161), dated the 25th July, 1932.   | 2nd August, 1932    | Resolution No. 341-T. (164), dated the 30th August, 1932.                                    |
| 37. Extension of protection to the Cotton Textile Industry (1932).                         | No. 341-T. (150), dated the 9th April, 1932.   | 10th November, 1932 | Legislation was undertaken under the Indian Tariff (Textile Protection) Amendment Act, 1934. |
| 38. Grant of Protection to the Glass Industry (1932).                                      | No. 458-T. (2), dated the 20th October, 1931.  | 17th March, 1932    | Resolution No. 458-T. (14), dated the 22nd June, 1935.                                       |
| 39. Grant of protection to the Sericultural Industry (1932).                               | No. 607-T. (1), dated the 3rd December, 1932.  | 15th May, 1933 ..   | Legislation was undertaken under the Indian Tariff (Textile Protection) Amendment Act, 1934. |
| 40. Continuance of protection to the Iron and Steel Industry (1934).                       | No. 260-T. (8), dated the 26th August, 1933.   | 19th April, 1934    | Legislation was undertaken under the Indian Iron and Steel Duties Act, 1934.                 |
| 41. Removal of tariff inequality in respect of carbon brushes and Healds and Reeds (1934). | No. 38-T. (2), dated the 28th March, 1925.     | 15th May, 1934      | Resolution No. 38-T. (10), dated the 23rd March, 1935.                                       |
| 42. Removal of tariff inequality in respect of shuttles (1935).                            | No. 38-T. (2), dated the 28th March, 1925.     | 11th February, 1935 | Under consideration.                                                                         |
| 43. Grant of protection to the woollen textile Industry (1935).                            | No. 9-T. (2)/34, dated the 20th October, 1934. | 10th June, 1935     | Under consideration.                                                                         |



**Mr. Lalchand Navalrai :** May I know why these gentlemen were reverted to their appointments ?

**The Honourable Sir Muhammad Zafrullah Khan :** So far as I am aware, Mr. Wiles obtained another appointment which he preferred to the one he was holding, and Mr. Batheja, I believe, for reasons of health wanted to be relieved of his duties, but, in any case, I might emphasise that each Board is constituted for a particular inquiry, and, when a new inquiry is started, it is open to Government to appoint any Board for that particular inquiry.

**Pandit Govind Ballabh Pant :** Will Government be pleased to state in how many cases, during the last five years, they have disregarded the recommendations of the Tariff Board in favour of the imposition of protective duties ?

**The Honourable Sir Muhammad Zafrullah Khan :** That obviously is a question which I cannot answer in reply to a supplementary question.

**Pandit Govind Ballabh Pant :** Is it a fact that Government have, of late, shown a tendency to disregard the recommendations of the Tariff Board wherever those recommendations have been in favour of the imposition of protective duties ?

**The Honourable Sir Muhammad Zafrullah Khan :** A question put in that form is tendentious and I cannot answer it.

**Pandit Govind Ballabh Pant :** May I know how the question is tendentious ? I am asking the Government whether it is or it is not a fact : I do not insinuate anything.

**Mr. President (The Honourable Sir Abdur Rahim) :** It is tendentious.

**Pandit Govind Ballabh Pant :** Have Government accepted all the recommendations of the Tariff Board in favour of the imposition of protective duties in the last five years ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Pandit Govind Ballabh Pant :** In how many cases were such recommendations made ?

**The Honourable Sir Muhammad Zafrullah Khan :** Of that, I would require notice.

**Pandit Govind Ballabh Pant :** In how many cases were such recommendations not accepted ?

**The Honourable Sir Muhammad Zafrullah Khan :** My previous answer covers this part of the question.

**Pandit Govind Ballabh Pant :** Is it a fact that such recommendations were uniformly accepted during the past five years ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot say, Sir.

**Pandit Govind Ballabh Pant :** Sir, is it a fact that the Indian Fiscal Commission as well as the Industrial Commission were in favour of a

permanent Tariff Board in place of the *ad hoc* Tariff Boards being appointed for particular industries ?

**The Honourable Sir Muhammad Zafrullah Khan :** Of that, I would require notice ; it does not arise out of this question.

# REFERENCE OF THE QUESTION OF THE INDIAN TEXTILE INDUSTRY TO THE TARIFF BOARD.

722. **\*Pandit Govind Ballabh Pant :** (a) Do Government intend to refer the question of the Indian textile industry to the Tariff Board in the near future ?

(b) Do Government intend to ask the Tariff Board to examine this matter in the light of the provisions of what is known as the Mody-Lees Pact ?

(c) Is there any intention of changing the personnel or constitution of the Board and of substituting a European or an official in the place of the present President of the Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (b) and (c). The Honourable Member is referred to the Commerce Department Resolution No. 341-T. (12)/35, dated the 10th September, 1935, which was published in the Gazette of India Extraordinary of that date, copies of which are in the Library.

**Pandit Govind Ballabh Pant :** Why was the personnel of the last Tariff Board substituted by these individuals who were appointed by this Resolution for the purpose of examining the question of the British textile industry ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already answered that question in answer to a supplementary question by the Honourable Member, Mr. Lalchand Navalrai.

**Pandit Govind Ballabh Pant :** Will the debate on the Indo-British Trade Agreement be referred to this Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not understand what is meant by referring the "debate" to the Board.

**Pandit Govind Ballabh Pant :** Will the volume, containing the report of the proceedings held on the floor of this House with reference to the Indo-British Trade Agreement, be sent for consideration to the Tariff Board that has been appointed to consider the question of the textile industry ?

**The Honourable Sir Muhammad Zafrullah Khan :** If the Board ask for it, certainly.

**Pandit Govind Ballabh Pant :** Then, Government do not, of their own initiative, consider it advisable or expedient to send to the Board the opinions expressed by the Members of this House on the questions which the Board is going to consider ?

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, it is for the interests concerned to place such material before the Board as they

think will be relevant for the purposes of the inquiry which the Board is going to hold.

**Pandit Govind Ballabh Pant :** Is it a fact, then, that Government, of their own accord, will not send any papers to this Board at all ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir, not of their own accord.

**Pandit Govind Ballabh Pant :** Government then will not send them any material whatsoever ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already said that it is for the interests concerned to place such material as they choose which they think to be relevant to the inquiry before the Board.

**Mr. T. S. Avinashilingam Chettiar :** What material, then, do Government propose to place before the Board ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### EXPORTS AND IMPORTS OF CERTAIN COMMODITIES.

723. **\*Pandit Govind Ballabh Pant :** (a) Will Government lay on the table a statement showing the comparative figures for the months of April to July for the current and the preceding year, of the exports and imports of India of :

(i) raw produce,

(ii) manufactured goods, and

(iii) (1) gold and (2) other precious metals ?

(b) What is the nature and the extent of the balance of trade in each of the last four months, if the item relating to gold and silver is not taken into account ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The information asked for by the Honourable Member is given in the Accounts relating to the Sea-borne Trade and Navigation of British India for the month of July, 1935, a copy of which is in the Library of the Legislature.

(b) The balance of trade in merchandise in each of the last four months. April to July, 1935, was as follows :

Rs.  
(Lakhs.)

|               |     |                     |
|---------------|-----|---------------------|
| April .. .. . | 54  | Adverse to India.   |
| May .. .. .   | 348 | In favour of India. |
| June .. .. .  | 295 | do.                 |
| July .. .. .  | 206 | do.                 |

#### DIFFERENCE IN THE CUSTOMS AND EXCISE REVENUE.

724. **\*Pandit Govind Ballabh Pant :** (a) What is the difference for the months of April to July, 1935 and 1934 in the matter of (i) customs, and (ii) excise revenue ?

(b) In which cases have the imports gone up and from which countries and why ?

(c) What steps have Government taken for the revision of customs and tariffs so far ?

**The Honourable Sir James Grigg :** (a) and (b). The figures desired by the Honourable Member are available from the monthly statements showing the total gross Indian sea and land customs revenue and from the Accounts relating to the Sea-borne Trade and Navigation of British India for July, 1935. Copies of these publications are placed in the Library. It is not possible to give reasons for all the increases and decreases under the various items.

(c) I would refer to my remarks in the Assembly on the 6th March last (page 1777) and again on the 11th March (pages 2152-53).

**Pandit Govind Ballabh Pant :** Have Government arrived at any decision regarding the revision of the customs tariff ?

**The Honourable Sir James Grigg :** If the Honourable Member will look at my remarks, to which I have just referred, he will see that there are certain conditions preliminary to any decision on that point to be fulfilled.

**Pandit Govind Ballabh Pant :** And I conclude that those conditions have not yet been fulfilled and, accordingly, Government have not yet arrived at any decision ?

**The Honourable Sir James Grigg :** The Honourable Member can conclude that up to the time of the last Budget ; six months have elapsed since the last Budget. In any case, if I have arrived at any conclusion in these six months, I would not tell the Honourable Member till the next Budget. (Laughter.)

#### INCOME AND EXPENDITURE OF STATE RAILWAYS.

725. **\*Pandit Govind Ballabh Pant :** (a) How does the income and expenditure of each of the State Railways for the first quarter of the current financial year compare with that of the last year ?

(b) Will Government state the yield from passengers and goods traffic in each case ?

(c) How do Government account for the variations ?

(d) Have Government any intention of revising the Railway tariff, specially for goods ?

(e) What measures do Government intend taking to reduce the expenditure ?

**Mr. P. R. Rau :** (a), (b) and (c). I am placing on the table statements giving the information available.

(d) and (e). I would refer the Honourable Member to the reply given to Mr. Satyamurti's question No. 405 on the 16th September, 1935.

*Approximate gross earnings of the State-owned Railways from 1st April, 1925 to 30th June, 1935, as compared with the actuals of the corresponding period of last year.*

| Railways                                                                   | From 1st April to |                  | (Figures in lakhs of Rs.) Increase (+) Decrease (—) as compared with the figures for the previous year. |
|----------------------------------------------------------------------------|-------------------|------------------|---------------------------------------------------------------------------------------------------------|
|                                                                            | 30th June, 1934.  | 30th June, 1935. |                                                                                                         |
|                                                                            | Rs.               | Rs.              | Rs.                                                                                                     |
| Assam Bengal .. ..                                                         | 46                | 37               | —9                                                                                                      |
| Bengal Nagpur .. ..                                                        | 212               | 220              | +8                                                                                                      |
| Bombay, Baroda and Central India.                                          | 290               | 291              | +1                                                                                                      |
| Burma .. ..                                                                | 99                | 97               | —2                                                                                                      |
| Eastern Bengal .. ..                                                       | 110               | 120              | +2                                                                                                      |
| East Indian .. ..                                                          | 489               | 479              | —10                                                                                                     |
| Great Indian Peninsula ..                                                  | 326               | 322              | —10                                                                                                     |
| Madras and Southern Mahratta                                               | 193               | 173              | —20                                                                                                     |
| North Western .. ..                                                        | 362               | 353              | —9                                                                                                      |
| South Indian .. ..                                                         | 137               | 133              | —4                                                                                                      |
| Tirhoot and Lucknow Bareilly                                               | 55                | 51               | —4                                                                                                      |
| Other Railways (Bezwada, Dhone Kurnool and Jodhpur Hyderabad Br. Section). | 12                | 12               | ..                                                                                                      |
| <b>Total ..</b>                                                            | <b>2,339</b>      | <b>2,288</b>     | <b>—51</b>                                                                                              |

*Approximate ordinary working expenses including suspense but excluding appropriation to and from depreciation fund of State-owned Railways from 1st April to 30th June, 1935, as compared with the actuals of the corresponding period of last year :—*

| Railways.                                                          | From 1st April to |                  | (Figures in lakhs of Rs.) Increase (+) Decrease (—) as compared with the figures for the previous year. |
|--------------------------------------------------------------------|-------------------|------------------|---------------------------------------------------------------------------------------------------------|
|                                                                    | 30th June, 1934.  | 30th June, 1935. |                                                                                                         |
|                                                                    | Rs.               | Rs.              | Rs.                                                                                                     |
| Assam Bengal .. ..                                                 | 28                | 28               | ..                                                                                                      |
| Bengal Nagpur .. ..                                                | 122               | 126              | +4                                                                                                      |
| Bombay, Baroda and Central India.                                  | 125               | 126              | +1                                                                                                      |
| Burma .. ..                                                        | 55                | 58               | +3                                                                                                      |
| Eastern Bengal .. ..                                               | 87                | 93               | +6                                                                                                      |
| East Indian .. ..                                                  | 227               | 223              | —4                                                                                                      |
| Great Indian Peninsula ..                                          | 161               | 163              | +2                                                                                                      |
| Madras and Southern Mahratta                                       | 79                | 81               | +2                                                                                                      |
| North Western .. ..                                                | 215               | 202              | —13                                                                                                     |
| South Indian .. ..                                                 | 64                | 66               | +2                                                                                                      |
| Tirhoot and Lucknow Bareilly                                       | 17                | 17               | ..                                                                                                      |
| Other Railways (Bezwada Ex., Dhone Kurnool and Jodhpur Hyderabad). | 7                 | 7                | ..                                                                                                      |
| <b>Total ..</b>                                                    | <b>1,187</b>      | <b>1,190</b>     | <b>+3</b>                                                                                               |

*Statement showing coaching and goods earnings of major Class I Railway Systems from 1st April to 30th June, 1935, as compared with the actuals of the corresponding periods of the previous year.*

(Figures in lakhs of Rs.)

| Major Railway System. |               | From 1st April to 30th June. |          | Difference Increase (+) Decrease (—). | Reasons for variations.                                                                                                                   |
|-----------------------|---------------|------------------------------|----------|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
|                       |               | 1934-35.                     | 1935-36. |                                       |                                                                                                                                           |
| A. B.                 | { Coaching .. | Rs. 15                       | Rs. 16   | Rs. +1                                | Mainly due to mela traffic and to breaches on the northern section of the line during the corresponding period of the previous year.      |
|                       | { Goods ..    | 21                           | 21       | —8                                    | Due to heavy bookings of Burma rice and salt from Chittagong port to local stations during the corresponding period of the previous year. |

(Figures in lakhs of Rs.)

| Major Railway System.       | From 1st April to 30th June. |          | Difference Increase (+) Decrease (-). | Reasons for variations.                                                                                                                             |
|-----------------------------|------------------------------|----------|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
|                             | 1934-35.                     | 1935-36. |                                       |                                                                                                                                                     |
|                             | Rs.                          | Rs.      | Rs.                                   |                                                                                                                                                     |
| B. N. { Coaching ..         | 48                           | 51       | +3                                    | Mainly under passenger earnings.                                                                                                                    |
| .. { Goods ..               | 161                          | 166      | +5                                    | Mainly under manganese ore, iron ore, lime, grains, sugar, and salt.                                                                                |
| B. B. & C. I. { Coaching .. | 123                          | 127      | +4                                    | Mainly under passenger earnings.                                                                                                                    |
| .. { Goods ..               | 181                          | 178      | -3                                    | Mainly under coal and coke, grains and pulses, cotton and oilseeds.                                                                                 |
| Burma { Coaching ..         | 26                           | 27       | +1                                    | Under passenger traffic.                                                                                                                            |
| .. { Goods ..               | 70                           | 67       | -3                                    | Under grains.                                                                                                                                       |
| E. B. .. Coaching ..        | 49                           | 51       | +2                                    | Mainly under passengers.                                                                                                                            |
| E. I. { Coaching ..         | 148                          | 154      | +6                                    | Chiefly under 3rd class passengers.                                                                                                                 |
| .. { Goods ..               | 340                          | 324      | -16                                   | Mainly under coal, grains, oilseeds, tea and gunny.                                                                                                 |
| G. I. P. { Coaching ..      | 106                          | 111      | +5                                    | Mainly under passenger earnings.                                                                                                                    |
| .. { Goods ..               | 231                          | 221      | -10                                   | Mainly under oilseeds, food grains other than wheat, cotton and salt.                                                                               |
| M. & S. M. .. Goods ..      | 139                          | 116      | -23                                   | Mainly under groundnuts, rice, jaggree, wheat and cotton seeds.                                                                                     |
| N. W. { Coaching ..         | 139                          | 140      | +1                                    | Mainly under passengers.                                                                                                                            |
| .. { Goods ..               | 231                          | 221      | -10                                   | Mainly under cotton raw, wheat, gram and pulse, oilseeds and petrol.                                                                                |
| S. I. { Coaching ..         | 74                           | 67       | -7                                    | Due to a fall in labour traffic to Ceylon, dull marriage season traffic and more festival traffic during the corresponding period of previous year. |
| .. { Goods ..               | 67                           | 70       | +3                                    | Mainly under cement, food grains cotton and miscellaneous traffic.                                                                                  |

**Prof. N. G. Ranga :** Have Government any intention of revising the railway tariff, especially for passengers ?

**Mr. P. R. Rau :** I think, Sir, that the reply given to Mr. Satya-murti's question covers all these points.

**Pandit Govind Ballabh Pant :** Is it a fact that the state of the railway finances is really deplorable ?

**Mr. P. R. Rau :** That is a matter of opinion ; I can only say that everybody interested in railways hopes for improvement as soon as possible.

**Pandit Govind Ballabh Pant :** Are Government taking any measures in order to effect economies in the administration of the Railways ?

**The Honourable Sir Muhammad Zafrullah Khan :** That question has, on several occasions, been answered during the course of this Session.

#### VACANCIES IN THE KING'S AND VICEROY'S COMMISSIONED RANKS.

726. **\*Pandit Govind Ballabh Pant :** (a) What is the total number of normal vacancies every year :

(i) in the King's Commissioned ranks in the Army located in India, including both British and Indian arms ; and

(ii) in the Viceroy's Commissioned ranks in the Indian Army ?

(b) Are any persons directly recruited to the latter ? If so, how many and since when ?

**Mr. G. R. F. Tottenham :** (a) (i). About 220, of which about 100 are in the British Service.

(ii) About 320.

(b) The practice of granting a few direct Viceroy's Commissions has existed for many years. The average number for each of the last three years is six.

**Pandit Govind Ballabh Pant :** Who are " directly " appointed as Viceroy's Commissioned Officers ?

**Mr. G. R. F. Tottenham :** The persons who are suitable therefor.

**Pandit Govind Ballabh Pant :** Is it necessary for them to possess any military qualifications before they are so appointed ?

**Mr. G. R. F. Tottenham :** They are generally people who come from military families and whose fathers and other relations have served in the army, and, therefore, have military traditions. That is the general rule.

#### CADETS OF THE INDIAN MILITARY COLLEGE, DEHRA DUN.

727. **\*Pandit Govind Ballabh Pant :** (a) How many cadets is the Indian Military College, Dehra Dun, intended to turn out annually ?

(b) How many of those cadets will receive King's Commissions, and what number will be absorbed in posts held by Viceroy's Commissioned officers so far ?

(c) Will the pay and prospects be identical in both cases and also with those of the British Officers holding King's Commissions ?

(d) What will be the financial effect of the replacement of the present system by direct recruitment from among the cadets of the Military Academy ? Will it deprive members of the regular Army of the opportunities for promotion which were available so far ?

**Mr. G. R. F. Tottenham :** (a) The annual intake of the Academy is 60 cadets for the Indian Army and 20 for the Indian State Forces. The output is intended to be in the neighbourhood of those figures.

(b) All except the Indian State Forces cadets will receive the King's Commission.

For several years to come, practically all Indian Commissioned officers, except those posted to the Indian Regiment of Artillery, will replace Viceroy's Commissioned officers.

(c) The pay and prospects of all officers commissioned from the Indian Military Academy will be identical. Their rates of pay are roughly the same as those of British officers serving in their own country, while the scale of promotion is identical with that of their British contemporaries in the Indian Army.

(d) The pay charges of an infantry battalion when fully Indianised will probably be several thousand rupees less than those of a non-Indianised battalion.

The rank and file of the former will not have the chance of rising above the rank of Warrant Officer in their own units, but they will be eligible for promotion to Viceroy's commissioned rank in non-Indianised units.

**Pandit Govind Ballabh Pant :** Is there any difference between the pay and emoluments of Indian officers holding the King's Commission in India and British officers holding the King's Commission in India ?

**Mr. G. R. F. Tottenham :** Yes, Sir, there is a difference.

**Pandit Govind Ballabh Pant :** What is its extent ?

**Mr. G. R. F. Tottenham :** I could not say off hand what the amount of the difference is.

**Sardar Mangal Singh :** Are Government prepared to take more cadets to the Dehra Dun College in view of the large number of vacancies in the King's Commissioned officers every year ?

**Mr. G. R. F. Tottenham :** I think the Honourable Member is referring to my answer to the last question which referred to the number of vacancies.

#### ALLEGATIONS AGAINST CERTAIN PEOPLE IN THE REPORTS PUBLISHED IN CERTAIN NEWSPAPERS ABOUT QUETTA AFTER THE EARTHQUAKE.

728. \***Pandit Govind Ballabh Pant :** (a) Have Government noticed the communications and grave charges pertaining to the behaviour of certain people in the reports about Quetta after the earthquake, published in the *Daily Herald* and the *Daily Worker* of London ? If so, have Government made any enquiry in the matter ?

(b) Will Government please lay the report of the enquiry on the table ?

**Mr. G. R. F. Tottenham :** The Honourable Member's attention is invited to the reply I gave to Mr. S. Satyamurti's starred question No. 7. on the 17th September, 1935.

#### ACQUISITION OF THE ROHILKUND AND KUMAON RAILWAY.

729. \***Pandit Govind Ballabh Pant :** (a) Have Government not yet decided to take over the management of the Rohilkund and Kumaon Railway ?

(b) Is it a fact that by far the major portion of the Rohilkund and Kumaon Railway belongs to the State ?

(c) What will the acquisition of the remaining portion held by the company cost ?

**Mr. P. R. Rau :** (a) Notice of termination, if decided upon, is to be given before the end of 1936. The question is under consideration.

(b) The portion owned by Government, namely the Lucknow-Areilly Section, comprises 312 miles out of a total mileage of about 711.

(c) Between 2 and 2½ crores.

**Pandit Govind Ballabh Pant :** Are Government aware of the fact that there is a general dissatisfaction with the present methods of the administration of the R. & K. Railway ?

**Mr. P. R. Rau :** Sir, my Honourable friend has brought various instances of what he considers mal-administration to my notice.

#### AVERAGE SALARY, EMOLUMENTS AND EXPENSES ON THE EDUCATION OF THE CHILDREN OF BRITISH AND INDIAN SOLDIERS.

730. \***Pandit Govind Ballabh Pant :** (a) Will Government lay on the table a statement showing full details of the average salary and emoluments of (i) a British and (ii) an Indian soldier ?

(b) What is the average amount spent by Government on the education of the child of (i) a British and (ii) an Indian soldier ?

(c) What is the total number of children of British soldiers in service ?

**Mr. G. R. F. Tottenham :** (a) I lay a statement on the table.

(b) (i). Rs. 184 a year.

(ii) Government do not undertake the education of the children of all Indian soldiers, but they provide special arrangements for each of them as desire to make the Army their profession at the King George's Royal Indian Military Schools at Jullundur, Jhelum and Ajmer. These Schools contain about 770 pupils and the approximate annual expenditure per pupil is Rs. 367.

(c) The information required by the Honourable Member is not readily available. Our records, however, show that there were 3,188 children of British soldiers attending schools on the 1st February, 1935.

## Statement.

## British soldiers:

(Privates enlisted after October 1925).

|                          | s. d.                          | Rs. A. P.          |
|--------------------------|--------------------------------|--------------------|
| Pay .. ..                | 2 0 per day.                   |                    |
| Proficiency pay .. ..    | 0 6 „ „                        |                    |
| Messing .. ..            | 0 3½ „ „                       |                    |
|                          | 2 9½ or Rs. 2-1-6 per day × 30 |                    |
| Clothing allowance .. .. |                                | 62 13 0 p. m.      |
|                          |                                | 7 6 0 p. m.        |
| Total                    |                                | 70 3 0 p. m. × 12  |
|                          |                                | 842 4 0 per annum. |

Calculated for 365 days, the total emoluments per annum will be Rs. 842-4-0 + (Rs. 2-1-6 × 5) = Rs. 10-7-6 = Rs. 852-11-6.

## Indian privates :—

|                                  | Rs. A. P.                             |
|----------------------------------|---------------------------------------|
| Pay .. ..                        | 16 0 0 p. m.                          |
| Proficiency pay .. ..            | 2 8 0 p. m.                           |
| Messing allowance .. ..          | 0 10 0 p. m.                          |
| Kit and clothing allowance .. .. | 2 10 0 p. m.                          |
| Deferred pay .. ..               | 2 0 0                                 |
|                                  | 23 12 0 × 12 = Rs. 285 0 0 per annum. |

**Pandit Govind Ballabh Pant :** What is the average expenditure incurred by the Government on the education of the children of Indian soldiers *per capita* ?

**Mr. G. R. F. Tottenham :** I could not work that out in answer to a supplementary question. I have given all the information available. The amount spent on the education of children of Indian soldiers is the amount required to pay for 770 children at Rs. 367 per head per annum. The total cost would be the result of that multiplication sum.

**Pandit Govind Ballabh Pant :** Is it a fact that the expenditure *per capita* would not come to over one anna ?

**Mr. G. R. F. Tottenham :** I could not say off hand, but I should think it was very unlikely.

## INDIANS, EUROPEANS AND ANGLO-INDIANS IN THE VARIOUS PORT TRUSTS.

731. **\*Pandit Govind Ballabh Pant :** (a) Will Government be pleased to state how the various Port Trusts are constituted, giving the names of the Chairman and members of each ?

(b) Is it a fact that certain Resolutions moved in the Council of State in 1922 and 1932, recommending the Indianisation of the services of the Port Trusts, were accepted by Government ?

(c) Will Government lay on the table a statement showing the number of Indians, Europeans and Anglo-Indians in the various Port Trust

services in posts carrying pay of more than Rs. 400 per mensem for the last ten years ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) I lay on the table a statement giving the latest information available.

(b) It is presumed that the Honourable Member refers to the Honourable Sir Pheroz Sethna's Resolutions in 1922 and 1932 asking respectively for measures to be taken "to increase the number of Indians in the higher grades" and "to secure a substantial improvement in the matter of Indianizing the services" of the Port Trusts. Both these Resolutions were accepted by Government.

(c) The information is being obtained and will be laid on the table when received.

## Statement showing the constitution of the Ports Trusts and the names of the Chairmen and Members thereof.

## Calcutta (Strength—19).

|                      |                                                                                                                                                                      |                                                                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Chairman           | Appointed by Local Government after consultation with Port Commissioners.                                                                                            | Mr. T. H. Elderton (on leave).<br>Mr. W. A. Burns (officiating).                                                                                                                 |
| 1 Deputy Chairman    | Appointed by Commissioners with the approval of the Local Government.                                                                                                | Lieutenant-Colonel H. H. Hudson, D.S.O., M.C. (officiating).                                                                                                                     |
| 5 Ex-officio Members | Agents of the East Indian, Bengal-Nagpur and Eastern Bengal Railways; Collector of Customs, Calcutta; and Principal Officer, Mercantile Marine Department, Calcutta. | Mr. A. V. Venables, Mr. L. G. W. Hill, Mr. K. L. Manley, Mr. W. J. Ward, and Captain L. W. Turbett.                                                                              |
| 12 Elected Members   | Bengal Chamber of Commerce—6                                                                                                                                         | Messrs. G. R. Campbell, A. L. B. Tucker, M. A. Hughes, K. J. Nicholson (on leave) E. H. Marshall (officiating), W. Hunter and J. Reid-Kay (on leave) D. J. Leckie (officiating). |

|                                                                             |                                                                 |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------|
| Calcutta Trades Association—1                                               | Mr. C. H. Pratt.                                                |
| Calcutta Corporation—1                                                      | Mr. Rajendra Narayan Banerjee.                                  |
| Bodies selected by Local Government from the Indian Mercantile community—4. | Mr. Nalini Ranjan Sarkar (Bengal National Chamber of Commerce). |

Mr. Kassim A. Mohammad (Muslim Chamber of Commerce).  
Mr. D. P. Khaitan (Indian Chamber of Commerce).  
Mr. J. C. Banerjee (Bengal National Chamber of Commerce).

*Bombay (Strength—22).*

|                    |                                                                                                               |                                                                                                                                                                                                                                                     |
|--------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Chairman         | .. Appointed by Local Government                                                                              | Mr. G. Wiles, C.S.I., C.I.E., I.C.S.                                                                                                                                                                                                                |
| 8 Members          | .. Nominated by Local Government of whom one is to be a Military Officer, and one a representative of Labour. | Rear-Admiral A. E. F. Bedford, C.B., R.N.; Mr. Syed Munawar; Mr. G. W. E. Arbuthnot, C.I.E.; Mr. I. H. Taunton, I.C.S., *Sir Maurice Brayshay, Kt.; Mr. Leonard Wilson; Mr. Meed Slade, I.C.S.; Major-General John Henry Foster Lakin, C.B., C.S.I. |
| 13 Elected Members | Bombay Chamber of Commerce—5.                                                                                 | Messrs. G. H. Cooke, W. G. Lely, J. J. Flockhait, F. H. French and R. C. Lowndes.                                                                                                                                                                   |
|                    | Indian Merchants' Chamber—5                                                                                   | Sir P. Thakurdas, Kt., C.I.E., M.B.E.; Messrs. L. R. Tairsee, Gordhandas, Goculdas Morarji, Mathradas Canji Mattani, and Ardeshir Darabshaw Shroff.                                                                                                 |
|                    | Bombay Municipal Corporation—2                                                                                | Messrs. Meyer Minsim and Hoosenally Mahommedbhoy Rahimtoola.                                                                                                                                                                                        |
|                    | Bombay Millowners' Association—1                                                                              | Mr. Andrew Geddis.                                                                                                                                                                                                                                  |

\*Now officiating Chief Commissioner of Railways. The name of his successor on the Bombay Port Trust Board is not known.

*Karachi (Strength—15).*

|                   |                                                                                                                |                                                                                                                              |
|-------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| 1 Chairman        | .. Appointed by Local Government                                                                               | *Colonel D. S. Johnston, C.I.E.                                                                                              |
| 5 Members         | .. Nominated by Local Government of whom one is to be a representative of N. W. Railway and another of labour. | †Major J. G. Gain, M.C., Messrs. F. Buckley; Collector of Customs, A. K. Homan (N. W. Railway) and Mir Ayub Khan Bar-at-Law. |
| 9 Elected Members | Karachi Chamber of Commerce—4.                                                                                 | Messrs. W. B. Young, J. W. Anderson, G. H. Raschen, and H. S. Bigg-Wither, O.B.E.                                            |
|                   | Indian Merchants' Association—2.                                                                               | Mr. Chellaram Shewaram and Lala Jagannath Ralaram Randon. (Elected Vice-Chairman).                                           |
|                   | Karachi Buyers' and Shippers' Chamber—2.                                                                       | Messrs. Isherdas N. Mallik and Mohamedali A. K. Alavi.                                                                       |
|                   | Karachi Municipal Corporation—1.                                                                               | Mr. Tikamdas Wadhmal.                                                                                                        |

\*At present on leave. The name of the successor is not known.

†The name of the fifth member is not known.

*Madras (strength to be fixed by Local Government between a maximum of 15 and a minimum of 11. Present strength—15).*

|                    |                                                             |                                                                                                                                                                                                                                             |
|--------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Chairman         | .. Appointed by Local Government                            | Mr. G. C. Armstrong, O.B.E., M.C., V.D.                                                                                                                                                                                                     |
| 4 Members          | .. Nominated by Local Government (if total strength is 15). | Mr. G. N. Bower (Collector of Customs). Commander G. R. Bluett, R.I.N. (Principal Officer, Mercantile Marine Department). Mr. H. N. Golam (Agent, Madras and Southern Mahratta Railway). Mr. C. A. Muirhead, (Agent, South Indian Railway). |
| 10 Elected Members | Madras Chamber of Commerce—4.                               | Messrs. W. N. Browning, G. A. Bambridge; G. H. Hodgson and F. Birley, M.L.C.                                                                                                                                                                |
|                    | Southern India Chamber of Commerce—2.                       | Messrs. M. Ct. M. Chidambaram Chettiyar and G. Janakiram Chetty Garu.                                                                                                                                                                       |
|                    | Madras Trades Association—2                                 | Messrs. S. W. Edwards and E. A. Heath.                                                                                                                                                                                                      |
|                    | S. I. Skin and Hide Merchants' Association—1.               | Mr. Yakub Hasan Sait.                                                                                                                                                                                                                       |
|                    | Madras Piece-goods Merchants' Association—1.                | Mr. Abdus Subhan Sahib.                                                                                                                                                                                                                     |

*Rangoon (Strength—17).*

|                       |                                                           |                                                                                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Chairman            | .. Appointed by Local Government                          | Sir John Arnold Cherry, C.I.E., M. L. C.                                                                                                                                                                                        |
| 2 Ex-officio Members. | Collector of Customs Chairman, Rangoon Development Trust. | Mr. P. W. Singleton.<br>Mr. Wilfred Hugh Payton, I.C.S.                                                                                                                                                                         |
| 3 Members             | .. Nominated by Local Government to represent—            | Captain H. W. B. Livesay, O.B.E., R.I.N.                                                                                                                                                                                        |
|                       | (i) Admiralty and Marine interests.                       | Messrs. G. S. Taunton and Kenneth MacGibbon.                                                                                                                                                                                    |
|                       | (ii) Sea-going shipping.                                  |                                                                                                                                                                                                                                 |
|                       | (iii) Inland shipping.                                    |                                                                                                                                                                                                                                 |
| 1 Ex-officio          | .. Agent, Burma Railways                                  | Mr. J. E. M. Rowland.                                                                                                                                                                                                           |
| 10 Elected Members    | Burma Chamber of Commerce—4                               | Messrs. K. B. Harper; A. A. Bruce; M. L. Burnet; and John Tait.                                                                                                                                                                 |
|                       | Rangoon Municipal Corporation—1.                          | Mr. U. Thin Maung, M.L.C.                                                                                                                                                                                                       |
|                       | Rangoon Trades' Association—1.                            | Mr. W. C. Penn.                                                                                                                                                                                                                 |
|                       | Representatives of non-European mercantile community—4.   | Mr. S. N. Haji } Burma Indian Chamber of Commerce.<br>Mr. Abdul Wahed Adam- }<br>jee. }<br>Mr. Khoo Ke Khweit—Chinese Chamber of Commerce.<br>Mr. U. Thein Maung, M. M. F. (Burmese Chamber of Commerce—Elected Vice-Chairman). |



1894

LEGISLATIVE ASSEMBLY.

[26TH SEP. 1935.]

*Chittagong (Strength—12).*

|                       |                                                                                                                                                     |                                                                                                                                                                                                   |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Chairman            | Appointed by Governor General in Council.                                                                                                           | Mr. G. R. Cuffe (Agent, Assam-Bengal Railway).                                                                                                                                                    |
| 2 Ex-officio Members. | Collector of Chittagong                                                                                                                             | Mr. A. Whittaker, I.C.S. (Officiating).                                                                                                                                                           |
|                       | Collector of Customs                                                                                                                                | Mr. Mohammed Aslam.                                                                                                                                                                               |
| 1 Member              | Appointed by Governor General in Council.                                                                                                           | Lt. Commr. F. W. Angell, R.I.N. (Nautical Surveyor).                                                                                                                                              |
| 1 Member              | Nominated by Assam Bengal Railway.                                                                                                                  | Mr. N. H. Lewis.                                                                                                                                                                                  |
| 7 Elected Members     | Chittagong Chamber of Commerce—3.                                                                                                                   | Messrs. L. M. Crosfield, J. D. Douglas, and J. A. Oliver.                                                                                                                                         |
|                       | Chittagong Indian Merchants' Association—3 (or such bodies as the Governor General in Council may select to represent Indian mercantile interests). | Rai Upendralal Roy Bahadur; (Elected Vice-Chairman).<br>Mr. C. A. Buch.<br>Babu Suresh Chandra Banerjee.                                                                                          |
|                       | Chittagong Municipality—1                                                                                                                           | Maulvi Amanat Khan.                                                                                                                                                                               |
|                       | <i>Aden (Strength not less than 6. Present strength—10).</i>                                                                                        |                                                                                                                                                                                                   |
| 1 Chairman            | Appointed by the Governor General in Council.                                                                                                       | Mr. J. V. Alexander.                                                                                                                                                                              |
| 2 Ex-officio          | Principal Officer, M. M. Deptt. An Officer of the Headquarters staff, Aden Brigade.                                                                 | Commr. L. S. Wadeson, R.I.N.<br>Capt. A. Messenger, R.D., R.N.R.                                                                                                                                  |
| 3 Members             | Appointed by the Governor General in Council.                                                                                                       | Khan Bahadur M. A. K. Mac-kawee, O.B.E.; Messrs. W. Meek, O.B.E.; F. W. Rant; C. Findlay; Ahmedbhoy Ismailboy Laljee, O.B.E.; Framroze, H. C. Dinshaw; and Lt.-Col. E. S. Phipson, C.I.E., D.S.O. |

**Pandit Govind Ballabh Pant :** Are Government in a position to state what action has been taken in pursuance of those Resolutions and what has been the increase in the number of Indians in higher posts in these services since 1932?

**The Honourable Sir Muhammad Zafrullah Khan :** So far as the higher posts are concerned, part (c) of the question relates to these posts, and I have already submitted that information is being obtained and will be laid on the table when received. So far as the first part of the question is concerned, Government have reason to believe from the information that they have been receiving that Indianisation is steadily increasing.

**EXPLOSION IN BAGDIGI COLLIERY IN DHANBAD.**

732. **\*Pandit Govind Ballabh Pant :** (a) Is it a fact that a large number of miners were killed and injured as a result of an explosion in Bagdigi Colliery in Dhanbad?

(b) Has any compensation been awarded to the dependants of the deceased and the injured? If so, what?

(c) What was the cause of the explosion?

(d) Was any action taken against any person in this connection?

(e) What steps do Government intend to take in order to prevent a repetition of such disaster?

**Mr. A. G. Clow :** (a) 19 were killed and seven injured as a result of the explosion in the Bagdigi colliery.

(b) I have no information; but it is open to the dependants of deceased miners and to injured miners to prefer claims under the Workmen's Compensation Act.

(c) This has been under investigation by a Court of Inquiry appointed by the Government of Bihar and Orissa under section 21 of the Indian Mines Act, but their report is not yet available.

(d) and (e). These questions will receive due consideration after the Court of Inquiry has reported.

**Pandit Govind Ballabh Pant :** Do Government not call for any report from the local authorities when such incidents happen?

**Mr. A. G. Clow :** The position is that, as a rule, when a very serious accident happens, the Government of the province in which the accident occurs appoints a Court of Inquiry under the Mines Act. That Court has been sitting in the present case. I believe their report has been presented to the Local Government, but I have not yet seen it.

**Pandit Govind Ballabh Pant :** Do Government not call for any information from the local authorities as to the award of compensation to the dependants of the deceased in consequence of such accidents?

**Mr. A. G. Clow :** No, Sir.

**Pandit Govind Ballabh Pant :** Is it not desirable that they should do so?

**Mr. A. G. Clow :** No, Sir, I do not think so. The position is that the Act provides for the grant of compensation to those who apply. There is also a provision enabling the Commissioner to call attention of the dependants of deceased workmen to the possibility of filing an application. It is for them to decide whether they should file an application or not.

**Pandit Govind Ballabh Pant :** Is not the protection of labour one of the subjects for which the Government of India are responsible?

**Mr. A. G. Clow :** No, Sir. The Local Government are primarily responsible for that.

**Pandit Govind Ballabh Pant :** And not the Government of India?

**Mr. A. G. Clow :** The Government of India are only responsible in so far as it is at present a reserved subject, and they have the powers of superintendence, direction and control.

**ARMY LENT FOR PRODUCING THE FILM "SOLDIERS THREE".**

733. \***Pandit Govind Ballabh Pant** : (a) Is it a fact that two battalions, namely the Welch and Devons, were lent by the Army Headquarters to participate in a mock fight against Shinwar tribesmen in the Khaibar Pass in order to make up a scene for the film "Soldiers Three" under the direction of Mr. Geoffrey Barker ?

(b) Was any ammunition used by the said battalions in the fight ?

(c) Is it a practice of the Army Headquarters to lend the services of the Army in India for such purposes ?

(d) Do Government approve of this action of the Army Headquarters ?

(e) Do Government intend similarly to encourage the Indian film producers by lending them the fighting forces, armies and other military material and articles ?

**Mr. G. R. F. Tottenham** : (a) The 2nd Battalion, the Welch Regiment, and the 7th (Bengal) Mountain Battery took part in the scene connected with frontier fighting. The 1st Battalion, the Devonshire Regiment, participated in the filming of cantonment scenes at Alipore.

(b) Yes. Blank ammunition was used.

(c), (d) and (e). I would refer the Honourable Member to Appendix XLVI Regulations for the Army in India, which gives the conditions under which Government may loan troops to approved private firms (including Indian film companies) in connection with the production of films. One condition of course is that all expenses are paid by the Company. The Honourable Member will find a copy of the Appendix in the Library.

**Pandit Govind Ballabh Pant** : May I ask the Honourable Member whether the army was ever lent to any other Company for the purpose of preparing a film ?

**Mr. G. R. F. Tottenham** : I think this is the only firm to which they have so far been lent.

**Pandit Govind Ballabh Pant** : What was the amount paid by this Company for the use of the army or on account of the ammunition used in this sham fight ?

**Mr. G. R. F. Tottenham** : I am afraid I shall require notice of that question. I have not got the figures in my head.

**Prof. N. G. Ranga** : Was that the only firm which had applied for the loan of army ?

**Mr. G. R. F. Tottenham** : This is the only Company that has applied so far.

**Pandit Govind Ballabh Pant** : Do Government regard it as a legitimate use of the army ?

**Mr. G. R. F. Tottenham** : Yes, Sir. If they did not regard it as legitimate, they would not allow it.

**Pandit Govind Ballabh Pant** : Government are never capable of making any mistake ?

(No answer.)

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question, No. 734.

**Mr. M. Asaf Ali** : May I, Sir, ask a supplementary question to question No. 733 ?

**Mr. President** (The Honourable Sir Abdur Rahim) : No, next question has been called.

**EXAMINATION IN LEAVE RULES HELD BY THE EAST INDIAN RAILWAY AUTHORITIES.**

734. \***Sirdar Jogendra Singh** : (a) Has the attention of Government been drawn to the examination in Leave Rules held by the East Indian Railway authorities ?

(b) Is the staff branch in the Divisional Office on the East Indian Railway a technical branch ? If so, what are the technical qualifications or training prescribed for officers and clerks in this branch ?

(c) What facilities, if any, have been provided for the training of staff officers and clerks ?

(d) Are clerks in other branches, such as Commercial, Transportation, Engineering, Locomotive and Carriage and Stores, required to pass an examination in the rules pertaining to the respective branches ? If not, why not ?

(e) Is the examination compulsory or optional ?

(f) Is it a fact that certain staff Superintendents have issued orders that clerks have to pass this examination and failure to do so shall be punishable ? If so, will Government be pleased to state the authority for doing so ?

(g) Is any similar examination held for clerks of staff branch on any other Railway, or was it ever held on the late Oudh and Rohilkund Railway ? If not, will Government be pleased to state the necessity for its introduction by the East Indian Railway authorities ?

(h) Are (i) the clerks in the Accounts and Audit Departments who have to perform the duties of auditing the work of the executive and draw higher scale of pay, (ii) the officers and supervising subordinates in Divisional Offices, (iii) the clerks in the head office, and (iv) the clerks dealing with staff in other departments than the Railway, required to pass this examination ? If not, why are the clerks in the staff branch of divisional offices alone compelled to pass this examination ?

(i) Are not the scales of pay for clerks in staff branches the same as in other branches (Commercial, Running and Stores) of a Divisional Office, and is there not a common seniority list for the whole office ? If so, why are the clerks in staff branch alone required to obtain this additional qualification without any remuneration ?

(j) Are Government prepared to make a thorough enquiry into the question with a view to bringing out uniformity and eliminating hardships to certain section of the staff ?

**Mr. P. R. Rau** : Government are informed that an examination in leave rules for certain sections of the staff has been in force on the East Indian Railway for a long time. They are making enquiries as to the

practice followed in this matter on the other State-managed Railways and will consider whether a uniform procedure should be prescribed for all these railways.

#### ELIGIBILITY OF TELEPHONE OPERATORS TO PENSION.

735. \*Mr. Anugrah Narayan Sinha : (a) Will Government be pleased to state if the services of all telephone operators who were holding permanent posts substantively on the 8th July, 1919, are pensionable under Article 155 of the Telegraph Manual ?

(b) If so, is it a fact that the above rule is applicable to the cases of those operators who were permanently appointed on 1st March, 1919 ?

(c) Will Government be pleased to state the number of such telephone operators as were appointed to permanent posts on the 1st March, 1919, in the Bihar and Orissa division ?

(d) Is it a fact that these operators are entitled to pension under Article 155 above referred to ?

(e) If so, has the sanction of the Head of the Department been conveyed to them, and has it been entered in their service-book ? If not, do Government propose to expedite the order ?

(f) Has any order been passed as to provident fund contribution in the case of those operators who were appointed in permanent posts after the 8th July, 1919, and are not therefore eligible to pension under the aforesaid Article 155 ?

Mr. A. G. Glow : (a) The Honourable Member apparently refers to paragraph 155 of the Manual of Appointments and Allowances of officers of the Indian Posts and Telegraphs Department, according to which the services of all telephone operators, who were holding permanent posts substantively on the 8th July, 1919, are pensionable, and the services of those who were not holding permanent posts substantively on that date, or who were appointed substantively after that date with retrospective effect from or from before that date, are not pensionable.

(b) Yes, if they were not appointed substantively after the 8th July, 1919, with retrospective effect from the 1st March, 1919.

(c), (d) and (e). The information is being collected and a reply will be placed on the table of the House in due course.

(f) The question whether these officials should be granted pensionable status or admitted to the benefits of a contributory provident fund was considered some time ago but owing to the unfavourable financial situation it was not pursued. It will be taken up for consideration when the financial position of the Department has improved.

#### HIGH PRICES OF ARTICLES CHARGED BY AN ARMY CONTRACTOR AT RAWALPINDI.

736. \*Mr. Akhil Chandra Datta : (a) Is it a fact that the Officer Commanding, No. 1 Company (N. C.), I. H. C., Rawalpindi, appointed for the unit a contractor (not on the approved list of Government) in the beginning of 1934 and that the Officer Commanding allows higher rates than the prevailing local market rates ?

(b) Are Government aware that the men of the I. H. C. Corps, who are most low paid of all the Indian military units, are hard hit by the high prices of articles charged by the said contractor ?

(c) Is it a fact that the original agreement was typed and signed at the contractor's shop in the bazar ?

(d) Are Government prepared to consider the desirability of instituting an enquiry into the affairs of No. 1 Company, I. H. C., and of taking steps to redress the grievances of the poor men of that unit ?

Mr. G. R. F. Tottenham : (a) No.

(b) No.

(c) No.

(d) Does not arise.

#### TESTING OF THE INFORMATION SUPPLIED BY POLICE INFORMERS.

737. \*Mr. Akhil Chandra Datta : Have Government issued any instructions as to the method and agency by which the information of the police informers should be tested before any action is taken thereupon ?

The Honourable Sir Henry Craik : It is for the Local Governments to see that the investigating staffs are so trained and educated that they invariably test the information given by informers before taking action on it. The Government of India have no reason to believe that there is need for them to issue orders in this matter. If the Honourable Member has in mind a case which recently occurred in Bengal, it should interest him to know that it was the investigating officer himself who suspected the *bonâ fides* of the informers and had them arrested and prosecuted.

Pandit Lakshmi Kanta Maitra : Do I understand that the Honourable Member, who is in charge of law and order and administration of justice, has absolutely no control, and that he never lays down any policy as to how these informations of the police informers should be tested ?

The Honourable Sir Henry Craik : I have said that it is for the Local Governments to see that the investigating staff are so trained and educated that they invariably test the information.

Pandit Lakshmi Kanta Maitra : Do the Government of India lay down no rules of procedure or do they give no instructions in the matter ?

(No answer.)

Mr. President (The Honourable Sir Abdur Rahim) : Next question No. 738.

#### PROMOTIONS TO ADMINISTRATIVE GRADES ON THE EAST INDIAN RAILWAY.

†738. \*Mr. Mohan Lal Saksena : Are Government prepared to make a sifting enquiry into the cases of promotion to administrative grades

†For answer to this question, see answer to question No. 709.

made since September, 1934 from officers of the Engineering Department on the East Indian Railway and state how many cases of supersession occurred, and why?

**Mr. P. R. Rau :** That has already been answered along with question No. 709.

**Mr. Mohan Lal Saksena :** I want to put a supplementary question on this. Will Government lay on the table a statement showing such cases?

**Mr. P. R. Rau :** There are only three cases.

**Mr. Mohan Lal Saksena :** Will Government lay a list of those three cases?

**Mr. P. R. Rau :** Is my Honourable friend in order in putting supplementary questions on a question which was answered twenty minutes ago?

**Mr. Mohan Lal Saksena :** I was not present when my question was answered. I am putting my question No. 738 only just now.

**Mr. P. R. Rau :** That was answered along with question No. 709.

**Mr. Mohan Lal Saksena :** But I was not here when you answered my question along with another question which was not mine.

**Mr. President (The Honourable Sir Abdur Rahim) :** The answers to questions are given to the House, and not to any particular Member.

**Mr. Mohan Lal Saksena :** Now, I want your permission to put supplementary questions.

**Mr. President (The Honourable Sir Abdur Rahim) :** That is not allowed.

#### TRAVELLING TICKET EXAMINERS CLASSED AS TRAFFIC TRAIN STAFF.

739. **\*Qazi Muhammad Ahmad Kazmi :** (a) With reference to the reply given to starred question No. 1354, dated the 2nd April, 1935, in this House, will Government be pleased to state whether it is a fact that the Travelling Ticket Collectors, now designated as Travelling Ticket Examiners, are classed as Traffic Train Staff in paragraph 362 of State Railway Open Line Code, Volume II?

(b) Is it a fact that Traffic Train Staff under State Railway Open Line Code are entitled to mileage allowance for the journey performed by them while on duty?

(c) Is it a fact that it was the Chief Operating Superintendent, East Indian Railway, who acting in the name of the Agent abolished the mileage allowance of the old Travelling Ticket Inspectors of the East Indian Railway in 1931?

(d) Is it a fact that the sanction of the Railway Board was never obtained by the East Indian Railway administration for the abolition of the mileage allowance drawn by the old Travelling Ticket Inspectors?

(e) If the reply to part (d) be in the negative, will Government be pleased to lay on the table a copy of the Agent's recommendations on the point and the reply of the Railway Board thereto?

(f) On what date did the Railway Board issue orders for the abolition of mileage allowance to the old Travelling Ticket Inspectors?

(g) Will Government be pleased to state if there are any class of employees on the East Indian Railway (other than the Travelling Ticket Examiners) who perform certain duty in the running train and are not paid mileage allowance?

**Mr. P. R. Rau :** (a) I would invite the Honourable Member's attention to the information laid on the table on the 2nd September, 1935, in reply to unstarred question No. 302 asked on the 9th April, 1935, which explains the position.

(b) Yes.

(c) The orders were issued by the Agent.

(d) Yes.

(e) and (f). Do not arise.

(g) Yes. Train Despatch Clerks.

**Qazi Muhammad Ahmad Kazmi :** With reference to the reply to parts (e) and (f), if the sanction of the Railway Board had been taken, then the date and reference to that correspondence may be given?

**Mr. P. R. Rau :** The sanction of the Railway Board was not necessary.

#### CHANGE OF THE NATURE OF AN ALLOWANCE BY THE AGENT OF A STATE RAILWAY.

740. **\*Qazi Muhammad Ahmad Kazmi :** (a) Will Government be pleased to state if the Agent of a State Railway is empowered to change the nature of an allowance once offered to an employee and enjoyed by him for many years? If so, under what rules?

(b) Will Government be pleased to state if there are any class of employees on the East Indian Railway whose nature of allowance was changed by the Agent during the last 15 years, except that of the staff of the Ticket Checking Branch?

(c) Will Government be pleased to state if the Agent of a State Railway is empowered to alter, change, annul, or modify the provisions of the State Railway Open Line Code?

**Mr. P. R. Rau :** (a) Yes, under paragraph 359 of the State Railway Open Line Code, Volume II.

(b) Government have no information.

(c) No, unless he is empowered by the rules in the Code to make departures from them.

**Qazi Muhammad Ahmad Kazmi :** Was he empowered in the case that was mentioned in my previous question No. 739?

**Mr. P. R. Rau :** Yes, Sir. I have already said that orders of the Railway Board were not necessary in that case.

## MILEAGE OR RUNNING ALLOWANCE PAID TO THE STAFF ON STATE RAILWAYS.

741. \*Qazi Muhammad Ahmad Kazmi : (a) With reference to the reply given to starred question No. 1099, dated the 28th March, 1935, in this House, will Government be pleased to state under what Fundamental Rule, mileage allowance can be classed as pay ?

(b) What is the difference between " *classed as pay* " and " *treated as pay* " ?

(c) What is meant by " *other emoluments* " as contained in Fundamental Rule 9 (21) (a) (iii), and does the mileage allowance *treated as pay* fall within this Fundamental Rule which defines Pay ?

Mr. P. R. Rau : (a) Under Fundamental Rule 9 (21) (a) (iii).

(b) When allowances are classed as pay they are subject to all the conditions in the Fundamental Rules and other rules governing pay : when they are treated as pay, such treatment is usually for a particular specific purpose.

(c) Other emoluments comprise monetary concessions which do not already fall within the definition of pay in sub-clauses (i) and (ii) of Fundamental Rule 9 (21) (a). The reply to the second part of the question is in the negative.

Qazi Muhammad Ahmad Kazmi : What is the difference between " *classed as pay* " and " *treated as pay* " so far as the purposes of provident fund and pensions are concerned ? Is there any difference between the two ?

Mr. P. R. Rau : No, Sir. I am afraid, I cannot undertake to give an exposition or interpretation of the Fundamental Rules in answer to a supplementary question in this House ?

Qazi Muhammad Ahmad Kazmi : I am unable to understand the distinction that has been drawn by the Honourable Member between " *classed as pay* " and " *treated as pay* ". In what circumstances would he call it " *classed as pay* ", and in what circumstances would he call it " *treated as pay* " ?

Mr. P. R. Rau : A full answer has been given in my reply to his question.

## APPLICABILITY OF OLD SCALES OF PAY TO THE TRAVELLING TICKET CHECKING STAFF ON THE EAST INDIAN AND NORTH WESTERN RAILWAYS.

742. \*Qazi Muhammad Ahmad Kazmi : (a) Will Government be pleased to state if it is a fact that the old Travelling Ticket Examiners of the North Western Railway were given the option of retaining the old scales of pay applicable to the substantive post held by them in a permanent capacity as a Travelling Ticket Examiner ?

(b) Is it a fact that the old Travelling Ticket Inspectors of the East Indian Railway were also given this choice ?

(c) Are the contents of letter No. 822-E.G., dated the 16th August, 1933, from the Railway Board, applicable to the said employees of the East Indian and North-Western Railways ? If not, to whom do they apply and why are they not applicable to the other employees ?

Mr. P. R. Rau : (a) Special Ticket Examiners, who prior to the 1st June, 1931, held permanent posts as Travelling Ticket Examiners in a substantive capacity were granted the option of retaining the old scale of pay.

(b) The attention of the Honourable Member is invited to the information laid on the table on the 2nd September, 1935, in connection with part (d) (ii) and (iii) of question No. 318 asked by Dr. N. B. Khare on the 9th April, 1935.

(c) No. The letter referred to applied only to the staff of the North Western Railway. The East Indian Railway staff were governed by the orders contained in Railway Board's letter No. 822-E.G., dated the 22nd December, 1932.

Qazi Muhammad Ahmad Kazmi : Do the Railway Board apply different principles to different railways so far as the staff is concerned in their pay ?

Mr. P. R. Rau : There is no reason why they should not vary in detail.

## APPLICABILITY OF CERTAIN PARAGRAPHS OF THE STATE RAILWAY OPEN LINE CODE, VOLUME II, ON STATE RAILWAYS.

743. \*Qazi Muhammad Ahmad Kazmi : (a) With reference to the reply given to starred question No. 1355, dated the 2nd April, 1935, in this House, will Government be pleased to state the result of their enquiries on the subject ?

(b) Are the Government of India required to know or not, if and when the provisions of State Railway Open Line Code are revised, modified or annulled ?

(c) Are the powers of revising, modifying or annulling the provisions of State Railway Open Line Code vested in any authority other than the Railway Board or the Government of India ?

(d) If it is the right of the Railway Board or the Government of India only to revise, modify or annul the provisions of State Railway Open Line Code, then why could the information asked for in starred question No. 1355 on the 2nd April, 1935, not be available in ten days, the period of notice of the question ?

Mr. P. R. Rau : (a) The information was laid on the table on the 6th September, 1935.

(b) and (d). Revisions or modifications of the provisions of the Code are made by the Government of India ; but as many such revisions are contained in executive orders and the Code itself has not been generally revised it was not possible within a short period to collect all the orders.

(c) No.

Qazi Muhammad Ahmad Kazmi : Will the Honourable Member state when the Code was revised ?

Mr. P. R. Rau : The general revision was a long time ago. I cannot give the exact date.

**PAY OF TRAVELLING TICKET INSPECTORS, ETC., ON THE EAST INDIAN RAILWAY.**

744. \***Qazi Muhammad Ahmad Kazmi** : (a) With reference to the reply given to starred question No. 1361, dated the 2nd April, 1935, in this House, will Government be pleased to state if it is a fact that at a joint meeting of the Operating, Accounts and Railway Board Officers, held at Calcutta on the 3rd May, 1927, it was decided as under :

" The travelling ticket inspectors and their Divisional Inspectors taken over by the Operating Department will draw the pay of the Accounts Department *plus average mileage* " ?

(b) Is it a fact that the Director of Finance, Railway Board, framed rules in pursuance of the minutes of the said meeting ?

(c) Is it a fact that the rules thus framed were finally approved by the Agent, East Indian Railway ?

(d) Is it a fact that these rules were honoured up to 31st May, 1931, and in contravention thereof the pay and the allowances of the said employees were reduced from 1st June, 1931 ?

(e) Will Government be pleased to lay on the table a copy of the rules in accordance with which the Travelling Ticket Inspectors on transfer to Operating Department were paid the pay of the Accounts *plus average mileage* ?

**Mr. P. R. Rau** : (a) The meeting was purely a departmental meeting and was not empowered to decide any question finally. Government are not prepared to disclose its recommendations.

(b) and (c). No rules were framed but the orders of the Agent, East Indian Railway, were taken where necessary.

(d) and (e). As no rules were framed these parts of the question do not arise.

**Qazi Muhammad Ahmad Kazmi** : So far as the rules of the Department are concerned about the pay and status of the people who were transferred from the Accounts Branch to the Operating Branch, is there anything confidential that cannot be divulged to the House ?

**Mr. P. R. Rau** : Yes, Sir. Discussions between departmental officers are treated as confidential, but the decisions and orders that were passed are not confidential.

**Qazi Muhammad Ahmad Kazmi** : I want to know the final decisions that were arrived at.

**Mr. P. R. Rau** : I have already said that no rules were framed as a result of that meeting.

**Qazi Muhammad Ahmad Kazmi** : Then, under the circumstances was the transfer made without any rules ?

**Mr. P. R. Rau** : Orders were passed that the transfer should be made, but the rules regarding the details of the transfer were not framed at that meeting.

**Qazi Muhammad Ahmad Kazmi** : Perfectly correct ; but the orders that are passed may be communicated, because those will be treated as rules. There must be some systematic thing under which one can be transferred from one Department to another, whether you call it by the

name of order or by the name of rules. What I want to know is if the rules are not forthcoming, will the orders be forthcoming ?

**Mr. P. R. Rau** : Orders were passed to transfer this particular staff from the Accounts Department to the Operating Branch. I am not aware that any rules were framed stating exactly what the procedure was in connection with such transfers.

**ENLISTING OF ARAINS IN THE ARMY.**

745. \***Mr. H. M. Abdullah** : (a) Will Government please state the total population of Arains in India in 1931 ?

(b) Is it a fact that Arains were recruited in the Indian Army in various capacities and rendered meritorious services during the Great War ?

(c) Is it a fact that many members of the tribe have held and are holding commissions in the Army ?

(d) Are Government aware that contrary to instructions contained in the India Army Order, No. 807 of 23rd September, 1924, the Arains are not being enlisted in the Army by recruiting officers ?

(e) How do Government justify the stoppage of Arains in the Army ?

(f) Do Government propose to issue express instructions to the recruiting authorities to enlist Arains ?

**Mr. G. R. F. Tottenham** : (a) 757,603.

(b) They were enlisted in some numbers during the Great War, 12 Noon. but their record is merged in that of the Punjabi Mussalmans of whom they form a sub-class.

(c) I have no definite information.

(d) to (f). There is no restriction on the recruitment of members of this sub-class and Government see no reason to issue any instructions in the matter.

**Mr. H. M. Abdullah** : Are Government aware that many instances exist when Arains were selected and approved as fit recruits in all respects, but, as soon as they put in Arain as their caste, they were rejected ?

**Mr. G. R. F. Tottenham** : No, Sir ; Government are not aware of that.

**SHORT NOTICE QUESTION AND ANSWER.**

**Mr. Mathuradas Vissanji** : (a) Has the attention of Government been drawn to the distress of those Quetta merchants who, having lost their goods and property in the earthquake, are unable to meet the claims of their creditors in respect of goods ordered before the earthquake ?

(b) Will Government please state whether they have made any enquiries in this behalf, and, if so, what are the results of such enquiry

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in respect of (i) the number of merchants thus affected ; (ii) the volume of their obligations left unsecured as the result of their losses during the earthquake ; and (iii) the nature of the relief deemed adequate and proper for such emergency ?

(c) Do Government contemplate any action, whether by way of ordinary legislation or executive Ordinance, to afford the necessary relief to genuine cases of such distress due to the damage done by the earthquake ? If so, will Government be pleased to state if they would take this House into their confidence before deciding upon the policy in this behalf ?

(d) Will Government be pleased to state whether they themselves have ordered any suspension or remission of Government dues in respect of taxation on Quetta merchants by way of income-tax or customs or any other Central or Local Government taxation ?

**Mr. J. G. Acheson :** (a) Yes.

(b) and (c). No detailed information regarding the number of merchants affected or the extent of the obligations referred to is available to Government but the views of the local authorities in Sind and Baluchistan on the general subject have been obtained. The questions whether relief is necessary and, if so, what form it should take, are now under the urgent consideration of Government. Time will not permit of Government consulting this House, but it is probable that before arriving at a decision they will consult the Committee which is being constituted in pursuance of the statement made by the Honourable the Commerce Member in the course of the debate on Quetta in this House on the 19th September.

(d) No.

**Mr. Lalchand Navalrai :** May I know if the people of Sind and the Punjab will be consulted with regard to this consultative committee ?

**Mr. J. G. Acheson :** I do not think it arises directly out of this question, and I am not in a position yet to make any statement on the composition of the committee, a matter which is now under consideration.

**Pandit Lakshmi Kanta Maitra :** Is this Committee going to be composed of Members of this House or of outsiders ?

**Mr. J. G. Acheson :** That is still under consideration, as I have said, but the intention is that it should consist of both.

**Sardar Sant Singh :** Are Government considering the desirability of extending the period of limitation, as plaintiffs or defendants, for persons who lost their property in the Quetta earthquake, in order to give them facilities, so that their claims may not be time-barred ?

**Mr. J. G. Acheson :** That, Sir, is one of the methods which has been suggested for affording relief to these persons. But I may remind the Honourable Member, if he needs any reminding, that a moratorium or an extension of the period of limitation is a very two-edged weapon and will require the most careful consideration before it can be applied. The difficulties are both practical and legal. The suggestion is, however, receiving urgent consideration.

## STATEMENTS LAID ON THE TABLE.

*Information promised in reply to starred question No. 1199 asked by Mr. S. Satyamurti on the 29th March, 1935.*

### SHIPPING COMPANIES ENGAGED IN THE COASTAL TRADE OF INDIA AND BURMA.

Owing to the fact that many vessels which are ordinarily employed in foreign trade are occasionally used in the coastal trade, it is impossible to give exact figures of the number of ships and tonnage employed in the coastal trade of India at any particular time. The following figures are therefore only approximate :

|                                    |                |
|------------------------------------|----------------|
| No. of steamship Companies .. .. . | 19             |
| No. of steamers .. .. .            | 150            |
| Total gross tonnage .. .. .        | 5,50,000 tons. |

*Information promised in reply to starred questions Nos. 53 and 54 asked by Mr. Amarendra Nath Chattopadhyaya on the 3rd September, 1935.*

### FILLING UP OF THE POSTS OF SUB-DIVISIONAL OFFICERS ON THE EASTERN BENGAL RAILWAY.

53. The Agent, Eastern Bengal Railway, reports :  
No, the claims of Sub-Engineers were duly considered.

### FILLING UP OF THE POSTS OF SUB-DIVISIONAL OFFICERS ON THE EASTERN BENGAL RAILWAY.

54. Yes. At present there are three Sub-Engineers and one Permanent Way Inspector officiating in the Lower Gazetted Service. The Permanent Way Inspector promoted to officiate as an officer in the Lower Gazetted Service has had 32½ years' meritorious service and is considered qualified to hold the post.

There is no bar to Permanent Way Inspectors who are considered suitable in all respects being promoted to the Lower Gazetted Service.

*Information promised in reply to the supplementary question to starred question No. 365 asked by Pandit Sri Krishna Dutta Paliwal on the 13th September, 1935.*

### NEWSPAPER ARTICLES ON THE QUETTA EARTHQUAKE RELIEF AND THE SILVER JUBILEE FUND AGAINST WHICH ACTION WAS TAKEN.

*List of newspaper articles on the Quetta Earthquake Relief and Silver Jubilee Fund against which action was taken under the Indian Press (Emergency Powers) Act, 1931.*

| Serial No. | Name of newspaper, with place of publication. | Name of article.                                                                              | Remarks. |
|------------|-----------------------------------------------|-----------------------------------------------------------------------------------------------|----------|
| 1          | Kistna Patrika, Masulitani.                   | Article headed "Quetta Earthquake" which appeared in the issue, dated the 22nd June 1935.     |          |
| 2          | Trilinga, Madras ..                           | Article headed "The Quetta Earthquake" which appeared in the issue, dated the 8th July 1935.  |          |
| 3          | Dhinamani, Madras ..                          | Article headed "The Quetta Earthquake" which appeared in the issue, dated the 19th June 1935. |          |

| Serial No. | Name of newspaper, with place of publication.   | Name of article.                                                                                                                                                                                                                                             | Remarks.       |
|------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 4          | Prabhat, Mangalore ..                           | Article headed "The Quetta Earthquake" which appeared in the issue, dated the 23rd June 1935.                                                                                                                                                                |                |
| 5          | Free Press Journal, Bombay.                     | Articles headed "Lives can even now be saved" and "Anomalies of Quetta Relief" which appeared in the issues, dated the 7th and 9th June 1935, respectively.                                                                                                  |                |
| 6          | Khilafat Daily (or Roznama-e-Khilafat), Bombay. | Article headed "Bribery" which appeared in the issue, dated the 7th June 1935.                                                                                                                                                                               |                |
| 7          | Bombay Standard, Bombay                         | Article headed "Quake Relief and Quack Remedies" which appeared in the issue, dated the 16th June 1935 ..                                                                                                                                                    | Not available. |
| 8          | Siyasat, Hyderabad (Sind)                       | Article headed "Viceroy's Utterances" containing <i>inter alia</i> a reference to relief measures at Quetta which appeared in the issue, dated the 15th July 1935 ..                                                                                         | Not available. |
| 9          | Khadim Quadim, Calcutta                         | Article on the Quetta Earthquake relief which appeared in the issue, dated the 23rd June 1935 ..                                                                                                                                                             | Not available. |
| 10         | Medina, Bijnor ..                               | Article headed "The Great Duty. The Cry of Pain and the Note of Sympathy" which appeared in the issue, dated the 21st June 1935.                                                                                                                             |                |
| 11         | Vikas, Saharanpur ..                            | Article headed "Horripilating stories of the atrocities of the military" which appeared in the issue, dated the 16th June 1935.                                                                                                                              |                |
| 12         | Shujaat, Lahore..                               | Article which tried to bring into disrepute the British soldiers employed in the relief work at Quetta ..                                                                                                                                                    | Not available. |
| 13         | Tej, Delhi ..                                   | Articles headed "The distressed Indians and Europeans deplorable discrimination" and "The Congress and the Quetta Relief, the Government should realise their responsibility" which appeared in the issues, dated the 12th and 14th June 1935, respectively. |                |
| 14         | Quami Gazette, Delhi ..                         | Article headed "Piles of dead bodies are being burnt with petrol" which appeared in the issue, dated the 11th June 1935.                                                                                                                                     |                |
| 15         | Arjun, Delhi ..                                 | Articles on the Quetta Earthquake relief which appeared in the issues of the 4th, 6th, 13th and 14th June 1935.                                                                                                                                              |                |
| 16         | Bandemataram, Calcutta                          | Article on the Silver Jubilee celebrations which appeared in the issue, dated the 10th May 1935 ..                                                                                                                                                           | Not available. |

Translation of an article headed "Quetta Earthquake" which appeared in the issue of the "Kistna Patrika" of Masulipatam, dated the 22nd June, 1935.

Though Quetta is a Military Station, all the inhabitants thereof are not military people. There are many Pathans and Hindus living there long since independently unconnected with the military (authorities). Many people who had gone there for purposes of trade or to meet some relatives, from the Punjab and Sindh live there. Quetta being a cool place, many people resort to it during the summer, to enjoy its coolness. It is surprising that when such a place has fallen into the jaws of death, the Government should deny an opportunity to relatives (of the victims) to go and see them and to fellow countrymen (of the victims) to voluntarily render assistance to them. We make bold to say that it is not merely surprising but also very cruel. Any (other) Government in any (other) country would not have imposed such an unnatural ban as this. Quetta town is not the only place that fell under the affliction of the earthquake. More than a hundred villages in its surroundings have been devastated. There is no means to ascertain what assistance is being rendered to the people of those villages. The State of Kalat also has been affected by the disaster. It is regrettable that entry of outsiders into this whole area should be banned. That the military authorities alone can do everything (that requires to be done in the area) is sheer bunkum. About 60,000 people have perished and an area of about 2,000 square miles has become a mass of debris. Houses without number have crumbled. It is not yet possible to estimate how many crores of rupees worth of property lies buried in the debris. What is the meaning in saying that the Military also is sufficient to deal with the catastrophe? This work is not one that can be leisurely done. Much wealth lies buried in the devastated houses; delay will result in its destruction. The rainy season, too, has set in. Timber and other materials of the houses will become soaked and rotten and be of no future use whatsoever. All are not rich. All cannot purchase fresh timber to reconstruct their houses with. \* \* \* Efforts are not yet made to take out all these things. The Government say by way of explanation that owing to bad smell emanating from the rotting corpses in the debris, it is dangerous from the point of view of health to approach them. Why should the bodies lie in the debris till they began to rot? If Relief Organizations from outside had been allowed access into the area, the bodies would not have met with this fate. Who can say how many had been alive in the debris for the first three or four days and perished afterwards for want of rescue? Those who followed the events in connection with the Bihar earthquake are not unaware of cases of people surviving, though they had remained buried under debris for a week or ten days. Owing to procrastination (now in Quetta) till corpses began to rot, the chance of making a search after excavating the debris has been averted. Excavations were undertaken in Bihar throughout the area at once, there having been no ban then. Not even a single soul that was alive, was left out. Not even a single corpse met with the fate of rotting without burial or cremation. \* \* \* Though outsiders had been allowed freely there was not even a single case of looting in Bihar. No property was stolen. Properties were duly handed over to their respective owners. Considering this matter at least, the Government should not have imposed any kind of ban in Quetta. We do not know why the pretexts that had not been put forth in the case of Bihar should be advanced now. It was not argued then (in the case of Bihar) that foodstuffs were not available for outsiders. \* \* \* Outsiders themselves took waggon-loads of foodstuffs, cloth, etc., sufficient to cover their own needs as well as those of the afflicted, to Bihar. The Government (now) argue that outsiders are forbidden to enter, in the interests of health, since corpses have been allowed to remain till they rot. If volunteers had been allowed (into the area) forthwith, there would have been no necessity to put forth this plea. Quetta is not a richer region than Bihar. Looting not having taken place there (Bihar), there is no reason to fear that it might occur here (in Quetta). All the reasons adduced by the Government are similarly untenable. \* \* \* Why has Mahatma's co-operation been rejected? Is it because he would encourage looting or would not observe principles of sanitation, if he went to Quetta? Even His Majesty the King Emperor awarded the Kais-i-hind Medal to him in grateful recognition of his services. Such a lover of (humanitarian) service has been prevented from setting foot in Quetta. What should one say of such an order? Over and above everything, they (the Government) ask in a spirit of taunting why assistance should not be rendered to the people sent away from Quetta. Hospitals have been opened for their benefit in Bombay, Karachi, Lahore, etc., and aid is being rendered to them there in every way. But, strictly speaking, aid is necessary in the region of Quetta and not outside. The houses that have collapsed

Translation of an article headed "The Quetta Earthquake", which appeared in the issue of the "Prabhat" of Mangalore, dated the 23rd June, 1935.

"Accusation against the Quetta military by Devaraj! No proper attention given to saving of life; imposition of restriction is wrong!", an article which purports to be reproduction from "S. K." in which Acharya Kripalani, the Congress Secretary, is reported to have made the following observations:

Mr. Devaraj Sethi of the Servants of People's Society, immediately on getting the news regarding the Quetta Earthquake, had proceeded to the devastated area. From there he proceeded to Lahore on the night of the 7th by cart and while he was travelling he wrote to me a letter which will clearly show to everybody what has been going on in Quetta. His letter is as follows:

I met several people in the Indian Military Hospital and talked to them. I had a talk also with those on the race-course. I met some of the authorities and sought to make enquiries. I visited several parts of the city in a lorry and tried to acquaint myself with the situation with a dispassionate mind. Diwan Bahadur Muralidhar saw the A. G. G. yesterday and discussed matters with him for three hours. I met him on his return and ascertained the official view. On the whole, I came to the following conclusion:

- (1) The Government and the military have done wrong in preventing non-official people from entering the devastated area. If these had been permitted, they would have rendered immense help.
- (2) *Indifference of the military.*—The work of removing the debris should not have been stopped nor the efforts in that direction slackened. I saw a child of three removed alive from under the debris after four days. Pandit Gyanachand has seen a man removed alive from under the debris after four days. If the debris had been removed expeditiously, hundreds of persons could undoubtedly have been rescued, as also property to the value of several lakhs. But the men of the military department were greatly alarmed and they did not pay adequate attention to the saving of life.
- (3) There was no lack of medical relief to the injured, but much more relief could have been given from non-official agencies.
- (4) It is reported that a certain expert of Simla has suggested that Quetta should be closed down for a period of twelve months. This news was published by beat of tom-tom on the race-course. But Diwan Bahadur Muralidhar told me that this had not been finally decided upon. Another friend informed me that the matter will be decided on the 25th. But I think that our prime duty is to agitate for the prompt removal of the debris. This being an extremely hot month in Quetta, there could be no fear of any obnoxious smell. If we should succeed in getting the authorities to agree to the prompt removal of the debris, we shall have done adequate service to the survivors. I think it is absolutely necessary to do this. We should try to achieve this object forthwith by means of concerted action.

Article headed "Lives can even now be saved" which appeared in the issue of the "Free Press Journal" of Bombay, dated the 7th June, 1935.

Bombay, June 6.

The General Secretaries of the Bombay Provincial Congress Committee have sent for publication the following telegram received from Sjt. Jairamdas Daulatram and Acharya Kripalani in regard to Quetta Earthquake Relief measures:

*Public relief made impossible.*

Public relief at Quetta has become impossible. Military authorities have disallowed entry. Well-known public workers like Sjt. Jamshed Mehta, Ex-Mayor of Karachi, and even title-holders are refused permission although they are prepared to make their own arrangements and not draw on local resources.

Much life and property could have been saved and possible danger of epidemics avoided if adequate labour were imported and public offers for co-operation were accepted.

Whole population including injured has evacuated. Rumours are rife about abandoning excavation and burning city with petrol. All 20,000 lives lie under debris are assumed to be dead only after three days.

*Life can be saved even now.*

Public feel that even now life and property can be saved if immediate public co-operation from Sind, Punjab and the rest of the country was accepted.

Public meetings in Sind are condemning the attitude of the authorities. They have sent wires to the Secretary to the Viceroy. All possible help to the sick and refugees is being given by public bodies at various stations in Sind.

#### **Lives Can Even Now Be Saved.**

Great resentment prevails in non-official and Congress circles in the City over the Government ban on non-official agencies and other public workers from entering Quetta with a view to giving necessary help to the 'Quake victims.

The ban has created a very unhappy situation, the gravity of which is heightened by the receipt of telegrams from influential public workers that a lot of life and property may yet be saved if non-official co-operation is accepted by Government in the relief measures.

#### *Government's defence not impressive.*

The Government of India communiqué, justifying the ban, does not appear to have impressed any one, and what is particularly regretted and resented is the fact that even the General Secretaries of the Congress, Acharya Kripalani and Mr. Jairamdas Daulatram, and such tried workers like Dr. Jamshed N. B. Mehta and Sadhu T. L. Vasvani should have been prevented from entering Quetta to organise relief work in the affected areas.

What one cannot understand much less appreciate—is why Government should go out of its way and deliberately prevent non-official agencies, especially the Congress, to rush to the succour of their fellowmen in their dire distress.

#### *Bounden duty.*

On an occasion like the present, when a calamity of an unprecedented nature has occurred, it is the bounden duty of Government to explore all avenues of affording relief to the needy, and to that end, exploit every sentiment in the country.

It cannot be said that the Government are unaware of the fact that, just as there are some persons in the country who would like to subscribe only to the Viceroy's Relief Fund and to none other even so there is similarly a large section of the population which would like to subscribe to a Fund started by the Congress or other non-official agency, but may not be willing to pay a pie to the Viceroy's Fund.

Why, it is asked by many, should not this patriotic sentiment in the people be exploited in order to afford adequate relief to the sufferers in the 'Quake area?

The ban is foisted presumably on the plea that Quetta is a military station, and that martial law has been declared in the affected area. This is certainly a hollow plea which does not cut much ice. For, it is common knowledge that, whatever might have been originally intended, several of these so-called military stations, like Quetta, Deolali, etc., have long ceased to be military stations. A large civilian population have settled down there, and their interests cannot be overlooked for any reason.

#### *Civilian elements.*

Taking the case of Quetta, Civilians formed about 75 per cent. of the population; and the thousands of relatives and friends of the victims of the recent disaster are naturally anxious that all necessary aid ought to be given to the injured.

Besides, since the whole town is lying buried under debris, even the labour to remove the debris and extricate the living, if any, has got to be imported from outside; but the Government ban comes in the way.

*Government's assumption.*

Perhaps, Government are under the impression that all those who are caught under the debris are dead. If they are really thinking so, they are sadly mistaken, for, it is not unknown to medical men that human life under such circumstances can last, without even any outside succour, as long as two to three weeks.

*The inference.*

Under these circumstances, therefore, unless Government realise the gravity of the situation and remove the ban at once, the public should be excused if they draw the inevitable inference that Government do not wish to give a chance to non-official bodies, especially the Congress, to offer direct aid to the sufferers, because such an opportunity would be utilised to strengthen the ties of friendship between the Congress and the people. Besides, the present crisis presents a golden opportunity for the Congress, if allowed, to render humanitarian service to a neighbouring province and thus cement inter-provincial and inter-communal friendship.

*Anxious for credits.*

The Government attitude, on the other hand, makes one think that they want to monopolise all the credit for themselves in the matter of rendering relief to the sufferers.

For these reasons, the Government ban on entry of private individuals into the 'quake area is resented throughout the country and it is understood that even in the city, a protest meeting may soon be convened to voice public feeling in the matter.

*Despite the ban.*

Meanwhile, despite the ban, the Congress is not keeping idle and efforts are being made to form an influential All-India Non-official Relief Committee in order to organise relief work.

*B. P. C. C. moves.*

In this connection it is also learnt that the B. P. C. C. has wired to Babu Rajendra Prasad asking him to announce immediately the personnel of the Non-official Committee. The Congress President, before he proceeded to Poona on Tuesday last after completing his suburban tour, was met at V. T. by local Congressmen and was fully informed of the entire situation as well as of the need for an influential non-official Committee. It appears that Babu Rajendra Prasad agreed with the suggestion and also indicated that if need be, he would himself go to the 'quake area to organise relief work.

Will Government welcome this hand of co-operation from the Congress President or will they stick to their ban?

*Article headed "Anomalies of Quetta Relief" which appeared in the issue of the "Free Press Journal" of Bombay in its issue, dated the 9th June, 1935.*

Babu Rajendra Prasad has received a reply from the Viceroy explaining the reasons for the ban on non-official relief agencies wishing to proceed to Quetta. "The Government", states the telegram, "have ample resources to deal with the situation in Quetta itself, but those desirous of participating in the relief work can render valuable assistance by helping the refugees evacuated to the Punjab and Sind." Refugees from Quetta, whether in the Punjab or Sind, or indeed wherever else they may be found to be, deserve all the assistance that non-official relief committees can give, and will, we have no doubt, receive it in an abundant measure. But the fact that the needs of the refugees must be looked after elsewhere, is no reason why non-official relief workers should be prevented from proceeding to Quetta. Government say they have ample resources to deal with the situation locally. We can well believe their assertion. But the mere possession of resources is not all that is needed for efficiency in relief operations. The resources must be fairly used, and the public must have the faith that they are being fairly used. The decision of the authorities to virtually seal up the earthquake area with a stringent military cordon, shut out

from access to it tried veterans in public service like Babu Rajendra Prasad and Mr. Jamshed Mehta, and to work in the dark rather than in the open, is not calculated to inspire a spirit of trust and confidence in the public mind about happenings in Quetta.

Another point raised in the telegram to the Congress President refers to the peculiar conditions in Quetta. "Conditions in Quetta", we are told, "are very different from those in Behar; every single addition of persons going will add greatly to the difficulties of those who are engaged on relief operations of greater magnitude and danger". We are only too painfully aware of the peculiarity of conditions in Quetta to which pointed reference is made by the Government. But it is a peculiarity which, by its very nature, should have guarded the Government just against the kind of policy they have been giving effect to, instead of being deemed to provide any justification for it. Quetta was a military station with a mixed population of Europeans and Indians. The Government have not, by their past, succeeded in creating the impression that they can be trusted to give equality of treatment, in adversity or prosperity, to Indians and Europeans alike. Already, there is visible a striking disparity in the official arrangements made for the transport of European refugees and the publication of information about European dead, as compared with the manner in which the Indians victims of the disaster have been, and are being, handled. The hand of God in the earthquake has not apparently cut across the bed-rock of racialism on which British rule rests, and helped it to transfer its moorings to fresh values based on broad humanitarian considerations. The interests of the heirs of the civil Indian population that died at Quetta require to be watched by guardians in whom the latter can repose some trust, guardians better able to impart a human touch to their mission than military authorities can ever hope to do. As regards the difficulties of those engaged on relief operations, it is hardly decent for the Government to assume that men like Babu Rajendra Prasad and Mr. Jamshed Mehta are incapable of appreciating them, or capable of adding to them. The ordinary common sense of people cannot be bamboozled by these unconvincing official explanations. We can only conclude that the Government do not want to allow the Congress and allied public institutions to establish by solid work in Baluchistan the sort of prestige they won by their labours of love for the people of Behar. Humanity is evidently being sacrificed to misdirected Frontier policy.

*Translation of an editorial note headed "Bribery" which appeared in the issue of the "Rozenama-e-Khilafat", dated the 7th June, 1935.*

Bribery, generally speaking, is rampant in India. No work can be done unless and until a bribe is offered. Particularly the condition prevailing in courts and offices is very peculiar. There, a bribe has to be offered at every step. If any one is lacking even a little in this respect, the work which is already completed, is spoilt, nay, the office men further spoil his work by way of warning and punishment so that in future no one may display such improper courage. It is necessary that he should, on entering the compound (of the court), have some money in his pocket, and that money should not have any connection whatsoever with any "reserve fund", but that it should pertain to the "current account". Without this it is impossible to expect any kind of success (there).

The bribery referred to, about which the above complaint has been made, is a general calamity from which a person concerned is neither immune nor can remain immune. Therefore no course is left except to put up with it and to offer prayers (for the betterment of affairs). The Indians are so much used to it that now they have become accustomed to it. Unless and until they themselves offer a bribe, they cannot sit still, and as soon as they offer a bribe, their uneasiness is set at rest. Then they do not feel any anxiety about the future of their work. This state of things is extremely condemnable (and) the sooner it is put a stop to the better it would be. The earthquake that visited Quetta and the way in which a beautiful city was converted into ruins in a moment and 70 per cent. of its population were killed was an admonitory example of the transitoriness of human life. Those, who possessed insight, ought to have taken a lesson from this calamity and tried to improve their manner of living. But man's nature is a strange thing indeed; he does not care a bit for these earthly and heavenly calamities but remains busy pursuing his wicked designs. What a tyranny it is that on the one hand a terrible earthquake visits Quetta which in a few moments lays waste the whole beauty and the whole

population of the city, while on the other, looting by the tribal marauders commences, and Government is compelled to proclaim martial law. What a terrifying spectacle of revolution in human life!

Leave aside this too. The latest reports that have been received surpass all others in their details, and are not only a source of shame for human morality but are a source of shame for humanity itself. The condition of those who could not escape with their lives in the earthquake shock, is already known. Those who were left under the debris are still lying there and very many of them are not only lying under the debris, but are alive and are living in a way that they can convey their voice to others. Since martial law is in force in the city, not only outsiders, but the local people as well, have no permission to do any (rescue) work. All the rights and powers have been entrusted to the military. The military suggestion is this that in order to clear the atmosphere of the city it is essential to set fire (to the debris) which clearly means that those who are lying alive under the debris and dying by slow stages, should be consigned to the flames alive. This report has created general restlessness. The soldiers are taking out the people from under the debris, and from some reports it appears that (they) are rescuing only such persons as are able to pay for their lives in cash. Accordingly bids are given, ranging from Rs. 100 to 1,000, and people are rescued at this rate. We cannot say how far this report is correct, but it has been published in several responsible newspapers. Anyway if this report is correct then it is extremely shameful indeed, for Government as well as for India and also for man's superiority and greatness (over other beings). This tragedy was general in its scope and therefore the sympathy and relief also should have been general. If sympathy is given in return for bribes, then what value will be attached to it? We appeal to Government to contradict this rumour in case it is false; and if, God forbid, it is true, then Government should put a stop to it.

*Translation of an article entitled "The Great Duty. The Cry of Pain and the Note of Sympathy", which appeared in the issue of the "Medina of Bijnor", dated the 21st June, 1935.*

The hot springs of human eyes are constantly flowing over the devastation and destruction of Quetta. The capacity for suffering and the power of patience and control want to play their part but every sigh of persons steeped in miseries upsets the arrangement of the peace of the soul. India from one end to the other becomes immersed in the wide ocean of pain and anguish. Those who had to depart have departed. The souls of Muslim martyrs have already appeared with proud faces before the will and power of God, but those who are coming from Quetta are bringing with them the lengthy tale of their woes. They declare that God may forbid that any one should behold what they have seen. Hearers tremble even to hear the introduction of the tale. Fear and terror encircle them and the hands restlessly turn towards the ears.

A day is fixed for death and it invites him to death at the destined time. Man also knows and recognizes the present and future of his life. He realises and realises full well that the cup of his life will crash in ninety years if not seventy.

Those who believe in religion and religious tenets and those who do not, those who insist on a day of judgment and those who deny it, all admit that there is a limit to this life and that limit is the final one. But the method of deaths at Quetta was (of a class) altogether apart from any that can come within general (human) conjecture. What could never be thought or dreamt of happened and so suddenly and in such an unexpected manner that the (whole) universe of human life was upset.

#### *Bloody spectacle.*

Eyewitnesses have seen that houses large and small, strong buildings and sturdy mansions were lying scattered on the ground not to mention the lowly, the greatest, notables, raises, seths, and high officials were lying on the roads in such a way that there was no one even to cast a glance at them. Infants of two or three years were shedding their last drops of tears on the corpses of their mothers. New and young brides were reciting the dirges of their dreams of enjoyment; not one or two but hundreds of young girls (lit. virgins) were writhing (in agony) on the roads draped in robes dyed with blood. Again thousands of lives were giving

reports of their existence from under tons of earth and were surviving in a fruitless expectation of immediate aid. And it would not be strange if souls tenacious of life may still be lamenting the prohibitory orders and gasping for the last breath.

Quetta is the seat of Government and like large cities is divided into many parts. In the south-east there is the Indian population and in the south-west there is the civil lines. Beyond the lines was the cantonment and in between was the Habib Nala which the Europeans called the Thames. In 1888 Mr. Hugh (sic.) prepared its plan and decorated the roads with fruit trees of various sorts brought from Kandhar. Lytton Road, the most beautiful road of India, was prepared and one terminal of it was taken up to the Bolan Pass. The Cantonment was built on 12,492 acres and the Civil on 1,286 acres. Modern Quetta was built before 1882 at a height of 5,500 feet. But the Quetta of 1935 was quite different from that of 1882 in its attractiveness and means of pleasure. In the words of the Viceroy it was another London of this world or a younger brother of London. But what is it today, the last scene of human destruction.

#### *Deplorable Destruction.*

Uncontrolled nature has demonstrated its design in Quetta. The will of God has been achieved with all its awe and omnipotence. Now we have to ponder what our duty is. It may not even be our duty but what have we to do for the sake of our lives, property and children as a token of gratitude for (these) blessings.

Duties are of various kinds. Some duties fall to the Government and others to the public. Government has according to its claims and the statements of its department of information discharged its duty. It has been stated that after the earthquake the white soldiers were first to appear in the city in the form of angels. They started immediate aid. The Agent to the Governor General came out accompanied by the military officers and so far as it was humanly possible he met (mitigated) the sufferings with full effort. Medical aid was provided, immediate steps were taken to safeguard health, necessary means of subsistence were supplied and arrangements were made to send the refugees to their homes. In short it was a brilliant achievement of military organisation exhibited at a very critical time and was proof of the fact that all the arrangements were in every way complete and beyond exception. The high-sounding statements regarding the excellence of its arrangements published directly or indirectly by the Government in the press have undoubtedly been framed with great ability and there is no reason why we should hesitate to acknowledge their veracity. We offer heartfelt thanks and feelings of satisfaction for these arrangements. The Government may be foreign, still whatever has been done on its behalf for the people of this country has at least to some extent mitigated the present sufferings and this is certainly not a matter to be overlooked.

#### *The Sin of the Government.*

But we are responsible also to the people of the country and cannot ignore public opinion simply on the basis of official statements. The situation is so pathetic that we regard it as a sin to raise any objection merely for the sake of objection. But we must have regard for what has already happened. We see that Government is singing its own praises. There is no important statement in its support. The lips of the wounded coming from Quetta are sealed. But every word of those who have given their statements disregarding all considerations (of expediency) is so saturated with grief that we can in no way regard it as false.

The most important objection against Government is that it took an important and dangerous responsibility on its weak shoulders alone. It not only did not take any help from the public but it spurned every kind of aid and the arguments put forward for this are so absurd that no Government in the world has ever advanced such arguments. On the basis of the experiences of Behar we believe that many thousands of lives for which it was possible to survive were sacrificed simply for this policy. We know full well why this severity of prohibition made its appearance. We know that (consideration of) Frontier policy and military secrets possess special importance. But no matter in the world can be more important than life or more valuable than human blood. People are not so aggrieved about property but those who have left their relatives buried are shedding tears of blood simply for the thought that if they had obtained outside aid within a few days many lives would have been

saved. The Government troops no doubt did not spare themselves. The officials also worked very wholeheartedly. But (both) official and non-official reports have admitted the relentless all embracing nature of the situation (devastation) and it has been acknowledged that the devastation was so vast that it transcends the bounds of imagination.

#### *Corroborative Statements.*

A statement to which we attach semi-official importance bears the following words:—"It is beyond human power to restore Quetta after the manner in which it has been destroyed by the earthquake". Was it not a colossal blunder to deprive the public of aid at the time of such terrible suffering and does this not prove that numberless lives (people) were buried alive simply because ordinary helping angels could not come to their aid like the military angels. The earthquake area was 130 miles long by 25 miles broad. Public aid was certainly needed in such a wide area. Government could under its laws give an ordered shape to this aid. It could impose restrictions. But it was not justified in its prohibitory orders.

The wounded and sufferers who gave their statements on June 11 to press correspondents of Punjab have with writhing hearts revealed the fact that if digging is not delayed, live people can still be found under the debris. As live people were found so long as the digging continued, this statement appears to be reasonable and worthy of consideration.

Mr. T. R. Bhasin who went to do relief work on behalf of the Red Cross Society says: The prohibition of digging is aggravating the doubts and suspicions of the public. People believe that many are still alive. This view of theirs is correct because many persons were taken out (alive) from under the debris after four or five days. If the army had allowed the public to dig under its superintendence (lit. organization) many lives would have been saved.

Dr. Muhammad Ismail, Medical Officer of the Nawab of Kalat, has also admitted in his statement of June 11, that if digging is not delayed, live people can still be found under the debris.

Lala Munshi Ram Jain who went to Quetta with the Military Relief Party also says: The Government has made a grievous mistake in issuing prohibitory orders against relief parties. If they had been allowed to proceed there, thousands of lives would have been saved.

In the presence of these statements what answer can Government give to these survivors who regard it to be more responsible than natural calamity for the death of their countless relatives. All the excellences of Government are admitted, but this single mistake is so colossal that it can in no way be wiped off the history of the destruction of Quetta. Government can make no amends for it but it can certainly lessen the unrest in public opinion from another standpoint by an immediate change in its policy.

#### *Protection of Property.*

Another result of the prohibitory policy of the Government is that the ruined persons are anxious about their belongings. Most of the survivors are empty-handed and lack the ordinary necessities of life. They complain that the military guards did not allow them to take away their belongings and thus the future of their lives is dark and they have not got even a piece.

May be that the military scheme may be inspired by honest motives and without it discipline could not be maintained but we hear that the sufferers are not satisfied with the conduct of the military guards and they are to a great extent expressing despair regarding (the recovery of) their property. We may trust to the wisdom of the military officials in this respect but the future alone will show how far the ordinary military guards have justified this trust. We desire that the people should be assured by means of unofficial communiqué and they should be told that there are no grounds for such doubts and suspicions regarding the military organization (administration). This announcement should be made with full responsibility so that those whose wealth is buried may be finally satisfied. We have before us the Simla Communiqué of June 14 in which the Government of India has assured the owners of property. This is the first communiqué of the Government of India which is somewhat detailed and can satisfy the public. We hope that after short intervals Government will continue to publish its proposals in this manner and will discharge this great duty of its, which devolves on it morally and legally.

In this connection, there is the next problem of relief for those who have left Quetta leaving their property buried there. It is duty of both the Government and the public to provide for the immediate needs of these people. The first work is to instruct the District officials to prepare lists of them. The second work should be to render them immediate help out of the Viceroy's Earthquake Fund and to submit reports to Government about their goods, property and future and if official rules permit means should be provided for their aid in future.

*Translation of an article headed "Horripilating stories of the atrocities of the military" which appeared in the issue of the "Vikas" of Saharanpur, dated 16th June, 1935.*

On inquiry from the earthquake sufferers it was found that their greatest grievance was about the treatment of the military. The representative of the Arjun (Delhi) has in his lengthy article mentioned several instances of this kind. Two boys twelve or fourteen years old said that the military wounded by shots those who refused to leave Quetta. One old woman said that she was forcibly removed by soldiers while she was sitting weeping over the debris of her house, under which the whole family was buried. A girl said that she had come to her husband's place a week before. In the earthquake her husband was seriously injured, but she was not allowed to see him for the last time and was forcibly sent away to the railway station.

The husband of a woman died and her twenty-five years old son was buried under the debris. He was alive and was crying to his mother to take him out and give him water. She was trying to take him out when she was driven away by the soldiers. She was crying that she was not so much sorry for her dead husband as for her son buried alive. These instances place before us the highly diabolical nature of the military administration. It is the height of injustice to order any body to go out of Quetta who has any wounded relation lying in the hospital or half buried in the debris but alive.

Several men coming from Quetta told the representative of the Vikas at the Saharanpur railway station that the military forcibly took away what little money they could secure from the ruins of their houses. Reports have been received of several women being deprived of their ornaments. Those who returned from Quetta generally complained that if outside help had been accepted hundreds and thousands of lives could have been saved but the Government in the interest of the military did not allow any body to go there in order to prevent the military from coming into contact with the general public and specially the nationalist party. In this manner many lives were lost.

*Translation of an article headed "The distressed Indians and Europeans deplorable discrimination" which appeared in the issue of the "Tej", dated the 18th June, 1935.*

In the course of the leading article under the caption "The distressed Indians and Europeans deplorable discrimination", the editor remarks that one cannot blame nature for the havoc wrought by it. But what is to be seen is whether every possible effort is being made to alleviate the sufferings of the Quetta victims. But closing the door to public relief, the Government have taken upon themselves the entire responsibility of helping thousands of victims. The protection of all the property which is lying buried under the debris has also devolved upon the Government and it is to be seen whether the authorities can satisfactorily discharge this responsibility. Proceeding the editor observes that most of the refugees who were extricated from under the debris have narrated different stories of relief work by the military, which are so grim that even if a word of them is accepted as true, it is sufficient to nullify the benevolent aspect of all the relief work done by the Government. It has been stated for instance that most of the military soldiers demanded the price of saving the lives of those buried under the debris, and they realised it as far as they could. It is said that many women were thus obliged to hand them over their ornaments. It is also alleged that in certain places women and girls were subjected to immoral treatment. To usurp what is left of the property otherwise totally destroyed and to violate chastity under the pretence of relief work are acts of ruthlessness and wickedness. The editor is not prepared to believe for a moment that such acts can be committed in the presence of responsible officers nor in the absence of authentic verification does he think it justifiable to presume that the serious allegations which



are being brought against the military soldiers are correct. But the complaints made by the refugees cannot but influence the sentiments of the public. The Government should give the assurance that during the relief operations which are expected to last longer no opportunity would be given to the military to indulge in any kind of improper act. Another question which arises is the manner in which the relief fund started by H. E. the Viceroy would be expended. The victims include both the Indians and the Europeans and the number of the latter is quite insignificant as compared to the former. Moreover, the Indians have suffered heavy losses in property whereas the Europeans were only temporarily residents of Quetta and therefore the loss of property sustained by them is proportionately less. The treatment offered to the Indian and European victims contains a tinge of racial discrimination. First class berths were provided to the European victims and the proposal of giving them relief on a vast scale and having them in bungalows at Simla, is under consideration. On the other hand the poor Indians, and even the rich who have been rendered destitute are being evacuated in trains after trains to Lahore and Karachi. Their future is quite uncertain. The deplorable distinction which has so far been witnessed is not a happy augury. If the Government want recognition of their hard and onerous work in Quetta, then they shall have to prove that their sole care are not the Europeans, but also the Indians.

*Translation of an article headed "The Congress and the Quetta Relief, the Government should realise their responsibility" which appeared in the issue of the "Tej" of Delhi, dated the 14th June, 1935.*

In the course of the leading article under the caption "The Congress and the Quetta Relief, the Government should realise their responsibility", the editor remarks that the latest news received from Quetta confirm the opinion of the President of the Congress that even after several days some of the people buried under the debris can be extricated alive. A report goes to show that an infant was dug alive after six days, and similar was the case with a Sikh. These are the incidents which have come to light, and one cannot say how many more living souls still confined under the debris would leave their bodies simply because salvage operations have been suspended. The editor would not characterise the suspension of excavations as analogous to abetment of murder, which is a very serious offence, because attributing such an offence to the Government would mean discrediting the very useful and praiseworthy acts being done by the Government in connection with relief work in Quetta, but at the same time he has the right to enquire in what term except that of abetment to murder can the loss of life which is likely to be due to the suspension of salvage operations in Quetta, be described, and who has to be held responsible for it. If the statement of Acharya Kripalani that salvage operations were suspended not on account of the fear of the outbreak of any epidemic diseases, but on account of the want of workers, is correct, the Government by closing the door to relief by the public has not committed simply a mistake, but an inhuman act. Referring to the measures being taken by the Congress for the relief of the refugees, the editor hopes that any step which Babu Rajendra Prasad would take in this direction in consultation with Mr. Gandhi would have the support of the public. He would insist upon the Government to realise their responsibility even now by giving an opportunity to public organisations and leaders to assist them in relief operations.

*Translation of an article which appeared in the issue of the "Qaumi Gazette" of Delhi, dated the 11th June, 1935.*

In the course of a news item entitled "Piles of dead bodies are being burnt with petrol", an account of an interview of a press representative with a woman survivor passing through Lahore is published, to the effect that many dead bodies are still lying buried under the debris, and there is no one to extricate them. The people lying buried under the debris are crying for help, but no one listens to them. Moans are being heard from all sides there. Most of the injured are still there. Dead bodies are collected in heaps and burnt with petrol, and no distinction is made between the Hindus and Muslims.

*Translation of an article which appeared in the issue of the "Arjun" of Delhi, dated the 4th June, 1935.*

Commenting upon the Quetta earthquake, the editor in the course of the leading article remarks that in view of the difficult situation with which the

authorities are faced at Quetta, uncertainty about the number of casualties is only natural, but what is deplorable is the indifference of the authorities towards Indian lives. From the manner in which reports are being published, it appears that the surviving officials of Quetta have a greater concern for the lives of the British than of the Indians. Not only the exact number but even the names of the British who have either been killed or injured are being published from the very first day, but on the other hand with one or two exceptions, not only the names of Indian victims have been omitted, but their number has also been roughly estimated. Though on account of the overwhelming population of Indians, it is not easy to form an estimate of casualties, yet the doubt that the same efforts have not been made to find out the number of Indian casualties as has been made for the British casualties is not altogether baseless. The authorities could easily give the names of prominent Indian victims like those of the British victims. For instance the names of the five Indian Extra Assistant Commissioners who were killed could easily be available for publication, as also of other prominent Indians, whether killed, injured or surviving in order to relieve the anxiety of thousands of their friends and relatives. Continuing the editor appeals to the Government not to impose any restrictions on non-official relief agencies which may want to proceed to Quetta for the help of the sufferers. The editor also suggests that the Silver Jubilee Fund should be immediately diverted to the relief of the victims, and hopes that nothing would give to His Majesty greater satisfaction than such diversion.

*Translation of an article which appeared in the issue of the "Arjun" of Delhi, dated the 6th June, 1935.*

In the course of the leading article under the caption "The earthquake in Quetta, and relief work, the peculiar policy of the Government", the editor remarks that the policy of the Government in the matter of the relief of the quake-stricken in Quetta is quite unintelligible. It is difficult to understand clearly what do they want to do. On the one hand they do not permit anyone to proceed to Quetta for relief work, and on the other H. E. the Viceroy has started a relief fund for which appeals are being made. At the same time the authorities in Quetta are evacuating all the survivors, and all their efforts are diverted towards clearing the city. When Quetta will thus be evacuated, only ruins will be left there. Who will then receive help? Will the bricks, stones and the ruins be the recipients of help? How will the money which is being contributed to the Viceroy's Relief Fund, be used. There is another problem of vital importance from the point of view of the survivors and relatives of those who have been killed in the disaster. What would become of their property worth lakhs of rupees which is lying buried under the debris. On the one hand they have been stricken by the earthquake and on the other they have been externed from Quetta. It means giving kicks to the dead. Quetta was not inhabited by Government servants only, but also by thousands of persons who were permanently carrying on business there. They had all their property and valuables in Quetta. Where would such people take refuge after being turned out of Quetta? These are the people who are most deserving of help. The question of property and refuge is equally applicable to the wage-earners of the Government. The Government might continue to pay them their past and future wages, but what would become of their immoveable property which is lying buried under the debris, and how would the property of the dead victims of this class be transferred to their relatives. How and when would the kiths and kins of the dead get news about the fate of the latter. These and various other questions are arising out of the peculiar policy of the Government and are intensifying the discontent and anxiety prevalent among the public. Suspicions are being entertained in regard to the intention of even the Government and the authorities, and are being strengthened further by the differential treatment offered to the British and the Indian victims. When people find even the name of every British child, either injured or dead to the utter exclusion of the names of prominent Indians, when they find foreign organizations like the Red Cross Society, etc., at liberty to proceed to Quetta in the face of the refusal to permit any Indian to proceed there, and when they see the injured Indian orphans and others being sent out of Quetta in third class compartments and the British being either retained there comfortably in hospitals or



being evacuated by means of aeroplane, they cannot help entertaining strong doubts in the intention of the Government and the authorities. As the Indian public is weak and it lacks unity and is not accustomed to making the deaf ears of the Government hear its voice, there is no possibility of the authorities changing their policy, but the responsible officials of the Government should remember that it is good or the bad treatment offered by them to the people on such occasions which generates anti or pro-Government feelings among the public. They should not, therefore, adopt a narrow minded, but a broad minded attitude in such matters.

*Translation of an article which appeared in the issue of the "Arjun", dated the 13th June, 1935.*

In the course of the second series of an article under the caption "Dreadful earthquake at Quetta and after. Events related by the sufferers who witnessed them" written by a special correspondent of the "Arjun" it is stated that an old lady was holding a baby who was only seven months old, and when he (the correspondent) enquired as to whose baby was it, she replied that out of the 12 members of her family she was the only one left alive. Being overpowered with grief she began to run hither and thither when she saw that baby lying by the side of its dead mother, she then took it in her arms and thought it to be the last hope of her life. After narrating this the old lady began to weep bitterly.

Referring to the course of events related by a Pandit to the contributor of the article, the correspondent remarks that when he enquired from the Pandit about the welfare of a relative of his (contributor's) he stated that only about eleven hours prior to that eventful night, his (correspondent's relative's) wife came to the Pandit and asked him whether he would give her coaches for coaches from the next day if she wanted to get through the examination. She then returned to her house. At night when he awoke he heard great noise out in the street and he thought that it was storm. But then he felt consecutive shocks and heard the noise of falling buildings. He at once ran towards the door to unchain it, but as it had become bad he could not open the door. After a short moment he found a wall of the verandah coming right down over him. He then managed to get out of the house somehow and saw that it was all dark outside and houses were falling in large number. Camps were pitched in a garden but they were also closed after a short time. The Almighty did not even allow the miserable public of Quetta to bewail for their dead. Pathetic cries and heart rending wailings were heard all round. In that dense darkness of the night the people who escaped from the disaster began to run to and fro. In the morning they saw that all the big houses and lofty buildings were then levelled to the ground and the opulent and the poor were all alike. The occupants of these buildings appeared to have gone into deep slumber and at some places half buried men were seen crying for help. But the majority of them were counting their last breath by seeing that horrible scene of that place, as in spite of their being alive their bodies were engraved under a huge weight of debris and there was no hope of their escaping death. The Pandit himself tried his best to save money but then what could one man do. A mistress of his school was crying for help, but he could not do anything to get her out of the debris. By the rising of the sun, cries of water, water also began to be heard. At that moment batches of heartless Balochis began to invade the earthquake-stricken area in order to carry on loot and plundering them. But then military was posted there and by the evening the whole of the town was cleared of men. It is a heart rending tale to narrate how the mothers, wives and sisters left their children, husbands and brothers in these hilly lands of Quetta which were all dry. On their alighting from trains, the hearts of the externees were full of pathos and grief and they could hardly utter a word.

The contributor cannot say how far the Government was justified in posting military at the earthquake-stricken area. But he has no hesitation to state that every body was quite discontented with the military order. How ruthlessly and harshly the military turned out the bewailing men and women out of the

city was on the lips of all and sundry. In this connection it may be said that as the public were not prepared to leave their dead and their property at that place, it was but essential to practice some hardness. But as was stated by the two boys of Shyam Chaurasi, named Madan Gopal and Amrit Lal, it appears that those who refused to vacate the place were fired at by military men. Thus two persons were fired at in their very presence by the military. They were young boys of twelve and fourteen years of age and all their relatives had died in the earthquake. The correctness of such like events has been supported by many of the externees. An old lady stated that all her relatives had succumbed to the earthquake and while sitting over the debris of her ruined house she was shedding tears. But when the soldiers saw her sitting there they forcibly removed her from that place. The grievance of the majority of the externees was that they were forced to leave their relatives helplessly buried under the debris but who were still alive and no arrangements were made afterwards even to excavate them. The British soldiers not only gave no help to the excavation of the living, but at the same time put hinderance at many places as well. There is no doubt about it that many soldiers helped in bringing out these living persons buried under debris, but then the actions of many others were not only deplorable but were inhuman as well. Among the different complaints heard by the correspondent, it was said that some wicked persons even took off the jewellery of those ladies who were breathing their last. Some soldiers demanded money in lieu of the help they rendered. Two Muhammadans of Sialkot related to him (the contributor) many similar events. It is true that such like inhuman and brutal deeds were not common, but if they are true, then it is a great blot on the Army Department and the military order at Quetta. From what the correspondent has actually heard, he has come to the conclusion that though the official communiques and telegrams of the Associated Press have tried to white-wash all these complaints yet he would say that great carelessness has been observed in unearthing the alive from under the debris and so great sin has been committed against the humanity. If there were not sufficient men, then men from outside should have been allowed to go there and work. He (the correspondent) fully believed that if the Government would have shown a bit more sympathy, and would have allowed non-official relief parties to proceed to Quetta, then thousands of lives would have been saved in a few days. It is rather difficult to believe that the august Government would have proved incapable of arranging for food, etc., for a thousand or more men who would have gone there for relief work. It is opined by all those who have come from Quetta and others that the Government has given preference to the points of military importance to human feelings. It was wrong to say that the Government were afraid of an aggression from Afghanistan, etc. The real thing is that the military mind is always stubborn and it did not want that a cantonment should be opened to the public. It is for this reason that the Government sealed the lives of thirty-four thousand persons who are dead, and their property worth crores of rupees within the military walls at Quetta.

*Translation of an article which appeared in the issue of the "Arjun" of Delhi, dated the 14th June, 1935.*

In the course of an article under the caption "The aftermath of the terrible earthquake at Quetta, incidents witnessed and heard by the sufferers", the representative of the *Arjun* in continuation of the previous article remarks that the wife of one Sardar Ram Singh of Amritsar has returned from Quetta as a widow. She alleges that her young son Prem Singh aged 24½ years remained crying out to her for help from underneath the debris for two days, but being unable to remove the fallen bricks, etc., and thus to rescue him she made repeated entreaties to the soldiers to extricate him, but all of them replied that they had no orders to excavate. The poor mother then received orders from the British regiment to leave the place, and in great agony she was separated from her only son. She is not so sorry for the death of her husband and other relatives as she is for having left her son buried alive in the grave. Similar stories are related by several refugees. It is also said that whenever any one got some of his articles and the military soldiers suspected them to contain some money or ornaments, they at once made the owners to return it at the point of the

bayonet, enquiring as to what proof they possessed to its ownership. If some articles had to be returned in this manner, the question arises as to where have such things gone—whether in the pockets of the military soldiers or in deposit somewhere. It is also being complained that the Indian refugees in the camp were given only two loaves or some gram each, while there was an ample supply of tinned food for the Europeans, and they were in every way more comfortable than the Indians. The contributor of the article admits that these statements might be somewhat exaggerated and the authorities had undoubtedly to work under very trying conditions, and omissions were only natural. But what is needed on such occasions is that those in charge of the situation should have deep sympathy with the sufferers. Such a sympathetic attitude cannot be expected from soldiers on account of their natural temperaments. On account of the breakdown of normal arrangements, public volunteers who could really console the sufferers, should have been allowed to proceed to the spot. The Government by refusing access to the servants of the public have committed a great sin against humanity. It often appears in the press how rescue parties muster strong whenever any ship sinks, an aeroplane is lost or some volcano bursts. Several days are spent in tracing out every single individual and corpse, and no rest is known until one is left untraced. Cables and wireless are in motion and aeroplanes are out for search. But twenty six thousand persons fall victims to the earthquake and the public is not even informed how their dead bodies and properties were being disposed off. Criticising the grounds furnished by the authorities in support of the prohibition of the entry of the public into Quetta the contributor observes that what is done is done and the hopes of the survival of the semi-dead should now be given up. The proper arrangements for the survivors and their property can only be made by taking non-official organisations and individuals into confidence. Concluding the contributor suggests the institution of a regular enquiry into the complaints and allegations of the refugees and the punishment of the delinquents, if any.

**Mr. President** (The Honourable Sir Abdur Rahim) : Honourable Members will remember that the other day the Chair ordered that a certain reply given by the Honourable Sir Muhammad Zafrullah Khan should be expunged from the records as it contained a reflection on this House. On going through the records, however, the Chair finds that this cannot be done without omitting the point of order that was raised and my ruling on that point. The Chair, therefore, allows both the original reply of the Honourable Sir Muhammad Zafrullah Khan and his later reply which he intended to substitute for his first reply to be kept on the record, and the Chair directs that the questions and answers, as they have been recorded, will form part of the proceedings.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways) : Sir, I have no doubt that as this was receiving your consideration, it is for that reason that we have not received the record for revision and that it will now be sent to us to see that no mistakes have crept in.

## DEMANDS FOR SUPPLEMENTARY GRANTS—contd.

### MISCELLANEOUS—contd.

#### Special Financial Enquiry—General Policy—contd.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : Sir, I desire to state, for the information of the Honourable the Finance Member and the House, that this motion is not a motion of hostility but of intellectual curiosity, a genuine intellectual curiosity, as to how a

circle can be squared. The Honourable the Finance Member in interjecting one of the speeches on the Indo-Burma Tribunal's report said, "how to square a circle". I propose to ask that question of him, unless he chooses to follow Euclid and lay down a postulate that a square shall be a circle for this purpose.

Now, Sir, this Committee has been appointed and the terms of reference are reproduced in page 6 of the White Paper circulated to us along with the supplementary demands. It reads like this :

"The Government of India Act, 1935, provides that the allocation of certain resources between Central and Provincial Governments in India shall be settled by an Order-in-Council of which drafts will have been laid before Parliament ; and His Majesty's Government have undertaken that a special enquiry will first be held as to whether they and Parliament may be furnished with an independent review of the financial position of the provinces and the Centre."

That is the first term of reference as I understand it. They want this unfortunate gentleman Sir Otto Niemeyer to perform many impossible tasks, the first of which is to give an independent review of the financial position of the provinces and the Centre. The second task is to offer "technical advice upon these financial questions which have to be determined by an Order-in-Council".

Then the formal terms of reference begin :

"To make recommendations to His Majesty's Government, after reviewing the present and prospective budgetary positions of the Government of India and of the Governments of the Provinces, on matters which under sections 138 (1) and (2), 140 (2) and 142 of the Government of India Act, 1935, have to be prescribed or determined by His Majesty in Council (subject to the approval of both Houses of Parliament) and on any ancillary matters arising out of the financial adjustments regarding which His Majesty's Government may desire a report."

I do not envy this gentleman this task. I think his terms of reference are wide and confusing enough, and His Majesty's Government keep a reservation. They may ask him to report on any matters which may arise out of these financial adjustments. Now, Sir, my first point is that the reference, if it is to be necessary statutorily, is too limited in its scope. I invite the attention of the House to the relevant sections of the Government of India Act, 1935. Those provisions begin with section 136. Section 136 by itself is merely a definition, and, therefore, there is no need to refer this to this Commission. But I should like to know why section 137 is not referred to this Commission. Section 137 says :

"Duties in respect of succession to property other than agricultural land, such stamp duties as are mentioned in the Federal Legislative List, terminal taxes on goods or passengers carried by railway, or air, and taxes on railway fares and freights, shall be levied and collected by the Federation, but the net proceeds in any financial year of any such duty or tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces, shall not form part of the revenue of the Federation, but shall be assigned to the Provinces and to the Federated States, if any, within which that duty or tax is leviable in that year, and shall be distributed among the Provinces and those States in accordance with such principles of distribution as may be formulated by Act of the Federal Legislature :

Provided that the Federal Legislature may at any time increase any of the said duties or taxes by a surcharge for Federal purposes and the whole proceeds of any such surcharge shall form part of the revenue of the Federation."

I ask whether the future financial position of the Federation and the provinces can be determined with any accuracy, if this section is not referred to this Commissioner.

[Mr. S. Satyamurti.]

Then, I see that section 138 (1) and 138 (2) are referred to the Commissioner. I have no quarrel with that ; but I should like to know why section 138 (3) is not referred to the Commissioner. That sub-section says :

"Where an Act of the Federal Legislature imposes a surcharge for Federal purposes under this section, the Act shall provide for the payment by each Federated State in which taxes on income are not leviable by the Federation of a contribution to the revenues of the Federation assessed on such basis as may be prescribed with a view to securing that the contribution shall be the equivalent, as near as may be, of the net proceeds which it is estimated would result from the surcharge if it were leviable in that State and the State shall become liable to pay that contribution accordingly."

This sub-section and subsequent two or three sections in which the financial inter-relation between the States and the Federation comes in are wholly left out of the purview of this inquiry. I quite recognise that the States are very sensitive, and the Federation is supposed to function, without the States contributing anything worth contributing, but getting all that they can out of the Federation ; and, therefore, very naturally, His Majesty's Government being anxious to force the Federation at any cost do not want Sir Otto Niemeyer to have anything to do with the Indian States. But I should like to know from the Honourable the Finance Member, if he is satisfied that the future financial position of the Federation can be given in any accurate terms, without examining the future prospective contributions either from the Federation to the States or from the States to the Federation ; and yet this section 138 (3) has not been referred to this Commissioner.

Then we have section 139. I only want to say one word on that. In the earlier committees, the Percy Committee and the Peel Committee which went into Federal finance, a great deal was said of the possibility of a corporation tax. But with one stroke of the pen, 139 (1) says :

"Corporation tax shall not be levied by the Federation in any Federated State until ten years have elapsed from the establishment of the Federation."

I suppose if the Federation survives ten years' time, then they can have it.

Next, I should like to know why section 140 (1) is not referred to this Commissioner. You will notice that section 140 (2) is so referred. Section 140 (1) says :

"Duties on salt, Federal duties of excise and export duties shall be levied and collected by the Federation, but, if an Act of the Federal Legislature so provides, there shall be paid out of the revenues of the Federation to the Provinces and to the Federated States, if any, to which the Act imposing the duty extends, sums equivalent to the whole or any part of the net proceeds of that duty, and those sums shall be distributed among the Provinces and those States in accordance with such principles of distribution as may be formulated by the Act."

We are supposed to have an inquiry into the financial adjustments between the Federation and the provinces and the States, and yet levying them and the manner of distribution are not referred to this Commissioner. What is the acrobatic feat this Commissioner is going to perform ? He is like a horse with both eyes blinded and yet asked to run a race. I do not see why section 140 (1) is not referred to him,

but curiously enough section 140 (2) is referred to him that simply says :

"Notwithstanding anything in the preceding sub-section (*He must not look at that sub-section !*) one half or such greater proportion, as His Majesty in Council may determine, of the net proceeds in each year of any export duty on jute or jute products shall not form part of the revenues of the Federation, but shall be assigned to the Provinces or Federated States in which jute is grown in proportion to the respective amounts of jute grown therein."

I asked a question of the Honourable the Finance Member the other day, as to whether these terms of reference were settled by His Majesty's Government after consultation with this Government. Consistent with precedent, he refused to tell me. But I think I shall not accuse the Honourable the Finance Member, knowing him as I do to be fairly acute in these matters, to be responsible for this truncated reference of piecemeal sections of the Government of India Act to this unfortunate Commissioner.

Section 142 is referred to the Commissioner : I have no quarrel with that. But sections 145, 146 and 147 are not referred to the Commissioner. Of course, they refer to their Highnesses of the States. Section 145 says :

"There shall be paid to His Majesty by the Federation in each year the sums stated by His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States to be required, whether on revenue account or otherwise, for the discharge of those functions, including the making of any payments in respect of any customary allowances to members of the family or servants of any former Ruler of any territories in India."

How, is this Federation's financial position to be decided by this Commissioner, if he cannot consider within the scope of the terms of reference what may be asked by His Majesty's Representative, to wit, the Viceroy, to be paid by way of these customary allowances, etc. ? Then section 146 says :

"All cash contributions and payments in respect of loans and other payments due from or by any Indian State which, if this Act had not been passed, would have formed part of the revenues of India, shall be received by His Majesty, and shall, if His Majesty has so directed, be placed at the disposal of the Federation, but nothing in this Act shall derogate from the right of His Majesty, if he thinks fit, so to do, to remit at any time the whole or any part of any such contributions or payments."

Undoubtedly, the Government of India today gets payments to a considerable extent for various purposes from these States. This section says that it will not hereafter go to the Federation : it will go to the Crown, and the Crown may assign so much of it or so little of it as it pleases to the Federation, and the Crown may dispense with the whole or any part of these contributions. What is the financial position of the Federation going to be ?

Section 147 (1) says :

"Subject to the provisions of sub-section (3) of this section, His Majesty may, in signifying his acceptance of the Instrument of Accession of a State, agree to remit over a period not exceeding twenty years from the date of the accession of the State to the Federation any cash contributions payable by that State."

That also goes. But all these matters are outside the scope of the terms of reference of this Commissioner.

[Mr. S. Satyamurti.]

Then this Act of Parliament also provides in one of the later sections—section 310—for His Majesty's Government playing deputy Providence to this Federation. Section 310 says:

"Whereas difficulties may arise in relation to the transition from the provisions of the Government of India Act to the provisions of this Act, and in relation to the transition from the provisions of Part XIII of this Act to the provisions of Part II of this Act.....His Majesty may by Order in Council.....make with respect to a limited period so specified such temporary provision as he thinks fit for ensuring, that while the transition is being effected and during the period immediately following it, there are available to all governments in India and Burma sufficient revenues to enable the business of those governments to be carried on; and make such other temporary provisions, etc., etc."

I congratulate His Majesty's Government on having this kind of Midas' touch, that they are going to provide somehow or other for all Governments in India and Burma sufficient revenues to enable the business of those Governments to be carried on. But that is not referred to Sir Otto Niemeyer.

Then, Sir, let us see exactly, apart from the sections of the Act, what the financial effects are, grim and ugly as they are, according to the authorities most competent to pronounce on these matters. The Joint Parliamentary Committee, Sir, who inquired into this matter went into this question of finances very carefully, and at page 160 of their Report they say this. Budget Estimates of Revenue and Expenditure of Central and Provincial Governments in 1933-34. Total net revenue for the Central Government they put down at 7.16 crores, including Nil under Railways, unlike the Percy Committee who put down five crores, and the expenditure they put down at 77.91 crores, leaving a very small balance. As regards the provincial revenues, they say that the total revenue will be 77.91 crores, and the expenditure will be 79.78 crores,—a deficit. Having said this, they go on to point out this:

"Both Centre and Provinces have, however, been severely affected by the world economic depression"—a blessed phrase which covers all sins of all Governments; if anything goes wrong anywhere, you put it down to the world economic depression.—"and the financial position of both has been severely strained. Rates of taxation have had to be increased in all directions, and every department of Government has had to submit to retrenchment; but the way in which the strain has been borne is a tribute to the essential soundness of the present financial system. Past experience of the existing system leads to two conclusions on which there is general agreement: (a) that there are a few Provinces where the available sources of revenue are never likely to be sufficient to meet any reasonable standard of expenditure."

Here, Sir, I would make one amendment, that there is no province in India where the available sources of revenue, under the present system, are ever likely to be sufficient to meet any reasonable standard of expenditure of a civilized Government. And (b) "that the existing division of heads of revenue between Centre and Provinces leaves the Centre with an undue share of those heads which respond most readily to an improvement in economic conditions". I differ from that conclusion. As regards the Central Revenues, today, Railways which were intended to give five crores a year are rapidly running towards an economic precipice.

Then, Sir, as for Customs, the moment your gold exports cease or even show a serious sign of decrease, in spite of the facile optimism of the Honourable the Finance Member, he will find the customs revenue

falling heavily. As for Income-tax, it is the next biggest source of revenue of the Central Government, and yet all Provincial Governments and all expert committees have got one common nefarious purpose of pocketing at least 50 per cent. of that for the provinces. There is not one Committee which has not laid its unholy hand on this source of revenue.

As for salt and opium, they are small heads of revenue. As for Post and Telegraphs, they are a department which we may hope one day to be run on an economic basis; but I am reflecting popular opinion, both inside and outside this House, when I say that, whatever saving there is in that department, must go first and foremost to the reduction of the high postal rates. Therefore, I do not see how the Government of India can ever hope to balance their budgets, unless they shut their eyes to the future and say sufficient unto the day is the deficit thereof.

Then, the Joint Parliamentary Committee also says this:

"There is little doubt that, from the economic point of view, it is desirable that the Provinces should, if it is practicable, share in the proceeds of taxes on income."

Then, Sir, in para. 255, however, they seem to realise the difficulties in this proposed distribution of income-tax.

"It must be admitted that the White Paper proposals for dealing with taxes on income present many difficulties, but the problem does not admit of any facile solution, and, except for the suggestion made above, we do not ourselves feel able to propose an improved scheme. We should add that the actual method of distribution between the provinces of any share in the taxes on income is a technical problem of some complexity, and we do not think that it is part of our duty to suggest a detailed scheme."

They left it there. They made one suggestion, however, in para. 258, and it is this:

"The White Paper proposes that the Provinces should have exclusive power to impose taxes on agricultural incomes, which are not at present subject to income-tax. We approve this proposal."

I do not know, Sir, if that is one of the terms of reference to Sir Otto Niemeyer's Committee. I am afraid not. The Government is too cautious in such matters, and will not have the courage to recommend one source of revenue which democratic opinion in this country will heartily support, that is to say, taxing agricultural incomes.....

The Honourable Sir James Grigg (Finance Member): You will get your chance.

Mr. S. Satyamurti: I said democratic opinion.

Then, Sir, I go on to paragraph 263, in which the question of Indian States and the Federation from the financial point of view is discussed, and they refer to the States' maritime customs, the land customs duties imposed by Indian States, and financial adjustments between the Federation and the States. I tried my best during this Session to draw out the Finance Member on all these matters. Naturally he has preserved his sphinx-like silence. Perhaps, if I had been in his position I would have done the same thing. (Laughter.) But Sir Otto Niemeyer is not treated more fairly. I am not called upon to draw up a financial picture, but he is called upon to do so, and he is not told how many crores are to be paid by the Federation, for getting a uniform customs policy. That is a matter which, I think, is very

[Mr. S. Satyamurti.]

pertinent to this inquiry, otherwise we will have got no Report worth having. I should be glad to hear from the Finance Member that before Sir Otto Niemeyer starts his inquiry or before he completes his inquiries he will be told exactly how these ticklish questions of customs duties, especially in relation to maritime States, are going to be settled and on what basis.

Then, Sir, in paras. 272 and 273 of the Joint Parliamentary Committee, they state their general conclusions :

"The general conclusion, therefore, is that, though not formidable new financial burden would be thrown on the taxpayers of India as a whole as a direct result of the constitutional change proposed, the necessity for giving greater elasticity to provincial resources, the subventions to the deficit provinces and also the separation of Burma, will impose a further strain on the finances at the Centre."

I have made a rough calculation. My conclusion is that it will cost in the neighbourhood of seven crores for this Federation,—the contribution to all deficit provinces, the separation of Burma and the settlement with the Indian States in regard to customs matters,—all these will cost about seven crores. If I am wrong, I shall be glad to be corrected.

Then, Sir, in para. 273 the Joint Parliamentary Committee say this :

"It has been argued in some quarters that constitutional changes should be postponed until the financial horizon is clearer, but the additional difficulties attributable to the change (and such as they are relate mainly to Provincial Autonomy and not to Federation) are but a small part of the financial problem which has in any event to be faced, and is, we hope and believe, in the process of solution." I see no such hope.

And they finally say :

"We do not conceive nor do we understand that it is intended that any expert body could be charged with the duty of deciding whether the position was such that the new Constitution could be inaugurated without thereby aggravating the financial difficulties to a dangerous extent. On this point, we have said that Parliament must at the appropriate time receive a direct assurance from His Majesty's Government."

In answer to one of my questions, the Honourable the Finance Member was pleased to state that Sir Otto Niemeyer's inquiry will form the basis of the assurance which His Majesty's Government will give to Parliament in due course that the new changes can be inaugurated without aggravating the financial difficulties to a dangerous extent. If that is so, I should like to know whether the present terms of reference, strictly limited as they are, are calculated to give either the Commissioner or His Majesty's Government or Parliament the assurance contemplated in this paragraph of the Joint Parliamentary Committee report.

So much for the Joint Parliamentary Committee and its conclusions, but, Mr. President, there was a committee presided over by Earl Percy and that committee went into this matter of Federal finance and I should like to read a few of the conclusions of that report to show to the House how, in some cases, this problem seems to be almost impossible of solution. On page 4 of the Percy Report, we have the federal forecast. That was in 1932, and they come to estimate the

total revenue at 84.60 crores. Do you know how?—by putting down five crores as net revenue from the Railways. I do not think the Honourable the Finance Member will differ from me when I say that that five may be on the wrong side very soon. They also put down income-tax at 18 crores, the net being 17 crores 20 lakhs as part of this 84. At a modest estimate, if we give up nine crores of income-tax, 50 per cent. for distribution among the provinces and this five crores of Railways which have already disappeared are taken out, what will remain is 70.60 crores and the total expenditure is 80.10 crores, leaving a deficit of 10 crores. Then they come to provincial finance and they have given the figures on page 5 :

|                   |    |    |    |    |        |
|-------------------|----|----|----|----|--------|
| Madras            | .. | .. | .. | .. | — 20   |
| Bombay            | .. | .. | .. | .. | — 65   |
| Bengal            | .. | .. | .. | .. | — 2,00 |
| United Provinces  | .. | .. | .. | .. | + 25   |
| Punjab            | .. | .. | .. | .. | + 30   |
| Bihar and Orissa  | .. | .. | .. | .. | — 70   |
| Central Provinces | .. | .. | .. | .. | — 17   |
| Assam             | .. | .. | .. | .. | — 65   |

All the minus figures have no asterisks but the *plus* figures have the asterisks and there is a note below which says : "In estimating for these surpluses, we have adopted the figures placed before us by the Governments concerned". So, they do not take any responsibility for the *plus* figures. With regard to excise, they give us this warning. We, Congressmen, are pledged to prohibition of alcohol, and, therefore, they say :

"It will, we think, be generally agreed that a Province which deliberately foregoes revenue in this manner cannot fairly ask for special treatment in the distribution of income-tax at the expense of other provinces."

Then, Sir, with regard to expenditure, they themselves lay down that the scope of retrenchment in the provinces is very limited and they conclude :

"We regard it, therefore, as essential that the Government of India and the Local Governments should give this matter their immediate attention and should endeavour to concert measures to secure equilibrium in the provinces during the intervening period. It is hardly necessary to add that our forecast of federal finances depends upon the assumption that the Government of India, too, will find it possible to pursue, in the intervening period, a policy which will not jeopardise the initial federal surplus anticipated by us."

I have already said that this is bound to become a deficit. Then they suggest certain additional sources of revenue for the Federation and the provinces, and I will merely read their conclusions. You will find that the sources are as plentiful as snakes in Iceland ! They begin by saying, referring to the excise on tobacco :

"The difficulties in the way of a federal excise may be overcome in course of time, but it would be unsafe for us to rely on this in the near future."

[Mr. S. Satyamurti.]

Then, they are enthusiastic about excise on matches; but, I think, in this country an excise on matches is bound to be very unpopular, at any rate so far as they are cottage industries. Then they say as regards other excises:

"We do not feel warranted in relying upon the introduction of such measures in the early years of federation."

On Monopolies they say:

"The only new federal monopoly of this kind that has been suggested to us is broadcasting, the revenue from which must be entirely problematical."

Then, as regards commercial stamps, they entertain some hope, but their recommendation is that commercial stamps should not remain a source of Federal revenue. They have some hope of corporation tax, but the Government of India Act has postponed it by at least ten years after the Federation. As for provincial taxes, they say, referring to the taxation of tobacco:

"There is unfortunately no material which would enable us to estimate the yield of any of these forms of taxation. The provincial taxes will take some time to mature, but eventually they may be expected to form at least a very useful additional source of provincial revenue."

As regards succession duties, they say that the facts would not justify reliance on them as a source of revenue in the near future. As regards terminal taxes they say:

"We are not prepared to regard terminal taxes as a normal source of revenue."

As regards taxation of agricultural incomes, they say it may be done but "we are aware of no reliable data for estimating the yield of such taxation", and, therefore, their conclusion is this:

"We have confined ourselves to an examination of new sources, and in this field the results of our survey are not encouraging."

In the federal sphere, the excise on matches is the only tax, and they come to the conclusion that they can then have 7 or 7½ crores as a Federal revenue. I have stated enough as regards the Percy Committee's conclusions on federal and provincial sources of revenue to show that it is impossible for the Federation or the provinces to look in the near future for any considerable addition to their revenues. I have referred already to the proposed distribution of income-tax to the various provinces. The minimum demand is 50 per cent. in some cases, and even 75 per cent. in others and the Peel Committee themselves have stated that so far as customs duties are concerned they are bound to fail, a conclusion with which I entirely agree. There is only one last word that I want to say and that is to draw the attention of the Honourable the Finance Member to the leading article in the *Hindu* of the 18th September, entitled 'The Financial Enquiry'. The last paragraph reads thus:

"A proper decision on the fixing of the percentage of income-tax to be assigned to the provinces however involves considerations of fundamental importance concerning the trend of Provincial and Central finances in the future and their ultimate relative position under the new constitution. If it is found that under the proposed division of resources and responsibilities, the financial position of the Central Government will become immensely stronger vis-a-vis the Provincial Governments and independently of them as well, then, that will be a justification for assigning a higher percentage of income-tax revenue to the provinces than if it is expected that the finances of the provinces will considerably improve under the reforms. If their

difficulty (that is the Government of India) is temporary, then the best way out of the difficulty would be to extend the period during which they might retain the income tax assigned to the provinces, while making the assignment to the provinces on a generous scale. The fact must never be lost sight of that it is the Provinces which are saddled with growing responsibilities and which need growing resources to spend on ever-expanding nation-building activities."

Now, Sir, I do not want to arouse provincial jealousies or the jealousies of the provinces against the Federation. I think the present position is this. Both the Federation and the Provinces are in a parlous financial condition. No doubt this Government won't listen to any advice, but, if it does, it would be well-advised to postpone these costly, unwanted reforms which nobody wants. Now why do you want to square a circle, when nobody wants to square that circle? And, so far as the provinces are concerned, Mr. President, although the Centre may be in a very difficult position, the provinces want as much money as they can get. Today, there is no doubt that all the spending Departments are going to be in the provinces: education, sanitation, public health, village improvement, roads, water supply, etc., and where are they, I ask, going to get the money from? Sir, every province is now taxed to its utmost capacity. There is a feeling here that we Madras are not taxed as much as in other provinces. I say, in the province of my Honourable friend to my right, and in mine, the land tax is the highest. Both the United Provinces and Madras pay the highest land tax; then, in another province, that of Bombay, the income-tax is very high, and then in Bengal, they have the jute tax. Similarly, every province is taxed to the utmost, and I do not think there is any Provincial Government which can dare to propose any increase of taxation. That being so, how are the provinces going to be financed? You say you want this experiment to be carried out. I am not talking politics, I am talking finance: what, I ask, are the Ministers going to do? They cannot touch the salaries of all these officers from top to bottom; their salaries have been protected, and we cannot touch them, and we cannot increase our revenues. What about the provinces, what about the Federation, what about their sources of revenue? These are difficult and delicate problems, and I suggest that a committee like that proposed in this demand consisting of one gentleman, whose terms of reference are restricted, and who is asked to report within three or four months on these intricate problems will lead us nowhere. Sir, the position requires an honest and independent financial inquiry by people who know how this country needs increasing revenues, and how we cannot get that unless there is retrenchment, which, however, is prohibited by the Government of India Act, especially in the scales of salaries of high officials, and unless there is retrenchment in the huge expenditure of defence of this country; and if all these things are kept out, I am afraid the experiment of the Honourable the Finance Member, who is here to justify it, will end exactly, in the same way, in which all such attempts to "square circles" have ended in the past. (Loud Applause.)

Several Honourable Members: I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,83,000 in respect of 'Miscellaneous' be reduced by Rs. 100."



[Mr. President.]

The Chair finds that there are similar motions in the names of Dr. Banerjea and Pandit Govind Ballabh Pant, and the Honourable Member, Pandit Govind Ballabh Pant, has also another motion on the same subject, that is, "that the demand be reduced to Re. 1". The Chair would inform him that, if the Honourable Member wishes to move that motion, he can only do so on financial grounds.

**Pandit Govind Ballabh Pant :** I do not intend to move it at all, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : Dr. Banerjea.

**Dr. P. N. Banerjea** (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, the question of the financial re-adjustment between the Centre and the Provinces has been under discussion now for seven years. The Simon Commission was the first to investigate it....

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. If the Honourable Member is going to discuss the general financial position of the Government of India and the Provinces on this motion, the Chair thinks he would be going beyond the scope of the motion. Honourable Members have got to restrict themselves to the terms of the motion, that is, the appointment of this Commission and the financial adjustments between the provinces.

**Dr. P. N. Banerjea :** Sir, I will confine my remarks to this particular issue, which, however, is a very narrow one. The matter which will be considered by Sir Otto Niemeyer is a very important one. On the decision of this financial expert will depend the future well-being, not only of the provinces but of the States and the Federation. The questions which are involved in this subject are also of a very complex character, and these questions have baffled the efforts of several Committees and Commissions. Is it, in these circumstances, desirable that questions of such importance and complexity should be referred to the decision of a single person? Sir Otto Niemeyer is a great financial expert, and I have no doubt that he will do his best to come to conclusions which will be satisfactory to all the parties. But two heads, they say, are always better than one, and three heads would perhaps be better than two. (Laughter.) So I suggest that the financial enquiry should be referred to a Committee of three persons, one European and two Indians. There is no lack of talent in India, and there are a great many persons who have studied questions relating to Indian finance in a very thorough-going manner. Therefore, there is no justification for appointing one single person to undertake such an important and complex question. Sir, I do not question the honesty or the ability of Sir Otto Niemeyer, but I think that the terms of reference are extremely restricted. Section 140 (a) should have been referred for expert inquiry. I do not know whether Sir Otto Niemeyer will be entitled to go into the Budget of the Central Government and find out if any retrenchment is possible in that Budget. It is very essential that a real retrenchment should be made in the Central Government's Budget; otherwise, it would be impossible to find adequate funds for the provinces. The great drawback of the financial system in the past has been that there has been a lack of

balance and harmony in the finances of the different parts of the country. The Central Government has spent a very large amount of the total resources of the country for its own purposes, and very little of these resources has been left to the Provinces. The time has come when these anomalies should be removed. I am sorry I do not agree with my Honourable friend, Mr. Satyamurti, that section 137 should be referred to the financial expert. This section of the Government of India Act deals with taxes which belong to the Provinces and the States, and no great advantage will ensue by referring this question to an expert.

**Mr. S. Satyamurti :** Let him have a picture of the whole thing.

**Dr. P. N. Banerjea :** No harm would ensue if he should obtain a picture, but suppose he goes further and suggests that the duties mentioned in this section should be levied immediately. That may place some of the Provincial Governments at a great disadvantage. However, the terms of reference are very narrow and restricted. Further, the procedure suggested is not what it should be. No formal evidence is to be taken; but if this inquiry is to be of a thorough-going character, it is essential that all sections of opinion in India should be entitled to give evidence. It is suggested that evidence may be given through the Local Governments. Why? It is very difficult to understand why public bodies and individuals should be prevented from tendering evidence direct before Sir Otto Niemeyer. Lastly, I suggest that even if it be impossible to change the personnel of the inquiry, the procedure should be made such that the investigation will satisfy all the provinces.

The importance of this inquiry cannot be exaggerated as the future of the new Constitution will depend entirely upon the success or failure of this inquiry. I hope, therefore, that adequate steps will be taken so that the inquiry is made as thorough as possible. It is not yet too late. Unfortunately, the Finance Member's reply the other day was not very convincing. He did not give us any assurance as to the method by which this inquiry will be carried on, nor did he give us any assurance that the report of this Committee will be brought before the Assembly for discussion and adoption. I hope the Finance Member and the Government of India will reconsider this decision in these important matters in order that the future financial relations between the Federation and the provinces may be placed on a very stable and satisfactory footing.

**The Honourable Sir James Grigg :** Sir, I think we can unhesitatingly agree with the last speaker's estimate of the importance of this inquiry for the future of India. There is no doubt that it is of vital importance to the future of India, both Centre and the Provinces. Sir, my Honourable friend, Mr. Satyamurti, showed, I think, what is unusual for him a little inconsistency in the early part of his speech. He, first of all, was inclined to shed tears of pity for Sir Otto Niemeyer at the magnitude of his task, but the latter part of his speech was pretty fully occupied with complaints about the number of things that had been omitted from the terms of reference. He gave a list of 10 or 12 such things. I will deal with the complaints first. On second thought, I think



[Sir James Grigg.]

Then there was another point raised by Dr. Banerjea and I think the substance of his complaint was not really that a Committee of three is better than a Committee of one. I personally disagree with that very violently, but still that is an academic question. But I think the substance of his complaint was that there were not associated with Sir Otto Niemeyer two Indians. I do not wish for one moment to challenge his statement that there are lots of capable Indians in the economic and financial sphere, but is he quite sure that the non-association of Indians directly with this enquiry is such a crime? The essence of the enquiry is that, it has got to be completely impartial and impartial between all the Indian interests concerned. Though my Honourable friend, Pandit Pant, does not agree with this, the moment an Indian is appointed to this enquiry, he either will be, or will be thought to be, a representative of some particular interests, either his Province or his caste.....

**Mr. Satyamurti** : Then, why do you appoint Indians to the Treasury Benches?

**The Honourable Sir James Grigg** : That is a separate question. Anyhow I do not gather the Honourable Members opposite have ever accused us of impartiality. As I said they will be or will be thought to be representative of some particular interest either their Province or their community or their caste or of some particular economic interest.

**Dr. P. N. Banerjea** : Caste has nothing to do with finance.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : No communalism in finance.

**The Honourable Sir James Grigg** : I think the Honourable Member is a little optimistic and on inadequate grounds. In the end directly you start to appoint Indians to this enquiry, you will have to satisfy all shades of Indian public opinion, every single interest will have to be represented. Then the enquiry will cease to be an enquiry and will become a public meeting or a series of public meetings and you will not get one report but twenty reports. I think, on reflection, Honourable Members opposite will come to the conclusion that the Secretary of State has in fact selected that form of enquiry which is best calculated to give fair and expeditious results. Admitting that this is so for the moment and I ask my Honourable friends opposite to admit it for the moment, I can say, though I do not intend or presume to comment on the personal choice that the Secretary of State has made, and can say from a personal knowledge of 20 years of Sir Otto Niemeyer that I do not believe any more impartial or any more capable person could possibly have been found to do this job. (Applause.)

**Mr. S. Satyamurti** : I beg leave of the House to withdraw my motion.

The motion was, by leave of the House, withdrawn.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That a supplementary sum not exceeding Rs. 1,83,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1936, in respect of 'Miscellaneous'."

The motion was adopted.

## DEMANDS FOR EXCESS GRANTS FOR 1933-34.

### INTEREST ON MISCELLANEOUS OBLIGATIONS.

**The Honourable Sir James Grigg** (Finance Member) : Sir, I move :

"That an excess grant of Rs. 2,12,409 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of 'Interest on Miscellaneous Obligations'."

Perhaps I may make one remark which will do for the whole of these excess grants. These are excess grants which have been reviewed by the Public Accounts Committee and which the Public Accounts Committee recommended to the Assembly to regularise.

Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That an excess grant of Rs. 2,12,409 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of 'Interest on Miscellaneous Obligations'."

The motion was adopted.

### GEOLOGICAL SURVEY.

**The Honourable Sir James Grigg** : Sir, I move :

"That an excess grant of Rs. 8,634 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of 'Geological Survey'."

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That an excess grant of Rs. 8,634 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of 'Geological Survey'."

The motion was adopted.

### INDIAN STORES DEPARTMENT.

**The Honourable Sir James Grigg** : Sir, I move :

"That an excess grant of Rs. 19,895 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of 'Indian Stores Department'."

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That an excess grant of Rs. 19,895 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of 'Indian Stores Department'."

The motion was adopted.

### MISCELLANEOUS.

**The Honourable Sir James Grigg** : Sir, I move :

"That an excess grant of Rs. 856 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of 'Miscellaneous'."

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**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 856 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Miscellaneous ’.”

The motion was adopted.

#### EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO REVENUE.

**The Honourable Sir James Grigg** : Sir, I move :

“ That an excess grant of Rs. 75,743 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Expenditure on retrenched personnel charged to Revenue ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 75,743 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Expenditure on retrenched personnel charged to Revenue ’.”

The motion was adopted.

#### TRANSFER TO THE FUND FOR RECONSTRUCTION OF EARTHQUAKE DAMAGE.

**The Honourable Sir James Grigg** : Sir, I move :

“ That an excess grant of Rs. 1,42,77,180 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Transfer to the Fund for reconstruction of Earthquake damage ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That an excess grant of Rs. 1,42,77,180 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Transfer to the Fund for reconstruction of Earthquake damage ’.”

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor : Non-Muharamadan Rural) : Sir, I want some information on this head as to when the original fund was created and whether it was placed before this House before this fund was created and also the details and purposes for which this amount is intended.

**The Honourable Sir James Grigg** : Sir, that is all set out in the report of the Accountant-General, Central Revenues, which was part of the material submitted to the Public Accounts Committee and which I think is part of the material circulated to Members of this House.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 1,42,77,180 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Transfer to the Fund for reconstruction of Earthquake damage ’.”

The motion was adopted.

#### CIVIL WORKS NOT CHARGED TO REVENUE.

**The Honourable Sir James Grigg** : Sir, I move :

“ That an excess grant of Rs. 1,76,613 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Civil Works not charged to Revenue ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 24,288 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Civil Works not charged to Revenue ’.”

The motion was adopted.

#### EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO CAPITAL.

**The Honourable Sir James Grigg** : Sir, I move :

“ That an excess grant of Rs. 24,288 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Expenditure on retrenched personnel charged to Capital ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 24,288 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Expenditure on retrenched personnel charged to Capital ’.”

The motion was adopted.

#### WORKING EXPENSES—ADMINISTRATION.

**The Honourable Sir James Grigg** : Sir, I move :

“ That an excess grant of Rs. 4,63,107 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Working Expenses—Administration ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 4,63,107 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Working Expenses—Administration ’.”

The motion was adopted.

#### COMPANIES' AND INDIAN STATES' SHARES OF SURPLUS PROFITS AND NET EARNINGS.

**The Honourable Sir James Grigg** : Sir, I move :

“ That an excess grant of Rs. 15,149 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Companies' and Indian States' share of surplus profits and net earnings ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That an excess grant of Rs. 15,149 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of 'Companies' and Indian States' share of surplus profits and net earnings."

The motion was adopted.

#### APPROPRIATION FROM DEPRECIATION FUND.

**The Honourable Sir James Grigg** : Sir, I move :

"That an excess grant of Rs. 18,22,325 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of 'Appropriation from Depreciation Fund'."

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

"That an excess grant of Rs. 18,22,325 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of 'Appropriation from Depreciation Fund'."

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock. **Mr. Deputy President** (Mr. Akhil Chandra Datta) in the Chair.

#### REPORT OF THE TRIBUNAL ON FINANCIAL SETTLEMENT BETWEEN INDIA AND BURMA AFTER SEPARATION.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The House will now resume consideration of the following motion moved by the Honourable Sir James Grigg as well as the amendments\* moved by Messrs. K. L. Gauba, B. Das and Mathuradas Vissanji :

"That the Report of the Tribunal appointed to advise on the Formulation of a Financial Settlement between India and Burma in the event of Separation be taken into consideration."

\*By **Mr. K. L. Gauba** :

"That for the original motion, the following be substituted :

'That the Report be rejected by the Government of India as unjust and inequitable to India'."

By **Mr. B. Das** :

"That for the original motion, the following be substituted :

'That the Report be rejected as being unfair to both India and Burma'."

By **Mr. Mathuradas Vissanji** :

"That for the original motion, the following be substituted :

'That the Report be rejected as being inequitable to both India and Burma, and that, in consequence, the Government of India be requested to move the Secretary of State for India, that, in accordance with promises made in this Assembly, the assurances given at the Round Table Conference

**Babu Baijnath Bajoria** (Marwari Association : Indian Commerce) : Sir, before I proceed to discuss the merits and demerits of the report, there are certain important points which deserve serious consideration. First I would like to ask the Government of India as to what is their idea in bringing this matter before the House for discussion after everything has been decided upon.....

**Mr. S. Satyamurti** (Madras City : Non-Muhammadian Urban) : You have to ask your Government.

**Babu Baijnath Bajoria** : I am asking them. It is our Government as well as yours.

**Mr. S. Satyamurti** : No ; not mine.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Order, order.

**Babu Baijnath Bajoria** : It is just like our Hindi saying :

"*Pani peekar jat poochhina.*"

i.e., a thirsty Brahmin after drinking water from an untouchable asks him what is his caste ? The consideration of the report at this stage, is exactly the same thing. Sir, what is the good of having only an academic discussion on this matter. I ask the Government of India, shall our opinion be duly considered ? Is there any chance, whatsoever, of the suggestions made in this House being accepted and the conclusions arrived at in the report of the Burma Tribunal being amended in any way ? I am afraid the answer will be in the negative. If I intervene in this debate I do so only to record the protest of our Association which I have the honour to represent in this House. The protest that I make is the way in which the Tribunal was appointed. To my mind a great injustice has been done to the whole of India, by not associating Indians with the said Tribunal.

Sir, The Government of India, in paragraph 93 of their Despatch dated the 20th September, 1930, to the Secretary of State for India, realising the extremely difficult issues which would require not only close analysis by experts but also the necessity of holding an even balance between conflicting claims of the two countries, suggested that the problem should be solved by drawing up through mutual co-operation between the two Governments an agreed statement of the case for reference to an "Impartial Tribunal". They could not ignore also one of the main considerations that the public opinion in both the countries should feel satisfied that each of them is being fairly treated in the proposed adjustment. The Sub Committee of the first Round Table Conference on Burma, appreciating the considerations put forward by the Government of India, recommended in their report dated 9th December, 1930, to the first Round Table Conference a proposal that the case about the adjustment after being thoroughly explored by the experts of the two Governments should, in the first place, be placed before the Standing Finance

and in the Report of the Joint Select Committee of the British Parliament, the problem of Financial Adjustment between India and Burma be investigated into afresh by another Tribunal, with representatives of both India and Burma thereon, to make recommendations on the question of distributing the Assets and apportioning the Liabilities between the countries affected and concerned, after proper hearing of the case from all the parties concerned, and before final steps are taken in the matter."

[Babu Baijnath Bajoria.]

Committees of the Indian Legislative Assembly and the Burma Legislative Council and that the representatives of the two countries should be associated with the work of the Tribunal. This recommendation of the Burma Sub-Committee was adopted on the 16th January, 1931, by the first Round Table Conference Committee and it was further confirmed by the Round Table Conference at its 8th Plenary Meeting on the 19th January, 1931. The Prime Minister, in his speech on the same day, gave an undertaking regarding Burma to the effect that "the Government will pursue the decisions of the Sub-Committee". In view of these undertakings, the public and the Legislature in India naturally lived under the impression that whenever the question of separation of Burma was settled by the Joint Parliamentary Committee steps would be taken by the Secretary of State for India to act up to the recommendation of the First Round Table Conference to solve this question. But, Sir, nothing of the sort was actually done. Sir, I admit the Honourable Mr. Nixon is a very capable official and placed India's case before the Tribunal, to the best of his abilities but with him should have been associated a couple of Indian financial experts, preferably non-official. Indeed the Government of Burma's case was advocated by three eminent personalities and, therefore, Mr. Nixon was very much handicapped in fighting a lone hand.

The next point on which I wish to record my protest is about the one-sided biased judgment passed against India. Sir, the Tribunal has passed its judgment summarily and I am in thorough agreement with the views of the Federation of the Indian Chambers of Commerce where it has taken exception to the summary decisions of these following points, viz.:

- " (1) Whether the assets and liabilities only of the Central Government should be calculated, or whether all assets and liabilities of all Central and Provincial Governments, constituting India and Burma, should be taken into account ;
- (2) In calculating the liability, whether the liability arising out of Burmese wars should not be assigned wholly to Burma, instead of only in the ratio of 7.5 per cent. ;
- (3) Whether the deficits to the Burman budget contributed to from the general revenues of the Government of India for several years, should or should not be reckoned amongst the liabilities assignable wholly to Burma ;
- (4) Whether the liabilities already liquidated by India from taxes, to which the Burmese contribution was meagre, should or should not be reckoned for this purpose ;
- (5) Whether the valuation of the assets is correct at book value less depreciation ;
- (6) Whether the value of forests at Rs. 12 lakhs represents only the value of Government of India forests or all forests including Burma forests ;
- (7) Whether book-value of New Delhi, military land in Bombay and the list of dead assets (a list, admittedly imperfect), should be regarded as conclusive ;
- (8) Whether the ratio of 7.5 per cent. is a fair ratio, having regard to the greater potentiality for population in Burma, greater forests and mineral wealth, higher standard of life and greater taxable capacity ;
- (9) Whether the net assets to be assumed by Burma in the share of Burma's liability and share of Burma in excess of liability over assets, should remain as a debt from Burma to India, or whether such debt should be assumed by the United Kingdom with a corresponding reduction of liability of Indian Sterling debt ;

- (10) Whether such debt should, if assumed by India, carry a rate of 3-1/4 per cent. which is the Government of India's own borrowing rate today, while the lending rate to States and Provinces is very much higher ;
- (11) Whether it is desirable to convert the amount of total liability assignable to Burma into an annuity of 45 years, or any particular period ;
- (12) Whether the arrangements in respect of the regulations between the monetary systems of India and Burma as agreed between the Governor General in Council and approved of by the Secretary of State, are fair and proper ;
- (13) Whether the position created by the proposed new Burmese coinage in due course and the obligation to retire Indian rupees does not impose on India an unfair liability ; "

The Committee, therefore, lodged their emphatic protest against the gross injustice which has been done to the interests of both the countries generally and India in particular.

The Honourable Sir James Grigg (Finance Member) : What answers does the Federation give to these questions ?

Babu Baijnath Bajoria : The Federation have put these questions and they want that an impartial tribunal should be established to decide these points.

None can deny that the annexation of Burma was made with Indian men and Indian revenues. The whole cost of the Burmese wars was debited to the Indian revenues. Burma has been developed mostly with Indian capital and Indian labour till Burma oil fields were discovered and British capital flowed into Burma. Sir, the separation of Burma is just like separation of a limb from the whole body which the future will prove is neither beneficial to the body nor to the amputated limb. India has sacrificed so much of her revenue resources all these years in developing the country. India has been a very good customer of Burmese products. Indeed India's total average imports from Burma have been 26 crores of rupees annually while India's total average exports to Burma have been only ten crores of rupees annually. The balance of trade has been in Burma's favour to the tune of 16 crores of rupees annually. Sir, it is the Indian consumers of kerosene and petrol who have contributed to the prosperity of the oil fields of Burma. It is the Indian consumers of these articles who have sacrificed so much by having a high duty on imported oils and petrol to give the Burma oil a vast field of sale. But, Sir, I am surprised to find, that in paragraph 60 of the report, no mention is made about the petrol. A sentence in that report is very indicative of the way in which the Tribunal passed its judgment when they came to the figure of 7½ per cent. as the basis of apportionment in spite of the figure of 9½ per cent. suggested by the figures of actual revenue totally collected. The sentence, I shall read from the report :

" An indication, however, of the character and extent of the readjustment involved is furnished by taking the figures relating to four of the most important items in the customs list, viz., cotton, piece-goods, white sugar, steel and kerosene and weighing them on the hypothesis that the domestic product had been subject to an equivalent excise, but making allowance for duties paid on imported materials such as dyestuffs and machinery."

Sir, in this connection of the ratio of apportionment, it will be interesting to note that the ratio worked upon by Sir Walter Leyton was 10 per cent. and, whereas the Howard-Nixon memorandum arrived at a slightly higher ratio but which was never challenged by the Government

[Babu Baijnath Bajoria.]

of Burma in the past. I do not object so much to the general principles laid down by the Tribunal for determining the ratio, but what I do object is the inclusion of such items of asset being taken into consideration as the tributes paid by Indian States. This is a non-economic revenue and this asset is an uncertain quantity owing to the inauguration of the Federation. Sir, in my opinion the ratio should be determined on the basis of Income-tax, customs revenue, spirit and kerosene excise and salt according to their local origin of collection. On this basis we get the following data from the quinquennial average of 1929-30 to 1933-34 :

|                                      | India including<br>Burma. | Burma only.        |
|--------------------------------------|---------------------------|--------------------|
| 1. Customs (gross) .. .. .           | 38,33,57 thousands.       | 3,17,92 thousands. |
| 2. Income-tax (net) .. .. .          | 17,20,05 Do.              | 1,87,81 Do.        |
| 3. Motor spirit excise .. .. .       | 2,72,31 Do.               | 2,02,94 Do.        |
| 4. Kerosene excise .. .. .           | 2,10,69 Do.               | 1,79,44 Do.        |
| 5. Salt (1925-26 to 1929-30) .. .. . | 5,56,12 Do.               | 32,51 Do.          |
| Total .. .. .                        | 65,92,74 Do.              | 9,20,62 Do.        |

From the above figures it may be conclusively proved that the ratio should be fixed at 13.96, i.e., 14 per cent. instead of the figure of 7½ per cent. as recommended by the Tribunal.

Then, Sir, in the paragraph 63 of the report it is stated as follows :

"It has been argued that the fact that the overwhelming bulk of the military expenditure, amounting to nearly 50 per cent. of the net Central revenue from taxation, is disbursed, by way of pay, pensions, rations, equipment or transport, in India, constitutes a substantial benefit in which Burma has very little share."

This argument is fallacious. In taking into consideration the military expenditure the only point to be considered is whether Burma did get her necessary protection from the Indian Army in times of need. The Indian army is maintained for the peace and tranquillity of the whole of India including Burma and troops are maintained at different centres in different provinces. If any account is to be taken into consideration about the benefits derived by way of pay, pensions, rations, equipment or transport by India, it will have to be done not by way of comparison of the whole of India on the one hand and Burma on the other. The comparison should be made as to the benefits derived under those heads by each of the other provinces and Burma.

Next point which I do not like in the report is about the arrangement of combined working of the currency and the Reserve Bank. Sir, agreement arrived at between the Government of India and the Government of Burma, it is mentioned :

"The Reserve Bank of India will manage the currency and carry on the business of banking in Burma.

The bank will issue distinctive notes which will be legal tender in Burma but not in India, and Indian notes will cease to be legal tender in Burma after a reasonable interval. The Government of Burma will have the right after due notice of issuing distinctive Burman coins.

The agreement is to be terminable on two years' notice by either side with a minimum period of three years from the date of separation. On termination of the agreement, the Government of Burma will be free to sever its connection with the Reserve Bank and to make such arrangements of currency and the control of credit."

When Burma is being separated from India and is being transferred to the Secretary of State for Colonies, I would prefer, if even in these fields of administration a complete separation is effected from the very beginning of the separation so that there may not be any further trouble about adjustment in case of a decision to have for Burma a separate reserve bank and a currency of her own. There is no doubt that within a few years of separation of Burma from India, the question will arise about a separate currency system and, therefore, it is better that Indian currency system and the Reserve Bank should have nothing to do from the very inception of a separate Burma. Sir, within the limited time at my disposal, it is not possible for me to criticise the report at a great length but from what I have stated above, it is apparent to me that the Report is not in the best interests of India and is, therefore, not acceptable to me. I would like that a fresh Tribunal, on the lines suggested by my friend, Mr. Mathuradas Vissanji, should be appointed to impartially arbitrate on this complicated problem. Sir, I support Mr. Mathuradas Vissanji's amendment.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair has received notice of two more amendments, one by Syed Ghulam Bhik Nairang, Mr. Husenbhai Laljee and Mr. Essak Sait to Mr. K. L. Gauba's amendment.

**Syed Ghulam Bhik Nairang** (East Punjab : Muhammadan) : I formally move :

"That in the amendment by Mr. K. L. Gauba to the original motion, the words 'and Burma' be added at the end."

**Mr. President** (The Honourable Sir Abdur Rahim) : Amendment moved :

"That in the amendment by Mr. K. L. Gauba to the original motion, the words 'and Burma' be added at the end."

This is the same as Mr. B. Das' amendment. Pandit Govind Ballabh Pant has also given notice of an amendment.

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I move :

"That at the end of the motion, the following be added :

'and the same be rejected as, among other reasons, no non-official representatives of India and Burma were associated with the enquiry and inasmuch as the terms of reference were too narrow in that the apportionment of burdens was restricted to India and Burma alone.'

Sir, I am moving this amendment as it represents the consensus of opinion on this side of the House ; otherwise, I for one would have been satisfied even with the amendments that are already included in the order paper. Sir, the questions covered by this motion are of an intricate and technical character. I, however,

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hope to deal with only the salient points in a common sense manner. Before I do so, Sir, I should express my appreciation of the speech delivered by my Honourable friend, Mr. Nixon. (Hear, hear.) I was particularly impressed by his mastery of the subject and his lucid exposition of an intricate and complex subject. (Loud Applause.) I wish, however, he had not strayed into the political arena. Sir, a political boomerang is a difficult thing to handle, and sometimes it comes back with added force, to a man who is not practised in its use. Moreover, the Honourable the Finance Member is a host by himself (Laughter), and he does not need much in the way of assistance. Sir, Mr. Nixon's fine oration was marred by what he said in respect of non-official opinion. The harmony of his tune was disturbed thereby; Sir, he referred to and laid some emphasis upon the apathy and the indifference of non-officials. Sir, I wish he had not considered it necessary to make any comments of that type. They did not fit in with the theme of his speech, and it would have been much better had he left them alone. Sir, a writer compared an expert to a geometrical line having length without breadth. But such uncanny people are very few, and when they do not find others equally weird with themselves, they get confused and perplexed. Sir, I would not say more about Mr. Nixon's jibes and sneers against non-officials, whether in this House or as members of the Standing Finance Committee or of the various commercial organizations in the country. Sir, I also feel that Mr. Nixon ought not to have taken upon himself the thankless task of offering an apology on behalf of the Secretary of State. The Secretary of State did trample upon solemn undertakings, and no genuine defence can be put forward by anybody; the somersaults that he performed in quick succession one after another, and the way he dealt with the Government of India, were just in accordance with the reputation that he possesses. I was surprised to find, Sir, the Honourable the Finance Member telling us one day that the report of the debate would be sent to the Tribunal and then informing us on the very next day that the matter had been finally disposed of, and the report had been signed! I had thought that, with the much vaunted dawn of Federation in this country, the Government in England would have learnt to behave better and to show greater courtesy for the Government in this country, but we have been disappointed: and if this illustrates the attitude of the British Government, then God save us from the Federation!

Sir, coming nearer to the subject, I may say at once that I have absolutely no desire to extort even a shell from Burma. I am one of those who feel that good-will between Burma and India is of much greater value, and a factor of much greater weight, and of an essentially more wholesome character, than a few rupees that Burma may be made to part with. (Loud Applause.) I am also prepared to say, Sir, that we, the people of this country, have reason to be thankful to Burma for the courtesy and the spirit of accommodation that has been invariably shown by that ancient race to their neighbours in this vast country, and, above all, I prize their good-will, and I say that whatever arrangements may be brought about, they should be made with the willing consent of Burma; and if Burma is not willing to pay any part of the debt that she may be owing to this country, I am one of those who think that if

our country had been independent, we would have voluntarily surrendered the amount that might have been due to us. (Hear, hear.)

**The Honourable Sir James Grigg:** And bill Great Britain for it!

**Pandit Govind Ballabh Pant:** The Finance Member asks: "and bill Great Britain for it?" Sir, I say, yes, and I repeat it, and will give him the reasons. Sir, Great Britain is today getting from us at least Rs. 75 crores per year in various forms—that is the minimum amount I am giving—and I think the Honourable the Finance Member will not dispute that. He will also accept that even so late as in the year 1914 the unallocated or the unproductive debt of our country practically did not exist: in fact, the cash balance in hand in 1914 exceeded the amount of the unproductive or uncovered debt in that year, so that if the agents of Great Britain had properly handled affairs, there would have been no unallocated debt today, and neither India nor Burma would have been asked to make any contribution towards any unproductive, unallocated debt. Our present position is mainly due to the "war loans" and the expenditure incurred at the time of the war. It came roughly to about 190 crores! These war debts, with the loss on the sales of silver, and the deficits in the Budgets of the Government of India, for several years in succession after the war, more than account for the present deficit. I say, Sir, that, in these circumstances, it is certainly proper, it is fair, it is but just that England, which has enabled many an embarrassed country, from which she has got no benefit whatsoever, to tide over difficulties, should make us a generous gesture. Sir, what is the present state of affairs in the world? England has refused to honour her bills and has not paid even the symbolical payments that were promised to be made to the United States of America in lieu of the war debt? Other rich countries have similarly evaded payment of their dues. So, in these circumstances, to insist on our shouldering the entire burden of the war debt is unfair. It is a sheer accident that the British liability for the war debt today, in the form of the sterling loan, extends only to the limit of 22 crores. Assume for a moment that the whole of this war debt had been raised in the form of sterling, then what would have been the state of affairs today? According to the accepted policy and practice of all other countries, England would have also extended the benefit of the moratorium to us and in consequence no money would have been claimed or realised from us on account of the war loan at all. I am not making an extravagant claim when I ask the Honourable the Finance Member to represent it to the British Government that it is a sheer accident that the major portion of the war loan to the extent of about 170 crores was raised in the form of rupee loan and not in the form of sterling loan. There is hardly any real difference in character between the two debts. So, I submit that it is but just and equitable that Great Britain should take up this responsibility not because of any pressure on our part but realising the difficulties of the situation and also because it can afford to do so and it would also be in perfect accordance with the present International morality and practice. So, when the Honourable the Finance Member asks me whether England should foot the bill, this is my reply. I hope he will see the reasonableness of it and will work as the servant of India. He has told us more than once that he is here to represent the interests of India, so why should he not join hands with me in making a reasonable,



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forceful and perfectly legitimate request to England to meet this deficit and to relieve both poor India and Burma of this liability which they are not in a position to meet. Sir, I should like to assure the Honourable the Finance Member that he should not think that my statement that, if India had been free, I would have preferred to surrender even the amount due by Burma than press Burma, is not genuine or sincere. If India had been independent, I would have adopted that attitude because I attach enormous importance to mental attitudes of nations and I also believe in good-will as being a more important and potent factor than base lucre. So, Sir, when I said that, I was expressing my innermost feelings. I may as well ask after all what do we really gain by getting one or two crores more? So long as the fundamentals of the present system remain unchanged, it makes no difference to us whether one or two crores a year come into our lap from another country or not. The Honourable the Finance Member knows that during the last five years he has revised the schedule of taxes in such a way that new taxes have been added to the tune of 48 crores. Well, Sir, when 48 crores a year have been added to our burdens when the country is involved in unprecedented economic depression, could it make, after all, a very great difference if a few thousands were put one way or the other. So long as the system of Government and the finances of this country are ordered by another nation and by other people, it is a mockery to me how a particular adjustment is made between Burma and India. This country is spending at least 15 crores more on the army because the army consists to the tune of one-third of foreigners. If Indians alone were recruited to the army, we would have made a saving of about 15 crores without reducing the strength of the army. Similarly, there are other factors. Even in their new regime 80 per cent. of our finances will be at the arbitrary disposal of the representatives of the British Parliament and the British people. So, what difference will it make to me whether a few thousands are added or are taken away? So long as I am not the master of my household, it is in reality no more than a book transaction and it is immaterial to me that the entries are made in the books. We are no better than helpless victims of an imperialist autocrat. It is just like the common estate of a superior landlord. So far, he treated the whole estate as one and now it suits his convenience, idiosyncrasies or designs it may help the purpose of exploitation here and enterprise in his own country better—whatever may be the reason, he now thinks that it is desirable that the book entries must be placed on a different footing and that there should be two registers instead of one, but all the same he will continue controlling the finances in both countries. It will in reality be in his power to say—I impose these taxes and I withdraw these taxes. It will be for him to say—I spend this amount in this manner and I order that this be not spent in this manner. In these circumstances, what, after all, is the real outcome of this adjustment or of this allotment? So, I submit that so long as there is not a real basic change in the fundamentals of the system of Government and administration in this country, all these arrangements are no more than farcical and hypocritical.

I am required on this occasion, however, to deal with the report of the Amery Tribunal. It is perhaps of no more than an academic interest. But even as it is, I would perhaps be failing in what is expected of me if

I did not make a few observations on this report. Sir, this report is vitiated and utterly unacceptable from whichever point of view one may look at it. An award is the final outcome of three stages. Firstly, you have a tribunal; secondly, investigation and consideration; and, thirdly, the findings and decision. Here in all these three stages the proceedings have been of an erratic and erroneous type. Firstly, taking the constitution itself, the tribunal consisted of gentlemen, men of experiences, but persons who are neither experts in finance nor familiar with the affairs of this country, nor possessed of any judicial acumen. I have known Mr. Amery as a conservative member of the House of Commons and have also read something about him. But this is the first time when I have seen Mr. Amery being pitchforked in a place like this. That is about the constitution.

Now, about the procedure. Sir, there were solemn pledges by the Government that the representatives of India and Burma would be associated with this enquiry. That undertaking found place in the first report of the Burma sub-committee of the Round Table Conference. It was also repeated later. Sir George Schuster gave solemn assurances in this House that the representatives of the Standing Finance Committee would be associated with this tribunal. Then, Sir, there were other occasions when the same facts were again repeated in order to reinforce the assurance that had been previously given. But now we find that not an Indian, whether official or non-official, whether expert or otherwise, was associated with this enquiry at any stage whatsoever. Then the enquiry was so very cryptic that even the Government of India did not know when it started or when it closed. Even they were kept absolutely in the dark. Sir, the British Government and the Government of India have of late uniformly adopted a very fine method for bringing about the advent of Swaraj in this country and it is this. That from every measure and from every step that the Government avowedly take in order to bring the day of the advent of Swaraj nearer every Indian should be excluded because India is fit to be self-governing in their view and because now they have made up their minds to confer complete Swaraj on this country! The method they have adopted for demonstrating their faith in the capacity of the people of this country is really curious! Indians should be excluded from every committee of enquiry connected with this advent of Swaraj in this land! This tribunal, Sir, was one of the illustrations of this principle which seems to be the creed and the guiding principle of the Government of India of today.

Now, we come to the third and final stage, that is the award itself. I submit that the award is wrong and defective on merits. In fact it is no award. It does not give any reasons for the assertions which are included in it. It is no more than a series of dogmatic assertions unsupported and unsubstantiated by any argument or by any facts and figures. I will just make a few remarks as to how the result that has been arrived at is manifestly wrong. Firstly in determining the amount of unallocated liability the tribunal has made material errors. Sir, I think there was no justification for adding forty crores, I think that is roughly the amount on account of redeemed stock and extinguished annuities of railway debt. Mr. Nixon and Sir Henry Howard dealt with that point and both of them also gave a long note explaining their position. Both of them agreed,



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that considering that this amount had been paid up long before 1924 and the accounts and the figures had since crystallized and become a part of the approved and accepted system for several years, this amount should not be added to the assets. Even Sir Henry Howard agreed with this view ; but in spite of that, the tribunal has added this sum to the assets and has deducted it from the total liability. That, Sir, is entirely wrong. You can proceed only in one of the three ways as Mr. Nixon explained the other day. It might be the historical method, or it might be the creditor and the debtor method, or the 'empirical' method. The tribunal has proceeded more or less on an empirical basis, in accordance with the entries in the technical and other reports of the Government of India. Now, if the tribunal wanted to reopen the question then it ought to have taken up the question of depreciation, and if the amount of depreciation were reopened then I submit the assets of the railways would have dwindled considerably and the uncovered debt would have increased in the same proportion. It is obviously unfair to add 40 crores to the assets without reopening the question of depreciation. Then, I also feel that the tribunal ought not to have saddled India with the debts incurred on account of New Delhi. The mere fact that the liability happened to be earmarked at that time, the debt being raised in the name of New Delhi instead of the amount being paid out of revenue does not make any difference in the nature of the assets. It is not a commercial asset and I think it ought not to have been taken into account at all. I also feel that so far as the dead assets are concerned, these should not be taken into account at all. After all when we find out the number of men at any place, we do not include the dead men there though the word 'men' may be common to both. Dead assets are not assets at all. I do not see any reason why they should have been taken into account in determining the uncovered amount of liability.

Then, I feel that the tribunal did make a blunder in determining the ratio of the obligations payable by Burma in relation to India. I do not know, Sir, how the tribunal arrived at this conclusion. I have read their report with some care and I am not yet able to find out the reason. Sir, the facts are plain enough. Both Mr. Nixon and Sir Henry Howard agreed that the entire revenue central as well as provincial should be taken into account ; and when there is a complete separation between the two countries you cannot reasonably overlook any source of revenue. The distribution between the provincial and the central sources of revenue is no more than formal or administrative. We know the history of our provincial finances. In the former days, the provinces used to get doles from the Government of India, then there were the periods of periodic settlements renewed from time to time : after that, there was the age of the Meston Settlement and subsequently the Government of India remitted the contributions payable by the various provinces under the Meston Settlement. Sir, there is no real distinction between the Central and the Provincial sources of revenue. Both should have been taken into account. Then, Sir, the tribunal has taken the income from income-tax into account and has excluded that from railways. If the income from income-tax can be so determined that you can localise and determine the amounts contributed by each country, I think it should be taken into account. It is undoubtedly a correct measure of the trade and industry

and fiscal and economic condition of each country. The only reason, I think, why the two experts agreed to ignore it was because of the impossibility of determining the local source of income-tax correctly.

Then, Sir, they have not included the railway income. It would not have been to the advantage of India ; India has benefited by the exclusion thereof, but I see no reason why justice should not have been done to Burma. We are not here to plead the cause of India only, we are here to plead the cause of justice, and I think railway income should have been included. But it is hardly a material factor today as the railways are hardly yielding any income worth the name. One of my friends tried to make out the ratio on the basis of the main sources of central revenue. He arrived at the conclusion that the ratio would come to about 14 per cent. I do not agree with that view, but taking the figures given by Mr. Nixon and accepted by Sir Henry Howard, it should range between 9.5 and 10.5; and there is absolutely no justification for a ratio of 7.5. I venture to think that it will really be tantamount to squaring a circle if a ratio of 7.5 is demonstrably established. I do not find myself in a position to understand this figure of the ratio at all.

Sir, I do not want to take more time over the technical questions as to pensions. The position seems to me to be plain enough. Assuming Burma were not separated from India what would be her contribution towards the pensions that have been earned so far, whether they have been fully earned or whether they have been partly earned ? It would be just in proportion to her contribution towards the revenue of this Government of India including Burma, and the separation of Burma from India ought not to make any difference in the position, and Burma should still be held to be liable in accordance with the principles of equity to the same extent. Mr. Nixon gave this separation the analogy of a dissolution of partnership. That is not correct. The true analogy, as I find it, is that of the division of a joint Hindu family. It is exactly in accordance with the principles governing partition in a joint Hindu family that the assets and liabilities in the case of these two countries might be dealt with.

Sir, as to currency I have not much to say against the findings of the tribunal. But there is one thing which I should like to know, and I make this enquiry in all earnestness, whether we have been asked only to perform here the farce of a *post mortem* examination on a report which is to be foisted on us, whether we will it or not, and whether it be just or unjust, or whether the question is open and the Government of India are in a position yet to get the question reconsidered and decided in a manner that may be satisfactory to both countries ? I may say here that what I want is this that there should be Indian and Burman jurors associated with financial and judicial experts, and whatever decision is arrived at, it should carry with it the full assent of the non-official representatives of Burma and India. And if I had any voice in the matter in influencing the jurors representing this country, I would advise them to go to the utmost extent possible in order to meet the wishes of the people of Burma. It is from this point of view that I wish this question to be looked at. And whether you determine the matter on a historical basis or whether you determine it on an analytical basis, I think there are at least two or three items in respect of which the responsibility should be assumed by the United Kingdom. The cost of the Burman wars should be met by the United Kingdom. I need not argue it at any length. We were told that

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it was difficult to determine the amount. Let the United Kingdom pay the minimum amount that it is prepared to accept as having been incurred in the wars and military occupation, and to that extent relieve both India and Burma. And secondly, to the tune of the expenses and the contribution connected with the Great War, considering the state of affairs in the whole of the world and the way war debts are being handled all over, it would be but fair and proper if England were to take that responsibility on herself and absolve Burma and India. If this is accepted there will be no liability left over to be apportioned between the two countries. I hope the Government of India will move in the matter in such a manner that both these countries may be benefited and saved from ruin. Otherwise the financial machine is so overloaded that it may collapse and break down any time.

**Mr. President** (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That at the end of the motion, the following be added :

‘ and the same be rejected as, among other reasons, no non-official representatives of India and Burma were associated with the enquiry and inasmuch as the terms of reference were too narrow in that the apportionment of burdens was restricted to India and Burma alone ’.”

**Dr. P. N. Banerjee** (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, the Indo-Burma Tribunal have taken it for granted that Burma will be separated, and such separation has been provided in the Government of India Act recently passed. So far as we Indians are concerned, it is our opinion that this is the business of the Burmans to decide ; we do not claim the right to decide whether Burma should remain united with India or be separated from her. But we do hope and trust that the people of Burma will take care to see that Burma is not separated in the interests of any other country. Whether Burma is separated or remains united with India, we shall all hope that the most cordial relations will continue to subsist between the peoples of these two countries.

This brings me to the question why Burma was conquered. Sir, an Irish member of the British Parliament gave on one occasion a vivid account of the cause of the Third Burmese War. He said that Burma was conquered because King Theebaw was drinking. Was it any concern of the British Government whether King Theebaw was a drunkard or whether the country suffered from any misrule at that time ? Sir, the fact of the matter is that Burma was conquered in the interests of Britain in pursuance of a policy of Imperial expansion and exploitation of the rich resources of that country. It was stated in the minority report of the Welby Commission that the cost of the Burmese wars should have been taken over by Britain and the Indian witnesses before that Commission, including Sir Dinshaw Wacha and the late Mr. Gokhale, urged this course. But this was not done.

Now that Burma is going to be separated from India we should urge that in the financial adjustment that will take place between Burma and India the question of Britain's liability should also be taken into consideration. It was estimated that the cost of the three Burmese Wars was something like 20 to 25 crores, and it was further estimated in the minority report of the Welby Commission that the cost of carrying on the

military administration of the country during the years 1885-86 to 1895-96 was something like 15 crores. If to this be added the deficits which occurred in subsequent years, we may say that the total amount spent on Burma out of the revenues of India comes up to 50 or 60 crores, if not more. I am not placing before you any particular figure ; but I am urging that the matter should be properly investigated. I should like to state in this connection that Burma was conquered against the wishes of the people of India. In 1885, at the first session of the Indian National Congress, a resolution was adopted protesting against the annexation of Burma. The main reason why the Indian people protested against the annexation of Burma was that a financial burden would fall on her shoulders. What was then feared did come true afterwards, and now is the time for a settlement of accounts.

The question, therefore, is whether at the present moment a tribunal should consider only the financial relations between India and Burma or should take into consideration also the liabilities of Britain. There are three parties, in fact, to the transaction, but it is surprising that the terms of reference to that Amery Tribunal were extremely narrow and restricted.

Coming to the personnel of this tribunal, what do we find ? We find that none of the members of the tribunal has any reputation for financial ability. They were appointed not as financial experts but merely to make a rough-and-ready adjustment of the relations between the two countries, India and Burma. Nor did the majority of the members of this tribunal possess any experience of the conditions prevailing either in India or in Burma. In fact only one member of this tribunal had some sort of acquaintance with India—I mean Sir Sydney Rowlatt. But his connection with India was of such a nature that we all deplore that he was appointed a member of this tribunal. If Mr. Justice Rowlatt had not written his infamous report, the history of India during the last two decades might have been entirely different.

I have already said a word about the terms of reference. These terms should have been further expanded. But if the personnel of the tribunal and the terms of reference were unsatisfactory, the procedure of the tribunal was still more unsatisfactory. The tribunal did not take any non-official evidence either from India or from Burma. There was one official witness from the Government of India, and three official witnesses from Burma. In this connection I should like to know why it was thought sufficient for the Government of India to be represented by only one person against three from Burma. I do not question the ability or honesty of Mr. Nixon. But I do think that if a larger number of representatives were sent from India, the case might have been argued in a far more emphatic manner than it actually was. Then again, why was not non-official opinion taken into consideration ? No non-official bodies in India and no non-official members were consulted, and the whole thing was done in a hole-and-corner and a most perfunctory fashion, so much so that even the Government of India did not know when the tribunal had commenced their labours and when they had finished their proceedings. This is most unsatisfactory.

Reference has been made already by other speakers to undertakings which had been given by persons in authority, and I will not dilate on that point. But I will discuss the findings of this tribunal. When we

[Dr. P. N. Banerjee.]

come to this part of the subject, we find that the tribunal carried out their duties in a most unscientific manner. In regard to the assets they took into consideration certain dead assets which ought not to have been taken into account; and in regard to liabilities they omitted to take account of certain very important items. In this connection it was thought necessary by the tribunal that the past should be altogether ignored. Why, I do not know. The circumstances of the present are to a very large extent the result of the past activities of the Government of India, the Government of Britain, and the Government of Burma. Therefore, the past cannot and should not be entirely ignored.

As regards the ratio of payment by Burma, the Tribunal themselves said: "We do not believe that it is possible to formulate any theoretical principle or to select any single criterion or a set of criteria". Is this satisfactory? Is this a proper and scientific way of dealing with a complex question? They say that they took into consideration all circumstances, but did they actually do so? No,—they omitted many important circumstances from their consideration. For instance, they failed to take account of the deficits which had occurred in the Budgets of the Government of Burma for many years; they also failed to take into account the fact that a large part of the cost of railway construction had been met out of the central revenues for a long time. There are various other matters which this tribunal failed to take into account, and the result is that the ratio at which they arrived was merely the result of a haphazard test. There was no proper basis upon which this ratio could be arrived at. In the Nixon-Howard memorandum, the ratio accepted was 10.5 per cent. But I must say in this connection that Mr. Nixon omitted to consider the income-tax receipts on the ground that it was very difficult to find out the origin of these receipts. Was that any real ground for omitting this important item? It would not have been altogether difficult to find out an approximate amount which might be regarded as the origin of the income-tax receipts in Burma and in India. If that had been done, the ratio which was arrived at by Mr. Nixon would have come up to a higher figure. If the net revenue of the Government of India was compared to the net revenue of the Government of Burma, the ratio would have come up to about 13 per cent. The net revenue of the Government of India in the year 1933-34, the last year for which accounts are available, was 75.5 crores, and the net revenue of the Government of Burma during this period was about ten crores. I do not myself attach any importance to this particular ratio, but I say that if a rough-and-ready test was to be adopted, this was a better test than the test adopted in the Amery Tribunal Report. What I urge is that there should be a proper investigation of the whole subject, because this important subject was considered in a very perfunctory manner.

Sir, in view of these serious defects in the Report of the Amery Tribunal, what is our duty? I think our clear duty is that we should reject this Report *in toto* ("Hear, hear" from Congress Party Benches), and should urge that a fresh Tribunal be appointed which should consist either of persons who are not interested in the transactions of any of the parties, namely, Britain, India and Burma, or which should be representative of all the three parties. Sir, this is a very serious matter for India as well as for Burma, for, as Mr. Nixon pointed out to us the other

day, the acceptance of the Report of the Amery Tribunal would mean a loss of no less than two crores of rupees to the Indian Budget. But more than that, it may lead to undesirable relations between India and Burma. For all these reasons, Sir, I am strongly of opinion that the Report should be rejected, and that a fresh Tribunal be appointed to go into the whole question of the relations between Britain, India and Burma. (Hear, hear.)

**Sir Hormusji Peroshaw Mody** (Bombay Millowners' Association : Indian Commerce) : Mr. President, in supporting this amendment, I desire to state my reasons very briefly. Unfortunately, every move connected with the question of the separation of Burma from India has had a rather peculiar history. The path may be said to have been liberally strewn with pledges and assurances which for one reason or another have not been carried out. I am not going to support the amendment on some of the grounds that have been urged. I am not questioning the competence of the Tribunal which conducted the inquiry and which has submitted this Report, nor do I doubt the ability and thoroughness with which the case for India was presented by my friend Mr. Nixon. (Hear, hear.) We know Mr. Nixon, and we are sure that the case could not have been in better hands, and that, in so far as he was concerned, he has done everything possible to present the view point of India. (Hear, hear.) But, Sir, experts have their proper place. I am not going to subscribe to the definition of an expert which was given by a cynic who said that an expert is a fellow who tells you what to do with your affairs after you have done something else with them. I say experts have their uses, but if it were held that, having appointed an expert of undoubted competence, everything required had been done, and that non-official opinion need not be consulted or associated with any inquiry, then I am afraid a great deal of the purpose of having democratic or legislative institutions would vanish.

Sir, I take my stand on what the predecessor of my friend, Sir James Grigg, said in this House only a year ago when he gave a sort of assurance, that the Standing Finance Committee or some such non-official agency would be associated with the inquiry. If it is contended that that was not a definite assurance, then I submit with great respect that the Government of India ought to be very careful before giving any sort of assurances which it is not intended to carry out. In this view of the case—the constitution of the Tribunal and the inquiry being of the nature that they were—my position is that I decline to take any responsibility for accepting this award. ("Hear, hear" from the Congress Party Benches.)

As regards the more contentious part of the amendment, namely, the allocation of the burden between Great Britain, India and Burma, it is not my case that any particular portion of the burden should be borne, as a matter of fact, by Great Britain. I am not going to say that the cost of the Burmese wars or any of the other operations, whether political, military or economic, should be distributed in such a way that Great Britain should also bear a part of the burden, but I am not going to go any further than that and admit that no case for inquiry whatsoever exists. I do not propose to follow my friend, Pandit Govind Ballabh Pant, in this part of his admirably restrained and well reasoned

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[Sir Hormusji Peroshaw Mody.]

speech. All that I say is that having appointed a tribunal of your own choice, a tribunal which undoubtedly enjoyed your confidence, you should have taken care to see that the terms of reference were as wide as possible and I see no reason why they should not have been so wide as to include an inquiry into the question of liability on the part of Great Britain. Do not forget, Sir, that the separation of Burma from India has been brought about under very peculiar circumstances. I do not want to offend any of my Burmese friends by commenting upon it. I could say a great deal if I wanted to, having been associated from the very commencement with this question at the Round Table Conferences, and I know what assurances and pledges were given during those discussions. However, that is not the point. What I am urging is, that in view of the very peculiar circumstances which have attended the separation of Burma from India, at least there was a case for an inquiry. It may be that the tribunal may have rejected, contemptuously or otherwise, any contention on the part of either India or Burma that a part of the liability should be borne by Great Britain. That is a different matter, and does not affect the issue that there should have been an inquiry into the question. You will remember that the Simon Commission made a suggestion that a part of the military burden should be borne by Great Britain in view of the fact that the military forces in India were maintained not merely for Indian purposes, but also partly for Imperial purposes, and there would have been nothing unusual in the terms of reference to the Tribunal, if they had included the question of the liability or otherwise of Great Britain with regard to the burden of debt of India and Burma.

I do not know whether this discussion was intended to serve any useful purpose, or whether it is to be regarded as a mere formality which had to be gone through. I do not know whether the Government of India will take good care to represent to the Secretary of State the strong feeling which has been manifested in this House. I hope, Sir, that Government will take into consideration everything that has been urged on this side of the House. There is one matter at any rate in which they can still right the situation, and that is by associating non-official Indian opinion with the Application Committee which is going to be set up. It may be that the principles are settled, but there is a great deal left to the Application Committee, namely, the appraisal of assets and the like. These and other matters of importance are going to be relegated to the care of the Application Committee and I hope that my Honourable friend, the Finance Member, will see to it that there, at any rate, non-official Indian opinion does not go unrepresented.

**Mr. B. Das** (Orissa Division : Non-Muhammedan) : You are satisfied with very little.

**Sir Hormusji Peroshaw Mody** : If I were satisfied with little, I would not be supporting this amendment. I am not bound to accept my Honourable friend's reasons, I have my own reasons and view-point in these matters. If my friends do not want non-official opinion to be represented on the Application Committee, they can please themselves, but I suppose, they would come forward at some later date with an adjournment motion that Government ignored non-official opinion even on the

Application Committee. My mental attitude is against ploughing the sands. I want something constructive done, and I want that the strong opinion, expressed on this side of the House, should be communicated to the Secretary of State, so that the decision on these matters of vital importance may be influenced to a certain degree, and that when it comes to applying those principles which have been embodied in the Report, care would be taken to see that non-official opinion is represented.

**Mr. F. B. Leach** (Burma : European) : I much regret to get up at this hour of the afternoon and take part in a discussion which the last speaker has just suggested will probably serve no useful purpose. I will endeavour not to detain the House for a longer time than I can help but there are one or two points which I should like to put forward on behalf of Burma and so far there has been only one short speech from any representative of Burma.

I should like to join most of the other speakers in thanking Mr. Nixon for the clear and impartial explanation that he gave of the points at issue in this case. I am sorry that I cannot extend the same congratulations to all the other speakers. Some of the speeches made on Friday were frankly a disappointment to me. I had hoped to hear a reasoned discussion of this report and of its findings, instead of which three quarters of the speeches made on Friday dealt almost entirely with one point, namely, the composition of the tribunal. Now, I have no quarrel with any Members of this House who hold the view and express the view that non-official representatives should have been associated with this tribunal but I do venture to protest at some of the expressions which were used about the members who did constitute the tribunal, simply because there were no non-officials associated with them. The members of this tribunal were three in number. One is an ex-Cabinet minister with a European reputation as a man of affairs and a writer on historical and political subjects. Another has been an eminent judge of the King's Bench for 20 years and the third is a distinguished civil servant with some 35 years' service. Well, Sir, whatever opinions may be held about the proper way of constituting a tribunal of this kind, I do not think it is right to use phrases like "a piece of sharp practice", "jugglery with figures", "fraud", "silly idea" and "contrary to morality", in talking about a tribunal constituted as this one was. I am very glad that the speeches that have been made today have not continued this tone. Now, Sir, as I say, it is quite justifiable to urge that there should have been non-officials associated with this tribunal. I do not propose to deal with that point but there is one thing I should like to say. Even if non-officials had been associated with it, I do not think that the members of the tribunal or any other members who might have been appointed as arbitrators in such a case would have allowed the discussion to go as far outside the terms of reference as some speakers have made it clear that they wish to go. The terms of reference were to advise as to the basis on which a just financial settlement between the Government of India and the Government of Burma, when separated, should be made. Well, Sir, it is not the fault of the tribunal that they were not allowed to consider what share of the liabilities of the Government of India should be taken over by the United Kingdom. It was not put to them, and various Members who have suggested that this should have been one of the terms of reference are in fact criticising either the Secretary of State

[Mr. F. B. Leach.]

or the British Parliament and it is no good vituperating the tribunal on that account. That is all I wish to say about the composition of the tribunal and the terms of reference.

It has been suggested that the tribunal approached this matter in an entirely wrong way and they should have adopted the historical approach. Well, Sir, in paragraphs 9 and 10 of their report they have given their reasons for not adopting the historical approach. The only thing I have to say is that, had they chosen to take that line and to adopt the historical approach to the problem, that would have done no harm to Burma. Sir, in his speech this afternoon, my Honourable friend, Dr. Banerjea, estimated that the cost of the Burmese wars would amount to a sum of Rs. 20 or 25 crores, that another Rs. 15 crores were spent for the settlement of Upper Burma in the earlier years of its administration, and that there were subsequent deficits, in all bringing up to Rs. 50 crores or possibly 60 crores the total amount spent by India on Burma. I would point out, Sir, on the other hand, that for the last thirty years Burma has been a very profitable province to the Government of India.

**Dr. P. N. Banerjea :** All this might be investigated, I suggest.

**Mr. F. B. Leach :** And I believe that the contributions made by Burma to central revenues in the last thirty years might have well accounted for all the money spent by central revenues on Burma in the previous years.

Then, Sir, we have the question of how this fraction, which the Tribunal have fixed at  $7\frac{1}{2}$  per cent., should have been fixed. Dr. Banerjea and one or two other speakers would have fixed it as high as 13 per cent.

**Dr. P. N. Banerjea :** On a point of personal explanation, Sir, I did not suggest that,—if he had carefully listened to me.

**Mr. F. B. Leach :** I apologize to the Honourable Member ; I thought he said 13 per cent. I have got down his words.

**Dr. P. N. Banerjea :** I said : if the net revenue of the Government of India was to be taken into account as compared with the net revenue of the Government of Burma, then the figure would come up to 13 per cent.

**Mr. F. B. Leach :** I am sorry if I have misunderstood the Honourable Member ; it is extremely hard to hear from this side of the House. Anyhow it was suggested that it should be over ten per cent. Now, there are various ways of calculating this figure of course, and the Howard-Nixon memorandum did suggest  $10\frac{1}{2}$  per cent., but I would point out, on behalf of Burma, that it is not, I think, fair to fix this proportion solely on a consideration of the revenues paid by the two countries. There are many other aspects which have got to be considered. There is one point, for instance, in paragraph 48 dealing with dead assets. It is pointed out by the Tribunal that the dead assets in the whole of India amount to about 91 crores, the value of dead assets in Burma being about  $3\frac{1}{4}$  crores. Well, you can take that as showing that Burma has not been treated, in material ways, as well as she deserves, in consideration of the amount of revenue paid by her. The value of the dead assets—the buildings, roads, and so on—in Burma is

only about  $3\frac{1}{2}$  per cent. of the total amount in India. I do not see why Burma cannot ask that this consideration should be taken into account just as much as the proportion of revenue which she pays. But that of course is not the whole point. There are many other aspects which must be considered. Now, Sir, the Honourable Member, Dr. Ziauddin, in his speech also objected to the historical method.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : No, I very strongly supported the method of historical approach, and I did that also in 1932.

**Mr. F. B. Leach :** I beg the Honourable Member's pardon. I understood him to say that the revenue method was the only scientific method. I think that is correct ?

**Dr. Ziauddin Ahmad :** I repeated Great Britain's words that Mr. Nixon's ratio of  $10\frac{1}{2}$  per cent. has some scientific basis, while the Tribunal's ratio of  $7\frac{1}{2}$  per cent. had no scientific basis.

**Mr. F. B. Leach :** That is really what I intended to suggest that the Honourable Member had said—that the revenue method is the only one which has a scientific basis. Well, Sir, the Honourable Member is a distinguished mathematician, and I do not wish to argue with him on mathematical problems, but what I do maintain is that this problem is not one which can be settled on a purely mathematical or, as he prefers to call it, a purely scientific basis. There are other considerations which must be taken into account.

There are what the report alludes to as imponderable considerations, and I will try and show that it is perfectly fair that these should be taken into account. Now, Sir, in stating this proposition I am very glad to be able to quote from a speech by a distinguished member of the Congress Party made earlier in this Session. In speaking on the Criminal Law Amendment Bill the Honourable Member, Dr. Deshmukh, with considerable ingenuity managed to bring up the subject of protection. What he said in that speech was :

“ Sir, I say that all vital industries of the country must first be started, irrespective of whether they are profitable or not, because, Sir, besides calculating the return in pounds, shilling and pence, it gives employment to labour, it improves the status, the manhood of the nation, it improves the level of life. It has so many indirect advantages, which cannot be calculated in rupees, annas and pies.”

Now, Sir, I hold that the thesis which Dr. Deshmukh laid down in that speech is equally applicable to this case of Burma and India, and it exactly corroborates the position taken up by the Tribunal in their paragraphs dealing with the ratio, viz., paragraphs 52 to 64. It corroborates what they say in paragraph 53 :

“ We do not believe that it is possible to formulate any theoretical principle or to select any single criterion or set of criteria by means of which the relative contributions can be precisely determined.”

Well, Sir, I consider that these “ imponderable considerations ” are particularly applicable to Burma. Burma has—there is no question about it—not only not benefited from, but has actually suffered from, the policy of protection adopted in India for the last twelve years. The industries which that policy was intended to support do not exist in Burma. Therefore the only effect of that policy has been to raise the prices of commodities in Burma : and Burma has not received any



[Mr. F. B. Leach.]

of the immaterial or psychological advantages which Dr. Deshmukh speaks of as improving the level of life, raising the manhood of the nation, and so on,—those advantages which cannot be calculated in rupees, annas and pies. Therefore, Sir, I would ask this House whether there is any justification, any good justification, for our objecting to the Tribunal taking the line that this is not a problem which can be worked out in rupees, annas and pies; we have got to take into account what they call those imponderable considerations; and, taking these into account, they have finally arrived at the figure of  $7\frac{1}{2}$  per cent. It is, of course, quite easy to scoff at this figure on the ground that it is arbitrary. To a certain extent, it is arbitrary if by 'arbitrary' you mean that it is not the result of mathematical calculation. But, Sir, I maintain that this is not a mathematical problem. It is wider than that. It is, in fact, a problem in equity of which only part of the arguments can be mathematical or scientific. There are, however, certain mathematical considerations and, of course, errors in mathematics are quite unpardonable. But we have had no errors from the mathematical point of view in the calculations of the Tribunal mentioned. On the other hand, the Honourable Member who spoke first, Mr. Gauba, said, as far as I could understand him, that the Howard-Nixon report had estimated the liabilities of the Government of India at 1,100 odd crores—I regret I could not catch the exact figure and the Tribunal had reduced this figure to 999 crores, thus showing a very large decrease. He suggested that their calculations must be incorrect. Well, Sir, I presume that he was alluding to the figures in Annexure K of the Howard-Nixon Memorandum which show a grand total of liabilities to the Government of India of 1,149½ crores. I presume he was also quoting from line 2 on page 24 of the Tribunal's report which shows liabilities of 999 crores. But that is only the permanent debt. There is a large number of other liabilities in the succeeding lines, which bring the total amount of liabilities to 1,400 crores. He seemed to me to be comparing part of the statement in the Tribunal's report with the gross total in the Howard-Nixon Memorandum.

**Mr. K. L. Gauba** (East Central Punjab : Muhammadan) : Sir, I rise on a point of personal explanation. I referred to rupees and sterling liabilities in the two reports, namely, that of the Amery Committee and the Howard-Nixon report. The latter report assesses the liabilities at 1,150 crores and the former between 924 and 999 crores.

**Mr. F. B. Leach** : I am sorry I still cannot follow where my friend, Mr. Gauba, has got his figure of 1,120 crores from. The calculations are made differently in the two reports and it is very difficult to compare them. There are certain corrections which have got to be made and I have to the best of my ability made these corrections by omitting items which occur only in one report and not in the other. By taking the items of liabilities which do appear in both reports, I get the figure in the Howard-Nixon Memorandum of 1,118 crores and in the Tribunal's report of 1,269 crores, that is to say, an increase of about 150 crores. Of course, we must remember that these figures do not relate to the same year. The Howard-Nixon Memorandum is up to 31st March, 1929, and the Tribunal's report is up to 31st March, 1933. I cannot vouch for the absolute accuracy of the figures that I now give but I

do think that there is no ground, whatever, for saying that the Tribunal has shown a large decrease in the total liabilities of the Government of India as compared with the figures which are shown in the Howard-Nixon Memorandum.

Then, Sir, my Honourable friend, Mr. B. Das, made a suggestion which, again, I may have misunderstood. But I understood him to suggest that Burma should continue, for military purposes, to be attached to India and to employ the Indian Army and further that it should continue to contribute some ten per cent. of the total military expenditure in India.

**Mr. B. Das** : I said nothing of the kind. I wanted the army expenditure to be divided. Burma should bear  $4\frac{1}{2}$  crores or ten per cent. of the 45 crores that India and Burma at present spend on the army.

**Mr. F. B. Leach** : I am sorry if I also misunderstood my Honourable friend, but I must ask Honourable Members not to attribute it to any wilful intention on my part but to the bad acoustics of the Chamber.

Then, Sir, there is the question of the period, which the Tribunal has suggested as 45 years and it was very strongly criticised by one of the speakers on the opposite Benches. I will not say which Honourable Member criticised it in case I might have misunderstood him also. I candidly admit that 45 years is an entirely arbitrary figure but in respect of this claim, bearing in mind the fact that Burma asked for 60 years, I would point out that India has, I think, no right to claim that Burma should make the payment in a shorter period than that which India claims for the repayment of her own debt, which is 50 years for the unproductive debt and 80 years for the productive debt. As the productive debt is larger than the unproductive, the average would be about 70 years, so I do not think any complaint can be made that the period of 45 years is too long.

**Mr. K. L. Gauba** : Why not make it 100 years ?

**Mr. F. B. Leach** : That would be too long. There is a big difference between 45 and 100 years. With regard to this period of 45 years, it was suggested also by one speaker that it was too long and India might not be able to recover the amount. There are only two reasons why India should not be able to recover this amount. One is that Burma would be unwilling to pay her debt and the other is that she may not be able to pay her debt. If there is any Honourable Member in this House who entertains the feeling that Burma will repudiate her debt, I am sure my Honourable friends who represent Burma on the opposite Benches will assure him that there has never been any such suggestions in Burma. There has never been any suggestion of unwillingness to pay the amount which is fixed by a responsible authority. As for her inability to pay, he is a bold man in these days who can prophesy what may happen to any country in a period of 45 years, but unless there is some unforeseeable catastrophe in this period, I see no reason why Burma should not be able to continue to pay the amount which it is likely that she will have to pay.

Sir, there is another remark which I would like to make about the reasons for separation which has been alluded to by several speakers. Sir Hormusji Mody made some rather cryptic remarks to the effect that he knew more about separation than he was willing to say. But there

[Mr. F. B. Leach.]

was another Honourable Member who did suggested that separation had been forced on Burma by a set of people in England from Imperialistic motives. (Voices from the Congress Party Benches : " Yes, yes.") As there are Honourable Members who agree with that view, I should like to say that I hope they will go again to my Honourable friends who represent Burma and who are sitting behind them and I think they will receive an assurance from them that that is not the case. I had thought that this myth was dead, but as it has been resurrected I should like to do what I can to put it into its coffin and bury it. It is absolutely beyond my power of belief that there is any foundation for it. I can assure Honourable Members that if they went round England to look for imperialists interested in the separation of Burma, they would find it extraordinarily difficult to discover any.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : They are all in Downing Street.

**Mr. F. B. Leach** : The number of people who either know or care anything about the separation of Burma can be counted on the fingers of your hands. What advantage any imperialist is going to get out of the separation of Burma, I have never yet been able to find out.

**Mr. Sri Prakasa** : Then why not separate from England.

**Mr. F. B. Leach** : I do not see how that is relevant to the present question. The separation of Burma has been talked of for many years ; almost as long as I can remember it has been vaguely talked of. It came to the front very definitely after the Montagu Chelmsford Reforms and it immediately became the main plank in the platform of Burmese politicians. It is perfectly true that opinion has been divided in Burma, not so much on the question of separation as on the terms of the separation and on the time at which it should come into force. But I should like to assure this House that it is from the Burmese themselves that the demand for separation has come and it has not been pressed upon them by Europeans, either in England or in Burma. In fact I may say from my personal knowledge that the opinion of Europeans, either in England or in Burma, either official or non-official, was very divided on the subject. They are by no means unanimously in favour of it.

Well, Sir, in conclusion I should like to say that I am in a rather curious dual position. I have to speak here as a representative of Burma and also as a representative of the European Group in which I am, on this occasion, in a minority of one. The other Members of the European Group are representing India and I represent Burma. Sir, I can say this, that though on certain points I consider that Burma could have been more favourably treated, and though on certain other points the other Members of the European Group consider that India might have been more favourably treated, we are as a whole agreed that this report is a reasoned and impartial and equitable solution of a very complicated problem and that it should, therefore, be accepted. Sir, I do not wish to detain the House any longer. I have only to say that on behalf of the Group as well as on my own behalf I wish to oppose the amendments to reject the report.

**The Honourable Sir James Grigg** : Before the last two speakers, I myself might have justifiably felt somewhat in a mood of depression because the speeches of my Honourable friends, Pandit Pant and Dr. Banerjea, reminded me of Dr. Johnson's description of a leg of mutton that was presented to him at Oxford, ill-cooked, ill-dressed and ill-served. That seems to be their opinion of the Amery Report. However, the debate has ended up at any rate with a eulogy of the Report and so my depression has somewhat disappeared. This debate originated, as the House knows, in a promise on my part that it should have an opportunity of expressing its views before the draft Order in Council, embodying the decisions of His Majesty was laid before Parliament. The object of the debate will be fulfilled if the proceedings of the Assembly, during these two days, are forwarded, as they certainly will be forwarded, to the Secretary of State. Our purpose thus being to give the non-official Members of the House a chance of expressing their views, I do not feel called upon to traverse at any great length the contentions put forward by the various speakers. Nor do I think that it would be appropriate if the official Members took part in any voting which may take place on the amendments before the House.

I might reasonably stop there, but if I may be allowed to abandon my position of aloofness for a few seconds, I will make one or two general comments on the debate. Mr. Gauba's speech was, as the last speaker has already said, a series of somewhat reckless, but of course privileged, accusations of fraud against all and sundry. But, as he produced no arguments of any kind, I think we can safely ignore it. For the rest I have heard no new opinions on the problem viewed simply as one of separating the finances of India and Burma and this seems to show that the House had no new contribution to make to the solution of the specific problem laid down by the Government of India Act. Dr. Ziauddin Ahmad advocated the historical method of approach. But I am bound to say I found him less convincing than usual. He said that certainly all problems were solvable, but he did not give us any hint as to how this particular circle was to be squared.

**Dr. Ziauddin Ahmad** : The squaring of a circle has been proved to be impossible. My friend has not proved that it cannot be solved by historical approach.

**The Honourable Sir James Grigg** : My Honourable friend, Mr. B. Das, if I am not maligning him—I do not think I am—would have been content if the full claim put forward by Mr. Nixon on behalf of the Government of India had been accepted. I think Mr. Bajoria put forward the same point of view. U Thein Maung would, I gather, have been content, similarly, if the full claim of Burma had been met by the tribunal. I think he did at one stage hold out a hand to Congress and advance a contention which fitted very badly into the rest of his argument. Mr. Mathuradas Vissanji treated us to a discourse on the cultural affinity between India and Burma. I am rather tempted to paraphrase the remark which was made by a former Secretary of State for India and say that if he had been listening to what he had been reading, his views would have caused even himself some surprise. He also put forward the contention that if a tribunal on which India was directly represented had awarded Burma better terms than those which the Amery Committee advocated, India would have



[Sir James Grigg.]

been only too glad to pay. This proposition was, I noticed, received with marked coldness by the House. For the rest the debate has been a continued reiteration of the proposition that the report is unfair both to India and to Burma, and it is to be noticed that every one of the amendments before the House commits itself, either directly or indirectly, to this proposition. The Honourable Member from Bombay may try to delude himself that it does not mean this, but I am quite clear that if the amendment which his colleague from Bombay and the Congress Party have collaborated to place upon the paper does not mean that, then it does not mean anything at all. Pandit Govind Ballabh Pant made this quite clear, crystal clear, though he did, I think, draw a red herring across the trail in his preliminary remarks in which he said that India did not want to be semitic at the expense of Burma and that he would be quite willing to give Burma anything they asked for provided Great Britain paid. As regards Mr. Gauba it is true that he put forward, at one stage, a rather less categorical amendment, but, on reconsideration, he evidently addressed himself as Danton did on a famous occasion, "No weakness, Danton", and refused to be behind his Congress friends in taking part in something which seems to be very like an anti-British demonstration. Now, under the terms of the Government of India Act it is quite impossible for the award of any tribunal to be unfair both to India and to Burma. The problem posed is simply to discover a just method or a fair compromise for the division of existing assets and liabilities between the two countries. But, clearly a problem like that, unless it is one of the class of problems to which there is a mathematical solution and only one mathematical solution, clearly a problem like that cannot be solved to the satisfaction of both parties; and so we have to fall back on some device for posing a completely different problem, and that is the transfer of all the disputed liabilities to a third party. This is of course quite in accordance with the usual thesis of the Party opposite. And the Pandit in his remarks made it quite clear that he was advancing a particular case of a general proposition. That general proposition, as I understand it, is that Great Britain owes India something like 750 crores. I think the exact figure is 729.2½th crores, subject to recomputation of some items. This is a proposition rather like that of the late Michael Collins. At the time of the negotiations with the Irish Free State, in 1921, Michael Collins advanced the proposition that Great Britain owed Ireland 3,000 millions, but in the end the claim was settled by the payment of six millions in the opposite direction. (Laughter.) However, that may be, Parliament has already decided against that particular contention of the Party opposite and there is no need for me to argue against it, although there is a great deal that can be said about it. At this late stage and after a very long debate in which views have been very fully expressed, I do not want to say any more except that my duty is to place the Secretary of State in full possession of the opinions,—and may I say too, without fear of being misunderstood, the feelings,—which Members of the House have chosen to express.

Mr. President (The Honourable Sir Abdur Rahim) : Of the amendments that have been moved, Mr. Mathuradas Vissanji's amend-

ment is the most comprehensive. The Chair will, therefore, put that first to the House. The question is :

"That for the original motion, the following be substituted :

"That the Report be rejected as being inequitable to both India and Burma, and that, in consequence, the Government of India be requested to move the Secretary of State for India, that, in accordance with promises made in this Assembly, the assurances given at the Round Table Conference and in the Report of the Joint Select Committee of the British Parliament, the problem of Financial Adjustment between India and Burma be investigated into afresh by another Tribunal, with representatives of both India and Burma thereon, to make recommendations on the question of distributing the Assets and apportioning the Liabilities between the countries affected and concerned, after proper hearing of the case from all the parties concerned, and before final steps are taken in the matter."

The motion was adopted.

#### THE REMOVAL OF CIVIC DISABILITIES BILL.

Rao Bahadur M. C. Rajah (Nominated Non-Official) : Sir, I beg to move for leave to introduce a Bill to provide for the removal of Social Disabilities among certain classes of Hindus.

While doing so I should like, on behalf of myself and on behalf of those friends whose Bills find a place on the agenda today, to express our thanks to the Honourable the Leader of the House for giving us this facility to introduce them today.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That leave be granted to introduce a Bill to provide for the removal of Social Disabilities among certain classes of Hindus."

The motion was adopted.

Rao Bahadur M. C. Rajah : Sir, I introduce the Bill.

#### THE HINDU WOMEN'S RIGHTS TO PROPERTY BILL.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) :

Sir, I beg to move for leave to introduce a Bill to amend the Hindu Law governing Hindu Women's Right to Property.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That leave be granted to introduce a Bill to amend the Hindu Law governing Hindu Women's Right to Property."

The motion was adopted.

Dr. G. V. Deshmukh : Sir, I introduce the Bill.

#### THE ARYA MARRIAGE VALIDATION BILL.

Dr. N. B. Khare (Nagpur Division : Non-Muhammadan) : Sir, I beg to move for leave to introduce a Bill to recognise and remove doubts as to the validity of intermarriages current among Arya Samajists.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to recognise and remove doubts as to the validity of intermarriages current among Arya Samajists.”

The motion was adopted.

**Dr. N. B. Khare** : Sir, I introduce the Bill.

#### THE HINDU MARRIAGE VALIDITY BILL.

**Dr. Bhagavan Das** (Cities of the United Provinces : Non-Muhamadan Urban) : Sir, I beg to move for leave to introduce a Bill to validate marriages between different castes of Hindus.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to validate marriages between different castes of Hindus.”

The motion was adopted.

**Dr. Bhagavan Das** : Sir, I introduce the Bill.

#### THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I beg to move for leave to introduce a Bill to amend the Child Marriage Restraint Act, 1929.

Sir, I am grateful to Government for permitting me to move this social legislation and I hope they will take steps to circulate it so that it may be considered and passed at the next Session.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to amend the Child Marriage Restraint Act, 1929.”

The motion was adopted.

**Mr. B. Das** : Sir, I introduce the Bill.

#### THE MOSLEM PERSONAL LAW (SHARIAT) APPLICATION BILL.

**Mr. H. M. Abdullah** (West Central Punjab : Muhammadan) : Sir, I beg to move for leave to introduce a Bill to make provision for the application of the Moslem Personal Law (*Shariat*) to Moslems in British India. The object of the Bill is fully explained in the Statement of Objects and Reasons attached to the Bill. I have nothing to add to it at present.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to make provision for the application of the Moslem Personal Law (*Shariat*) to Moslems in British India.”

The motion was adopted.

**Mr. H. M. Abdullah** : Sir, I introduce the Bill.

#### REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

**The Honourable Sir James Grigg** (Finance Member) : Sir, I move :

“ That the Report of the Public Accounts Committee on the Accounts of 1933-34, Parts I and II, be taken into consideration.”

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : On a point of order, Sir, may I ask, will the Assembly continue tomorrow ? If not, is it fair to introduce this thing at this late hour ? It may be taken up in the Delhi Session, because, a good many of us would like to speak on this subject.

**An Honourable Member** : We shall discuss it at Delhi.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair will first put the motion before the House. Motion moved :

“ That the Report of the Public Accounts Committee on the Accounts of 1933-34, Parts I and II, be taken into consideration.”

**The Honourable Sir James Grigg** : All I need say about this, I think, is that I do not think it would be fair to introduce this motion at this late stage if there was any intention to close the discussion. But I wish to say, without in any way specifically binding down the Government, that it is the intention of Government to try and find a little spare time on some day in the Delhi Session.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : At the beginning of the Session ?

**The Honourable Sir James Grigg** : I do not want to bind myself specifically. Government will try to do their best to meet the general desire.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : After the motion has been moved, it is not in the hands of the Government to say they will try and find time : it must come on the first official day in the Delhi Session. This is an important subject, and we want to have at least one day for this.

**The Honourable Sir James Grigg** : Surely, Sir, my answer does make that clear : but it is for the Government to arrange its own business.

**Mr. President** (The Honourable Sir Abdur Rahim) : It has now been moved ; it is now in the possession of the House.

**Mr. S. Satyamurti** : I want this position to be made clear : if, during the recess, the Session gets prorogued, what happens ? Does this continue ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The debate will be adjourned.

**Mr. S. Satyamurti :** You will adjourn it, Sir : but the Viceroy may prorogue it : that is my trouble. We want the Leader of the House to give an assurance that he will give a day for this at the earliest possible moment.

**The Honourable Sir Nripendra Sircar (Law Member) :** May I make the position clear ? I do not think there is any occasion for either the heat or the enthusiasm which has been displayed. The motion is now before the House : we have got to put it in the list of business : but as regards the exact date on which it shall be put in, we do not want to be unreasonable : that is all we can say.

**Mr. S. Satyamurti :** That is a sweet note on which to close this Session.

**Mr. President (The Honourable Sir Abdur Rahim) :** What the Chair wants to know is this : whether the House is going to sit tomorrow.

**The Honourable Sir Nripendra Sircar :** I understand that that is not desired by anybody.

**Mr. President (The Honourable Sir Abdur Rahim) :** Then, the Chair has to get the leave of the House as regards this motion : is it the pleasure of the House that this motion should stand over till the Delhi Session ?

**Honourable Members :** Yes.

**Mr. President (The Honourable Sir Abdur Rahim) :** As that is the general desire, the motion will stand over. Secretary will read a Message from the Council of State.

#### 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 26th September, 1935, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meeting held on the 18th September, 1935 :

1. A Bill to amend the Factories Act, 1934, for a certain purpose ; and
2. A Bill to amend certain enactments and to repeal certain other enactments."

**Mr. President (The Honourable Sir Abdur Rahim) :** The House stands adjourned *sine die*.

The Assembly then adjourned *sine die*.

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Construction of — in Assam. 964-65.

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Question *re* khandsari sugar works in the — Division subjected to excise duty. 94-99.

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**ROLLING STOCK—**Question *re*—

Cost of repair and maintenance incurred on — on railways. 623-24.

Heavy repair and cost of repair in workshops per unit of —. 51-57.

**ROUMANIA—**Question *re*—

Imports from India banned by —. 11-12.

**ROUMANIA—contd.****Question re—**

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**ROUTINE DIVISION—**

Question re promotion of a clerk of the — to the second division in the Departments of the Government of India. 114.

**ROUTINE DIVISION CLERKS—**

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**ROYAL INDIAN MARINE—****Question re—**

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— for allotment of Government quarters in Simla. 1620.

— for the refund of missing or lost currency notes. 1784-85.

— governing the allotment of quarters to the employees of the Government of India Press, New Delhi. 1038.

**RULING(S) BY MR. DEPUTY PRESIDENT (MR. AKHIL CHANDRA DATTA)—****Personal Explanation—**

An Honourable Member, who has not at all spoken already in the debate, cannot offer a — in reply to another Member's speech he will be entitled to make a speech. 668.

**RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—****Bill(s)—**

The motion re the Criminal Law Amendment Bill discussed and decided upon previously in the same Session and the motion re the Indian Criminal Law Amendment (Repeal) Bill do not raise substantially an identical question. 1136.

**Demand(s) for Supplementary Grant(s)—**

Broad questions of policy and general principles cannot be discussed on —. 1824, 1825, 1826, 1830, 1831, 1837.

Questions of principle cannot be discussed on a —. 1811, 1813.

**Miscellaneous—**

An Honourable Member is perfectly entitled, if he is attacked, to defend himself. If it is found necessary to point out that an Honourable Member, who made the charge, made it recklessly or without evidence or without any reference to facts, he is entitled to point that out. 1733, 1734.

Comments on the foreign policy or on the foreign powers cannot be made. 263, 264, 265, 270, 271.

Honourable Members are not allowed to make reflections on the High Courts. 729.

Honourable Members should not repeat what has already been said. If the matter has been debated in connection with the Bill under discussion, or with another Bill, it makes no difference. 1720.

Incidents in Indian States should not be referred to. 655.

It is not the proper parliamentary behaviour to be constantly interrupting. 822.

Occupants of the Official Box should not cheer. 921.

There has been no breach of privilege by the Criminal Law Amendment Bill having been communicated to a section of the Press before the motion for leave to introduce it was made in the House. 147.

When the leader of a party sends notice of an adjournment motion and subsequently withdraws it without giving any proper explanation for doing so another Honourable Member of the same party cannot move the motion notice of which was sent subsequently. 1313.

**RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—contd.****Motion(s) for Adjournment—**

On —, matters involving legislation cannot be discussed. 347.

**Question(s)—**

A big question of policy cannot be answered by — and answers; it can more appropriately be discussed on the budget. 591.

An Honourable Member is not required to give information, but he should put his —. 290.

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**Questions and Answers—**

Any comment or criticisms, made after a question has been answered cannot be treated as part of the proceedings and such comments should not be embodied in the published proceedings. 1694.

There can be no reflection made by any Honourable Member on any Resolution passed by the House. 1703.

**UNNING ALLOWANCE—**

See "Allowance(s)".

**UNNING SHED FOREMEN—**

Question re treating of Locomotive Assistant — as continuous workers on the East Indian Railway. 542.

**UNNING STAFF(S)—**

See "Staff(s)".

**UPEE(S)—**

Question re effect of the rise in the price of silver on the —. 1039.

**UPEE LOAN—**

Question re issue price of the latest —. 1630.

**UPEE PAPER—**

Question re conversion of India Sterling Paper and —. 1295.

**URAL CREDIT DEPARTMENT—**

Question re development of the — of the Reserve Bank of India. 867-68.

**URAL DEVELOPMENT—****Question re—**

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**RURAL DEVELOPMENT—contd.****Question re—**

Schemes for — received from the Provincial Governments. 492-514.

Schemes for — Work. 777-78.

**RURAL LIBRARY(IES)—**

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**RURAL RECONSTRUCTION—**

Question re proposed diversion by the Madras Government of the grant from the Petrol Fund towards —. 1865.

**RURAL UPLIFT—****Question re—**

Distribution of the grant for —. 1408-09.

Programme for — in Madras. 1867-68.

**S****SADAR BAZAR—**

Question re amount given to the — Municipal Committee from the Cash Balance in the Cantonment Fund, Ambala. 209.

**SAFETY INSPECTOR(S)—**

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**SAHUKARA ACT—**

See "Punjab —" under "Act(s)".

**SAKSENA, MR. MOHAN LAL—**

Criminal Law Amendment Bill—  
Motion to consider. 436, 559, 816, 832, 912.

Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1138.

Consideration of Clause 2. 1760.

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**Question re—**

Affairs in the Cellular Jail, Andamans, under the present Superintendent. 1591-92, 1595.

Appointment of a Committee by the Congress Party in the Assembly to enquire into and report upon the administration of Repressive Laws in Bengal. 848-49.

Books for prisoners in the Cellular Jail, Andamans. 1589, 1590.

Cancellation of the passport of Mr. Masani of Bombay. 1407.

Certain particulars in connection with State Prisoners at present confined in India. 231.

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